

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1559
Finance Committee Substitute Adopted 7/3/90

Short Title: Surcharge/Local 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. 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) **(Effective July 1, 1990)** The appropriate and reasonable use of gloves
11 or utensils by employees 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 permitted pursuant to this section, with
35 the exception of public school cafeterias, an annual fee of twenty-five dollars (\$25.00).
36 The Department shall charge an additional twenty-five dollar (\$25.00) late payment fee
37 to any facility that fails to pay the required fee within 45 days after billing by the
38 Department. The Department may, in accordance with G.S. 130A-23, suspend or
39 revoke the permit of a facility that fails to pay the required fee within 60 days after
40 billing by the Department. The Commission shall adopt rules to implement this section.
41 Fees collected under this act shall be deposited in the General Fund."

42 Sec. 2. G.S. 130A-228 reads as rewritten:

43 "**§ 130A-228. Regulation of places selling meat.**

1 (a) For the protection of the public health, the Commission shall adopt rules
2 governing the sanitation of markets where meat food products (as defined in G.S. 106-
3 549.15(14)) or poultry products (as defined in G.S. 106-549.51(26)) are prepared and
4 sold. The rules shall also provide a system of grading the markets. A market shall
5 satisfy the minimum sanitation requirements prescribed by the rules in order to operate.
6 The rules shall include, but not be limited to, the establishment of sanitation
7 requirements concerning the preparation and storage of all food at the markets;
8 construction and cleanliness of the building, equipment and utensils; water supply; toilet
9 and handwashing facilities; sewage collection, treatment and disposal facilities; disposal
10 of waste; lighting and ventilation; vermin control; and health of employees.

11 (b) No market shall commence or continue operation that does not have a permit
12 issued by the Department. The permit shall be issued to the owner or operator of the
13 market and shall not be transferable. A permit shall be issued only when the market
14 satisfies all of the requirements of the rules. A permit shall be immediately revoked in
15 accordance with G.S. 130A-23(d) for failure of the market to maintain a minimum
16 grade of C. A permit may otherwise be suspended or revoked in accordance with G.S.
17 130A-23.

18 (c) The Department shall charge each market permitted pursuant to this
19 section an annual fee of twenty-five dollars (\$25.00). The Department shall charge an
20 additional twenty-five dollar (\$25.00) late payment fee to any facility that fails to pay
21 the required fee within 45 days after billing by the Department. The Department may,
22 in accordance with G.S. 130A-23, suspend or revoke the permit of a market that fails to
23 pay the required fee within 60 days after billing by the Department. The Commission
24 shall adopt rules to implement this section. Fees collected under this act shall be
25 deposited in the General Fund."

26 Sec. 3. Effective July 1, 1991, G.S. 130A-248, as amended by Section 1 of
27 this act, reads as rewritten:

28 "**§ 130A-248. Regulation of restaurants and hotels.**

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

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

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

43 (a3) The rules adopted by the Commission pursuant to subsections (a), (a1), and
44 (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) **(Effective July 1, 1990)** The appropriate and reasonable use of gloves
11 or utensils by employees 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 permitted pursuant to this section, with
35 the exception of public school cafeterias, an annual fee of ~~twenty five dollars (\$25.00)~~fifty
36 dollars (\$50.00). The Department shall charge an additional ~~twenty five dollar (\$25.00)~~
37 fifty dollar (\$50.00) late payment fee to any facility that fails to pay the required fee
38 within 45 days after billing by the Department. The Department may, in accordance
39 with G.S. 130A-23, suspend or revoke the permit of a facility that fails to pay the
40 required fee within 60 days after billing by the Department. The Commission shall
41 adopt rules to implement this section. Fees collected under this Act shall be deposited
42 in the General Fund."

43 Sec. 4. Effective July 1, 1991, G.S. 130A-228, as amended by Section 2 of
44 this act, reads as rewritten:

1 "§ 130A-228. Regulation of places selling meat.

2 (a) For the protection of the public health, the Commission shall adopt rules
3 governing the sanitation of markets where meat food products (as defined in G.S. 106-
4 549.15(14)) or poultry products (as defined in G.S. 106-549.51(26)) are prepared and
5 sold. The rules shall also provide a system of grading the markets. A market shall
6 satisfy the minimum sanitation requirements prescribed by the rules in order to operate.
7 The rules shall include, but not be limited to, the establishment of sanitation
8 requirements concerning the preparation and storage of all food at the markets;
9 construction and cleanliness of the building, equipment and utensils; water supply; toilet
10 and handwashing facilities; sewage collection, treatment and disposal facilities; disposal
11 of waste; lighting and ventilation; vermin control; and health of employees.

12 (b) No market shall commence or continue operation that does not have a permit
13 issued by the Department. The permit shall be issued to the owner or operator of the
14 market and shall not be transferable. A permit shall be issued only when the market
15 satisfies all of the requirements of the rules. A permit shall be immediately revoked in
16 accordance with G.S. 130A-23(d) for failure of the market to maintain a minimum
17 grade of C. A permit may otherwise be suspended or revoked in accordance with G.S.
18 130A-23.

19 (c) The Department shall charge each market permitted pursuant to this
20 section an annual fee of ~~twenty five dollars (\$25.00)~~ fifty dollars (\$50.00). The
21 Department shall charge an additional ~~twenty five dollar (\$25.00)~~ fifty dollar (\$50.00) late
22 payment fee to any facility that fails to pay the required fee within 45 days after billing
23 by the Department. The Department may, in accordance with G.S. 130A-23, suspend or
24 revoke the permit of a market that fails to pay the required fee within 60 days after
25 billing by the Department. The Commission shall adopt rules to implement this section.
26 Fees collected under this Act shall be deposited in the General Fund."

27 Sec. 5. Sections 1 and 2 of this act shall be effective upon ratification.
28 Sections 3 and 4 shall be effective July 1, 1991.