

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 226
HOUSE BILL 219

AN ACT TO REQUIRE A NEW PERMIT FOR RE-OPENED FOOD AND
LODGING ESTABLISHMENTS.

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) 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.

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

(b) No facility shall commence or continue operation ~~that does not have~~ without a permit or transitional permit issued by the Department. The permit or transitional permit shall be issued to the owner or operator of the facility and shall not be transferable. A permit shall be issued only when the facility satisfies all of the requirements of the rules. The Commission shall adopt rules establishing the requirements that must be met before a transitional permit may be issued, and the period for which a transitional permit may be issued. The Department may also impose conditions on the issuance of a permit or transitional permit in accordance with rules adopted by the Commission. A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the facility to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

(b1) A permit shall expire one year after a facility closes unless the permit is the subject of a contested case pursuant to Article 3 of Chapter 150B.

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

(d) **(Expires June 30, 1992)** The Department shall charge each facility subject to this section, except public school cafeterias, an annual fee of twenty-five dollars (\$25.00). The Department shall charge an additional twenty-five dollar (\$25.00) late payment fee to any facility that fails to pay the required fee within 45 days after billing by the Department. The Department may, in accordance with G.S. 130A-23, suspend or revoke the permit of a facility that fails to pay the required fee within 60 days after billing by the Department. The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be credited to the General Fund and may be used to support State and local public health programs and activities. The Department shall make an annual report to the Joint Legislative Commission on Governmental Operations and the Director of the Fiscal Research Division that shall include the fees collected and disbursed under this subsection and any other information requested by the General Assembly or the Commission."

Sec. 2. This act becomes effective October 1, 1991.

In the General Assembly read three times and ratified this the 5th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives