

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 733  
SENATE BILL 727

AN ACT TO PROVIDE FOR THE REGULATION OF BED AND BREAKFAST  
INNS.

The General Assembly of North Carolina enacts:

Section 1. Effective January 1, 1992, G.S. 130A-247 reads as rewritten:

**"§ 130A-247. Definitions.**

The following definitions shall apply throughout this Part:

- (1) 'Permanent house guest' means a person who receives room or board for periods of a week or longer. The term includes visitors of the permanent house guest.
- (2) 'Private club' means an establishment which maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is not profit oriented.
- (3) 'Regular boarder' means a person who receives food for periods of a week or longer.
- (4) 'Where drink is prepared or served' means a place where drink is put together, portioned, set out or handed out in unpackaged portions using containers which are reused on the premises rather than single-service containers.
- (5) 'Where food is prepared or served' means a place where food is cooked, put together, portioned, set out or handed out in unpackaged portions for human consumption.
- (6) 'Bed and breakfast inn' means a business establishment of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:
  - a. Does not serve food or drink to the general public for pay;
  - b. Serves only the breakfast meal, and that meal is served only to overnight guests of the establishment;
  - c. Includes the price of breakfast in the room rate; and
  - d. Is the permanent residence of the owner or the manager of the establishment."

Sec. 2. Effective January 1, 1992, G.S. 130A-248(a2) reads as rewritten:

"(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~~-night, and rules governing the sanitation of bed and breakfast inns as defined in G.S. 130A-247. In carrying out this function, the Commission shall adopt requirements that are the least restrictive so as to protect the public health and not unreasonably interfere with the operation of bed and breakfast inns."

Sec. 3. G.S. 130A-250 reads as rewritten:

**"§ 130A-250. Exemptions.**

This Part shall not apply to: (i) facilities which provide food or lodging to regular boarders or permanent house guests only; (ii) private clubs; (iii) curb markets operated by the State Agricultural Extension Service; ~~and~~(iv) occasional fund-raising events conducted by the same person no more frequently than two consecutive days every ~~month~~-month; and private homes that occasionally offer lodging accommodations, which may include the providing of food, for two weeks or less to persons attending special events, provided those homes are not bed and breakfast homes nor bed and breakfast inns. A mobile food unit or pushcart shall be operated in conjunction with a permitted restaurant."

Sec. 4. The Department of Environment, Health, and Natural Resources shall report to the Joint Legislative Commission on Governmental Operations not later than April 1, 1992, on the implementation of the requirements governing bed and breakfast inns.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

---

James C. Gardner  
President of the Senate

---

Daniel Blue, Jr.  
Speaker of the House of Representatives