

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2341  
Committee Substitute Favorable 7/6/90

Short Title: Fees/Public Health Programs.

(Public)

Sponsors:

Referred to:

June 6, 1990

1 A BILL TO BE ENTITLED  
2 AN ACT TO SUPPORT PUBLIC HEALTH PROGRAMS AND ACTIVITIES  
3 THROUGH AN ANNUAL FEE FOR FOOD AND LODGING FACILITIES AND  
4 MEAT MARKETS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Effective July 1, 1990, G.S. 130A-248 reads as rewritten:

7 "§ 130A-248. Regulation of restaurants and hotels.

8 (a) For the protection of the public health, the Commission shall adopt rules  
9 governing the sanitation of restaurants, school cafeterias, summer camps, food or drink  
10 stands, sandwich manufacturing operations, mobile food units, pushcarts and other  
11 facilities where food or drink is prepared or served for pay. However, any facility where  
12 food or drink is prepared or served to the public, regardless of pay, shall be subject to  
13 the provisions of this Article if the facility holds an ABC permit, meets the definition of  
14 an establishment pursuant to G.S. 18B-1000(2), (4), (5), or (6) and does not meet the  
15 definition of a private club as provided in G.S. 130A-247(2).

16 (a1) For the protection of the public health, the Commission shall adopt rules  
17 governing the sanitation of hotels, motels, tourist homes, and other facilities where  
18 lodging is provided for pay.

19 (a2) For the protection of the public health, the Commission shall adopt rules  
20 governing the sanitation of private homes offering bed and breakfast accommodations  
21 to eight or less persons per night.

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

- 1 (1) Establishment of sanitation requirements for cleanliness of floors,  
2 walls, ceilings, storage spaces, utensils, and other areas and items;
- 3 (2) The adequacy of:
  - 4 a. Lighting, ventilation, and water supply;
  - 5 b. Sewage collection, treatment, and disposal facilities; and
  - 6 c. Lavatory facilities, food protection facilities, and waste  
7 disposal;
- 8 (3) The cleaning and bactericidal treatment of eating and drinking utensils  
9 and other food-contact surfaces;
- 10 (3a) The appropriate and reasonable use of gloves or utensils by employees  
11 who handle unwrapped food;
- 12 (4) The methods of food preparation, transportation, catering, storage, and  
13 serving;
- 14 (5) The health of employees; and
- 15 (6) Animal and vermin control.

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

18 (b) No facility shall commence or continue operation that does not have a permit  
19 or transitional permit issued by the Department. The permit or transitional permit shall  
20 be issued to the owner or operator of the facility and shall not be transferable. A permit  
21 shall be issued only when the facility satisfies all of the requirements of the rules. The  
22 Commission shall adopt rules establishing the requirements that must be met before a  
23 transitional permit may be issued, and the period for which a transitional permit may be  
24 issued. The Department may also impose conditions on the issuance of a permit or  
25 transitional permit in accordance with rules adopted by the Commission. A permit or  
26 transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d)  
27 for failure of the facility to maintain a minimum grade of C. A permit or transitional  
28 permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

29 (c) If ownership of a facility is transferred, the new owner or operator shall apply  
30 for a new permit. The new owner or operator may also apply for a transitional permit.  
31 A transitional permit may be issued upon the transfer of ownership of an establishment  
32 to allow the correction of construction and equipment problems that do not represent an  
33 immediate threat to the public health.

34 (d) The Department shall charge each facility subject to this section, except  
35 public school cafeterias, an annual fee of twenty-five dollars (\$25.00). The Department  
36 shall charge an additional twenty-five dollar (\$25.00) late payment fee to any facility  
37 that fails to pay the required fee within 45 days after billing by the Department. The  
38 Department may, in accordance with G.S. 130A-23, suspend or revoke the permit of a  
39 facility that fails to pay the required fee within 60 days after billing by the Department.  
40 The Commission shall adopt rules to implement this section. Fees collected under this  
41 section shall be credited to the General Fund and may be used to support State and local  
42 public health programs and activities."

43 Sec. 2. Effective July 1, 1991, G.S. 130A-248(d), as amended by Section 1 of  
44 this act, reads as rewritten:

1       "(d) The Department shall charge each facility subject to this section, except  
2 public school cafeterias, an annual fee of ~~twenty-five dollars (\$25.00)~~ fifty dollars  
3 (\$50.00). The Department shall charge an additional ~~twenty-five dollar (\$25.00)~~ fifty  
4 dollar (\$50.00) late payment fee to any facility that fails to pay the required fee within  
5 45 days after billing by the Department. The Department may, in accordance with G.S.  
6 130A-23, suspend or revoke the permit of a facility that fails to pay the required fee  
7 within 60 days after billing by the Department. The Commission shall adopt rules to  
8 implement this section. Fees collected under this section shall be credited to the  
9 General Fund and may be used to support State and local public health programs and  
10 activities."

11               Sec. 3. Effective July 1, 1990, G.S. 130A-228 reads as rewritten:

12 **"§ 130A-228. Regulation of places selling meat.**

13       (a) For the protection of the public health, the Commission shall adopt rules  
14 governing the sanitation of markets where meat food products (as defined in G.S. 106-  
15 549.15(14)) or poultry products (as defined in G.S. 106-549.51(26)) are prepared and  
16 sold. The rules shall also provide a system of grading the markets. A market shall  
17 satisfy the minimum sanitation requirements prescribed by the rules in order to operate.  
18 The rules shall include, but not be limited to, the establishment of sanitation  
19 requirements concerning the preparation and storage of all food at the markets;  
20 construction and cleanliness of the building, equipment and utensils; water supply; toilet  
21 and handwashing facilities; sewage collection, treatment and disposal facilities; disposal  
22 of waste; lighting and ventilation; vermin control; and health of employees.

23       (b) No market shall commence or continue operation that does not have a permit  
24 issued by the Department. The permit shall be issued to the owner or operator of the  
25 market and shall not be transferable. A permit shall be issued only when the market  
26 satisfies all of the requirements of the rules. A permit shall be immediately revoked in  
27 accordance with G.S. 130A-23(d) for failure of the market to maintain a minimum  
28 grade of C. A permit may otherwise be suspended or revoked in accordance with G.S.  
29 130A-23.

30       (c) The Department shall charge each market subject to this section an annual fee  
31 of twenty-five dollars (\$25.00). The Department shall charge an additional twenty-five  
32 dollar (\$25.00) late payment fee to any market that fails to pay the required fee within  
33 45 days after billing by the Department. The Department may, in accordance with G.S.  
34 130A-23, suspend or revoke the permit of a market that fails to pay the required fee  
35 within 60 days after billing by the Department. The Commission shall adopt rules to  
36 implement this section. Fees collected under this section shall be credited to the  
37 General Fund and may be used to support State and local public health programs and  
38 activities."

39               Sec. 4. Effective July 1, 1991, G.S. 130A-228(c), as amended by Section 3 of  
40 this act, reads as rewritten:

41       "(c) The Department shall charge each market subject to this section an annual fee  
42 of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00). The Department shall charge an  
43 additional ~~twenty-five dollar (\$25.00)~~ fifty dollar (\$50.00) late payment fee to any market  
44 that fails to pay the required fee within 45 days after billing by the Department. The

1 Department may, in accordance with G.S. 130A-23, suspend or revoke the permit of a  
2 market that fails to pay the required fee within 60 days after billing by the Department.  
3 The Commission shall adopt rules to implement this section. Fees collected under this  
4 section shall be credited to the General Fund and may be used to support State and local  
5 public health programs and activities."

6           Sec. 5. This act is effective upon ratification.