

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 551  
SENATE BILL 482

AN ACT TO AMEND THE STATUTES GOVERNING THE REGULATION OF  
FOOD AND LODGING ESTABLISHMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-248 reads as rewritten:

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

(a) For the protection of the public health, the Commission shall adopt rules governing the sanitation of restaurants, ~~hotels, motels, tourist homes,~~ school cafeterias, summer camps, food or drink stands, sandwich manufacturing operations, mobile food units, pushcarts and other facilities where food or drink is prepared or served for pay. ~~pay or where lodging is provided for pay.~~ However, any facility where food or drink is prepared or served to the public, regardless of pay, shall be subject to the provisions of this Article if the facility holds an ABC permit, meets the definition of an establishment pursuant to G.S. 18B-1000(2), (4), (5), or (6) and does not meet the definition of a private club as provided in G.S. 130A-247(2). ~~The rules shall address, but not be limited to, the establishment of sanitation requirements for cleanliness of floors, walls, ceilings, storage spaces, utensils and other areas and items; adequacy of lighting, ventilation, water supply, sewage collection, treatment and disposal facilities, lavatory facilities, food protection facilities and waste disposal; the cleaning and bactericidal treatment of eating and drinking utensils and other food contact surfaces; methods of food preparation, transportation, catering, storage and serving; health of employees; and animal and vermin control. The rules shall contain a system for grading facilities, such as Grade A, Grade B and Grade C.~~

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

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

(a3) The rules adopted by the Commission pursuant to subsections (a), (a1), and (a2) of this section shall address, but not be limited to, the following:

- (1) Establishment of sanitation requirements for cleanliness of floors, walls, ceilings, storage spaces, utensils, and other areas and items;
- (2) The adequacy of:
  - a. Lighting, ventilation, and water supply;
  - b. Sewage collection, treatment, and disposal facilities; and

- c. Lavatory facilities, food protection facilities, and waste disposal;
- (3) The cleaning and bactericidal treatment of eating and drinking utensils and other food-contact surfaces;
- (4) The methods of food preparation, transportation, catering, storage, and serving;
- (5) The health of employees; and
- (6) Animal and vermin control.

The rules shall contain a system for grading facilities, such as Grade A, Grade B, and Grade C.

(b) No facility shall commence or continue operation that does not have a permit or transitional permit issued by the Department. The permit or transitional permit shall be issued to the owner or operator of the facility and shall not be transferable. A permit shall be issued only when the facility satisfies all of the requirements of the rules. The Commission shall adopt rules establishing the requirements that must be met before a transitional permit may be issued, and the period for which a transitional permit may be issued. The Department may also impose conditions on the issuance of a permit or transitional permit in accordance with rules adopted by the Commission. A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the facility to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

(c) If ownership of a facility is transferred, the new owner or operator shall apply for a new permit. The new owner or operator may also apply for a transitional permit. A transitional permit may be issued upon the transfer of ownership of an establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to the public health."

Sec. 2. G.S. 130A-249 reads as rewritten:

**"§ 130A-249. Inspections; report and grade card.**

The Secretary may enter any facility that is subject to the provisions of G.S. 130A-248 ~~where food or drink is prepared or served for pay or where lodging is provided for pay~~ for the purpose of making inspections. The Secretary shall inspect each restaurant at least ~~quarterly~~ quarterly, except that the quarterly inspection requirement shall not apply to temporary food facilities. The person responsible for the management or control of a facility shall permit the Secretary to inspect every part of the facility and shall render all aid and assistance necessary for the inspection. The Secretary shall leave a copy of the inspection form and a card or cards showing the grade of the facility with the responsible person. The Secretary shall post the grade card in a conspicuous place as determined by the Secretary where it may be readily observed by the public upon entering the facility or upon picking up food prepared inside but received and paid for outside the facility through delivery windows or other delivery devices. If a single facility has one or more outside delivery service stations and an internal delivery system, that facility shall have a grade card posted where it may be readily visible upon entering the facility and one posted where it may be readily visible in each delivery window or delivery device upon picking up the food outside the facility. The grade card

or cards shall not be removed by anyone, except by or upon the instruction of the Secretary."

Sec. 3. G.S. 130A-250 reads as rewritten:

**"§ 130A-250. ~~Exemptions; rules regulating bed and breakfast establishments.~~  
Exemptions.**

This Part shall not apply to: (i) facilities which provide food or lodging to regular boarders or permanent house guests only; (ii) private clubs; (iii) curb markets operated by the State Agricultural Extension Service; and (iv) occasional fund-raising events conducted by the same person no more frequently than two consecutive days every ~~three months.~~ month. ~~A food or drink stand operated for two weeks or less shall comply with the rules but shall not be subject to grading.~~ ~~A mobile food unit or pushcart shall comply with the rules and shall be operated in conjunction with a permitted restaurant restaurant. but shall not be subject to grading.~~

~~This Part shall not apply to private homes offering bed and breakfast accommodations to eight or less persons per night until such time as the Health Services Commission adopts rules regulating them in accordance with this Part. The Commission is authorized and directed to adopt reasonable rules pursuant hereto to become effective no later than July 1, 1984."~~

Sec. 4. G.S. 130A-248(a3) is amended by adding a new subdivision to read:

"(3a) The appropriate and reasonable use of gloves or utensils by employees who handle unwrapped food."

Sec. 5. Chapter 249, Session Laws of 1989 is repealed.

Sec. 6. Sections 1 through 3 of this act shall become effective February 1, 1990. Section 4 of this act shall become effective July 1, 1990. Section 5 of this act is effective upon ratification.

In the General Assembly read three times and ratified this the 4th day of July, 1989.