

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 346
HOUSE BILL 1122

AN ACT TO DIRECT THE HEALTH SERVICES COMMISSION TO ADOPT
RULES RESTRICTING THE OFFERING OF UNWRAPPED FOOD SAMPLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-248(a3) reads as rewritten:

"(a3) The rules adopted by the Commission pursuant to subsections (a), (a1), and (a2) of this section shall address, but not be limited to, the following:

- (1) Establishment of sanitation requirements for cleanliness of floors, walls, ceilings, storage spaces, utensils, and other areas and items;
- (2) The adequacy of:
 - a. Lighting, ventilation, and water supply;
 - b. Sewage collection, treatment, and disposal facilities; and
 - c. Lavatory facilities, food protection facilities, and waste disposal;
- (3) The cleaning and bactericidal treatment of eating and drinking utensils and other food-contact surfaces;
- (3a) The appropriate and reasonable use of gloves or utensils by employees who handle unwrapped food;
- (4) The methods of food preparation, transportation, catering, storage, and serving;
- (5) The health of employees; ~~and~~
- (6) Animal and vermin ~~control~~; control; and
- (7) The prohibition against the offering of unwrapped food samples to the general public unless the offering and acceptance of the samples are continuously supervised by an agent of the entity preparing or offering the samples or by an agent of the entity on whose premises the samples are made available. As used in this subdivision, 'food samples' means unwrapped food prepared and made available for sampling by and without charge to the general public for the purpose of promoting the food made available for sampling. This subdivision does not apply to unwrapped food prepared and offered in buffet, cafeteria, or other style in exchange for payment by the general public or by the person or entity arranging for the preparation and offering of such unwrapped food. This subdivision shall not apply to open air produce markets nor to farmer market facilities operated on land owned or leased by the State of North Carolina or any local government.

The rules shall contain a system for grading facilities, such as Grade A, Grade B, and Grade C."

Sec. 2. This act becomes effective January 1, 1994.

In the General Assembly read three times and ratified this the 14th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives