

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 837

Short Title: Civil Penalty Auth./ Public Health Violations.

(Public)

Sponsors: Representative Alexander.

Referred to: Public Health.

March 28, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE CERTAIN BOARDS OF COUNTY COMMISSIONERS
3 TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PUBLIC HEALTH
4 LAWS OR RULES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 153A-77(a) reads as rewritten:

7 "(a) In the exercise of its jurisdiction over commissions, boards and agencies, the
8 board of county commissioners may assume direct control of any activities theretofore
9 conducted by or through any commission, board or agency by the adoption of a
10 resolution assuming and conferring upon the board of county commissioners all powers,
11 responsibilities and duties of any such commission, board or agency. This subsection
12 shall apply to the board of health, the social services board, area mental health,
13 developmental disabilities, and substance abuse area board and any other commission,
14 board or agency appointed by the board of county commissioners or acting under and
15 pursuant to authority of the board of county commissioners of said county. A board of
16 county commissioners exercising the power and authority under this subsection may,
17 notwithstanding G.S. 130A-25, enforce public health rules adopted by the board through
18 the imposition of civil penalties. If a public health rule adopted by a board of county
19 commissioners imposes a civil penalty, the provisions of G.S. 130A-25 making its
20 violation a misdemeanor shall not be applicable to that public health rule unless the rule
21 states that a violation of the rule is a misdemeanor. The board of county commissioners
22 may exercise the power and authority herein conferred only after a public hearing held
23 by said board pursuant to 30 days' notice of said public hearing given in a newspaper
24 having general circulation in said county.

25 The board of county commissioners may also appoint advisory boards, committees,
26 councils and agencies composed of qualified and interested county residents to study,
27 interpret and develop community support and cooperation in activities conducted by or
28 under the authority of the board of county commissioners of said county."

1 **SECTION 2.** This act is effective when it becomes law.