

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 124

Short Title: DENR's Embargo Authority for Food or Drink.-AB (Public)

Sponsors: Representatives Glazier, Martin (Primary Sponsors); Adams, Coleman, Farmer-Butterfield, Harrison, Mobley, and Wainwright.

Referred to: Rules, Calendar, and Operations of the House.

February 8, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE EMBARGO AUTHORITY OF THE SECRETARY OF
2 ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH
3 DIRECTORS.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 130A-21(a) reads as rewritten:

7 "(a) In addition to the authority of the Department of Agriculture and Consumer
8 Services pursuant to G.S. 106-125, the Secretary of Environment and Natural Resources
9 or a local health director has authority to exercise embargo authority concerning food or
10 drink pursuant to G.S. 106-125(a), (b) and (c) when the food or drink is in an
11 establishment that is subject to regulation by the Department of Environment and
12 Natural Resources pursuant to this ~~Chapter~~ Chapter, that is subject to rules adopted by
13 the Commission, or that is the subject of an investigation pursuant to G.S. 130A-144;
14 however, no such action shall be taken in any establishment or part of an establishment
15 that is under inspection or otherwise regulated by the Department of Agriculture and
16 Consumer Services or the United States Department of Agriculture other than the part
17 of the establishment that is subject to regulation by the Department of Environment and
18 Natural Resources pursuant to this Chapter. Any action under this section shall only be
19 taken by, or after consultation with, Department of Environment and Natural Resources
20 regional environmental health specialists, or ~~their superiors~~, the Director of the Division
21 of Environmental Health or the Director's designee, in programs regulating food and
22 drink pursuant to this ~~Chapter~~ Chapter or in programs regulating food and drink that are
23 subject to rules adopted by the Commission. Authority under this section shall not be
24 delegated to individual environmental health specialists in local health departments
25 otherwise authorized and carrying out laws and rules pursuant to G.S. 130A-4. When
26 any action is taken pursuant to this section, the Department of Environment and Natural
27 Resources or the local health director shall immediately notify the Department of
28 Agriculture and Consumer Services. For the purposes of this subsection, all duties and

1 procedures in G.S. 106-125 shall be carried out by the Secretary of the Department of
2 Environment and Natural Resources or the local health director and shall not be
3 required to be carried out by the Department of Agriculture and Consumer Services. It
4 shall be unlawful for any person to remove or dispose of the food or drink by sale or
5 otherwise without the permission of a Department of Environment and Natural
6 Resources regional environmental health ~~specialist~~ specialist, the Director of the
7 Division of Environmental Health or the Director's designee, the local health director, or
8 a duly authorized agent of the Department of Agriculture and Consumer Services, or by
9 the court in accordance with the provisions of G.S. 106-125."

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