

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 543
SENATE BILL 254

AN ACT TO AMEND THE LAW GOVERNING SANITATION OF INSTITUTIONS
AND DAY-CARE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-235 is amended by deleting the first sentence and substituting "For protection of the public health, the Commission shall adopt rules to establish sanitation requirements for all institutions and facilities at which individuals are provided room or board and for which a license to operate is required to be obtained or a certificate for payment is obtained from the Department. The rules shall also apply to facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1). No other State agency may adopt rules to establish sanitation requirements for these institutions and facilities. The Department shall issue a license to operate or a certificate for payment to such an institution or facility only upon compliance with all applicable sanitation rules of the Commission, and the Department may suspend or revoke a license or a certificate for payment for violation of these rules. In adopting rules pursuant to this section, the Commission shall define categories of standards to which such institutions and facilities shall be subject and shall establish criteria for the placement of any such institution or facility into one of the categories."

Sec. 2. G.S. 110-88(3) is amended in the second sentence by deleting ", sanitation,".

Sec. 3. G.S. 110-91(1) is amended by deleting the first sentence and substituting "The Commission for Health Services shall adopt rules which establish minimum sanitation standards for day-care facilities and their personnel." G.S. 110-91(1) is also amended in the second sentence by deleting the words "The health and sanitation standards developed" and substituting "The sanitation rules adopted". G.S. 110-91(1) is further amended by deleting the last sentence in the first paragraph of this subdivision.

Sec. 4. G.S. 110-92 is amended by deleting the words "developed by" and substituting "adopted as rules", and is also amended by deleting "by the Commission and provided by the Department" and substituting "and provided by the Department".

Sec. 5. G.S. 110-93(a) is amended in the third sentence, after "conformity with" and before "the", by inserting "rules adopted by the Commission for Health Services pursuant to G. S. 110-91(1) and with".

Sec. 6. G.S. 110-93(b) is amended in the first sentence, after the word "the" and before the word "standards", by inserting "rules adopted by the Commission for Health Services pursuant to G.S. 110-91(1) and with the", and is also amended in the

second sentence, after the word "required" and before the word "standards," by inserting "rules and".

Sec. 7. G.S. 110-104 is amended in the second sentence, after the word "Commission" and before the word "that", by inserting "or the Commission for Health Services".

Sec. 8. This act shall be effective February 1, 1988. However, upon ratification of this act, the Commission for Health Services is authorized to adopt rules pursuant to authority granted under this act. These rules shall not be effective before February 1, 1988.

In the General Assembly read three times and ratified this the 3rd day of July, 1987.