

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS35183-LN-115 (3/26)

Short Title: Community Bldgs/Exempt from Food Rules. (Public)

Sponsors: Senator Queen.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT MUNICIPAL COMMUNITY BUILDINGS ARE
EXEMPT FROM RULES GOVERNING FOOD HANDLING
ESTABLISHMENTS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-250 is amended by adding the following new
subdivision to read:

"§ 130A-250. Exemptions.

The following shall be exempt from this Part:

- (1) Establishments that provide lodging described in G.S. 130A-248(a1) with four or fewer lodging units.
- (2) Condominiums.
- (3) Establishments that prepare or serve food or provide lodging to regular boarders or permanent houseguests only. However, the rules governing food sanitation adopted under G.S. 130A-248 apply to establishments that are not regulated under G.S. 130A-235 and that prepare or serve food for pay to 13 or more regular boarders or permanent houseguests who are disabled or who are 55 years of age or older. Establishments to which the rules governing food sanitation are made applicable by this subdivision that are in operation as of 1 July 2000 may continue to use equipment and construction in use on that date if no imminent hazard exists. Replacement equipment for these establishments shall comply with the rules governing food sanitation adopted under G.S. 130A-248.
- (4) Private homes that occasionally offer lodging accommodations, which may include the providing of food, for two weeks or less to persons

- 1 attending special events, provided these homes are not bed and
2 breakfast homes or bed and breakfast inns.
- 3 (5) Private clubs.
- 4 (6) Curb markets operated by the State Agricultural Extension Service.
- 5 (7) Establishments (i) that are incorporated as nonprofit corporations in
6 accordance with Chapter 55A of the General Statutes or (ii) that are
7 exempt from federal income tax under the Internal Revenue Code, as
8 defined in G.S. 105-228.90, or (iii) that are political committees as
9 defined in G.S. 163-278.6(14) and that prepare or serve food or drink
10 for pay no more frequently than once a month for a period not to
11 exceed two consecutive days, including establishments permitted
12 pursuant to this Part when preparing or serving food or drink at a
13 location other than the permitted locations. A nutrition program for the
14 elderly that is administered by the Division of Aging of the
15 Department of Health and Human Services and that prepares and
16 serves food or drink on the premises where the program is located in
17 connection with a fundraising event is exempt from this Part if food
18 and drink are prepared and served no more frequently than one day
19 each month.
- 20 (8) Establishments that put together, portion, set out, or hand out only
21 beverages that do not include those made from raw apples or
22 potentially hazardous beverages made from raw fruits or vegetables,
23 using single service containers that are not reused on the premises.
- 24 (9) Establishments where meat food products or poultry products are
25 prepared and sold and which are under inspection by the North
26 Carolina Department of Agriculture and Consumer Services or the
27 United States Department of Agriculture.
- 28 (10) Markets that sell uncooked cured country ham or uncooked cured
29 salted pork and that engage in minimal preparation such as slicing,
30 weighing, or wrapping the ham or pork, when this minimal preparation
31 is the only activity that would otherwise subject these markets to
32 regulation under this Part.
- 33 (11) Establishments that only set out or hand out beverages that are
34 regulated by the North Carolina Department of Agriculture and
35 Consumer Services in accordance with Article 12 of Chapter 106 of
36 the General Statutes.
- 37 (12) Establishments that only set out or hand out food that is regulated by
38 the North Carolina Department of Agriculture and Consumer Services
39 in accordance with Article 12 of Chapter 106 of the General Statutes.
- 40 (13) Municipally owned and operated community buildings with a
41 maximum capacity of two hundred fifty (250) persons leased to civic
42 groups, private clubs, or individuals where food or drink is not sold to
43 or prepared for the public but where food or drink is sold or prepared
44 (i) only to members, guests, or invitees of the civic group, private club,

1 or individuals, or (ii) as a fundraiser for organizations that are exempt
2 under subdivision (7) of this section."

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