

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 592

Short Title: Public Health Remedies.

(Public)

Sponsors: Senator Walker.

Referred to: Judiciary II.

March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO PUBLIC HEALTH REMEDIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-24 is amended by adding the following new subsection to read:

"(a1) Any person appealing an action taken by the Department pursuant to this Chapter or rules of the Commission shall file a petition for a contested case with the Office of Administrative Hearings as provided in G.S. 150B-23(a). The petition shall be filed not later than 30 days after notice of the action which confers the right of appeal unless a federal statute or regulation provides for a different time limitation. The time limitation imposed under this subsection shall commence when notice of the agency decision is given to all persons aggrieved. Such notice shall be provided to all persons known to the agency by personal delivery or by the placing of notice in an official depository of the United States Postal Service addressed to the person at the latest address provided to the agency by the person."

Sec. 2. G.S. 130A-23(d) reads as rewritten:

"(d) A permit shall be suspended or revoked immediately if a violation of the Chapter, the rules or a condition imposed upon the permit presents an imminent hazard. An operation permit issued pursuant to G.S. 130A-281 shall be immediately suspended for failure of a public swimming pool to maintain minimum water quality or safety standards which result in an unsafe condition. Also, a permit issued pursuant to G.S. 130A-228 or G.S. 130A-248 shall be revoked immediately for failure of a market or a facility to maintain a minimum grade of C. The Secretary shall immediately give notice

1 of the suspension or revocation and shall immediately file a petition for a contested case
2 in accordance with G.S. 150B-23."

3 Sec. 3. This act is effective upon ratification. Section 1 of this act applies to
4 appeals taken on or after that date.