

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1384

Short Title: Shopping Carts/Prevent Exposure to Germs. (Public)

Sponsors: Representative Jones.

Referred to: Health, if favorable, Commerce, Small Business, and Entrepreneurship.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE NORTH CAROLINA SHOPPING CARTS ACT TO PROTECT
3 SHOPPERS FROM EXPOSURE TO GERMS, VIRUSES, BACTERIA, AND OTHER
4 CONTAMINANTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 8 of Chapter 130A of the General Statutes is amended by
7 adding the following new Part to read:

8 "Part 13. Shopping Cart Sanitation.

9 **"§ 130A-288. Sanitation practices in certain retail mercantile establishments.**

10 (a) This act shall be known and may be cited as the Shopping Cart Sanitation Wipe Act.
11 The purpose of this act is to protect consumers from shopping cart handles that may be
12 contaminated with bodily fluids such as blood, saliva, mucus, and even urine and fecal matter,
13 for the purpose of disinfecting or sanitizing a nonporous surface.

14 (b) As used in this section the following terms are defined:

15 (1) 'Retail mercantile establishment.' – A place of business where merchandise
16 is displayed, held, or stored and sold or offered for sale to the public.

17 (2) 'Shopping cart.' – A push cart of the type that is commonly provided by a
18 retail mercantile establishment for public use in the transportation of
19 merchandise within the premises of the retail mercantile establishment and
20 from the retail mercantile establishment to a place outside the premises of
21 the retail mercantile establishment.

22 (c) A retail merchandise establishment that provides shopping carts shall make
23 available to the public, at no cost, sanitation wipes at the entrance to its premises for use by the
24 public.

25 (d) The Department shall establish standards and guidelines for the placement of
26 sanitation wipes at retail mercantile establishments located in this State.

27 (e) The Department or any local board of health, upon receipt of written complaint or
28 with reason to suspect that a retail mercantile establishment is or may be in violation of this act
29 shall, by written notification, advise the person that owns or has control of the retail mercantile
30 establishment to take appropriate action to comply with this section.

31 (f) A persons that receives notice under subsection (e) of this section and that fails or
32 refuses to comply with the notice shall be subject to a civil fine of not less than one hundred
33 dollars (\$100.00) for each violation.

34 (g) Nothing in this act shall be construed to establish a private right of action against a
35 person for failure or refusal to comply with this section."

36 **SECTION 2.** This act becomes effective October 1, 2009.

