

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 15*

Short Title: Local Health Board Rules Protect Health.

(Public)

Sponsors: Senators Tally, Basnight, Block, Walker, Winner; Plexico and Ward.

Referred to: Human Resources.

February 6, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY LANGUAGE TO AUTHORIZE LOCAL BOARDS OF HEALTH TO ADOPT RULES MORE STRINGENT THAN THE COMMISSION FOR HEALTH SERVICES OR THE ENVIRONMENTAL MANAGEMENT COMMISSION WHEN DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-39(b) reads as rewritten:

"(b) ~~A local board of health may adopt a more stringent rule in an area regulated by the Commission for Health Services or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; A local board of health may adopt by reference rules adopted by the Commission for Health Services or the Environmental Management Commission, with any more stringent modifications or additions deemed necessary by the local board of health to protect the public health;~~ otherwise, the rules of the Commission for Health Services or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning the grading and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and a local board of health may adopt rules concerning sanitary sewage collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters and which are not public or community systems only in accordance with G.S. 130A-335(c)."

Sec. 2. This act is effective upon ratification.