

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2341  
Committee Substitute Favorable 7/6/90  
Committee Substitute #2 Favorable 7/16/90

Short Title: Fees/Public Health Programs.

(Public)

Sponsors:

Referred to:

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO SUPPORT PUBLIC HEALTH PROGRAMS AND ACTIVITIES  
THROUGH AN ANNUAL FEE FOR FOOD AND LODGING FACILITIES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

(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 (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 subsection. Fees collected under  
41 this subsection shall be credited to the General Fund and may be used to support State  
42 and local public health programs and activities. The Department shall make an annual  
43 report to the Joint Legislative Commission on Governmental Operations and the  
44 Director of the Fiscal Research Division that shall include the fees collected and

1 disbursed under this subsection and any other information requested by the General  
2 Assembly or the Commission."  
3           Sec. 2. This act is effective upon ratification and shall expire on June 30,  
4 1992.