

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 486*

Short Title: Food Estab. - Clarify Def./AB.

(Public)

Sponsors: Senators Lucas; Carrington, Dalton, Dannelly, Forrester, Foxx, Gulley, Hartsell, Jenkins, Jordan, Kinnaird, Martin of Guilford, Odom, Shaw of Cumberland, Weinstein, and Wellons.

Referred to: Children & Human Resources.

March 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE DEFINITION OF ESTABLISHMENTS THAT ARE
3 SUBJECT TO REGULATION AS FOOD AND LODGING FACILITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 130A-247(4) reads as rewritten:

6 "(4) 'Establishment that prepares or serves drink' means a business or other
7 entity that processes food products to produce juices or other liquids for
8 drinks, or otherwise puts together, portions, sets out, or hands out drinks
9 in unpackaged portions using containers that are reused on the premises rather
10 than single-service containers, for human consumption; this definition
11 does not apply to establishments that only set out or hand out drinks in a
12 prepackaged condition as regulated by the North Carolina Department
13 of Agriculture in accordance with G.S. 106-120 through G.S. 106-145."

14 Section 2. G.S. 130A-247(5) reads as rewritten:

15 "(5) 'Establishment that prepares or serves food' means a business or other
16 entity that cooks, puts together, portions, sets out, or hands out food ~~in~~
17 unpackaged portions for human consumption; for human consumption; this
18 definition does not apply to establishments that only set out or hand out

1 food in a prepackaged condition as regulated by the North Carolina
2 Department of Agriculture in accordance with G.S. 106-120 through
3 G.S. 106-145."

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

5 "**§ 130A-250. Exemptions.**

6 The following shall be exempt from this Part:

- 7 (1) Establishments that provide lodging described in G.S. 130A-248(a1)
8 with four or fewer lodging units;
- 9 (2) Condominiums;
- 10 (3) Establishments that prepare or serve food or provide lodging to regular
11 boarders or permanent house guests only;
- 12 (4) Private homes that occasionally offer lodging accommodations, which
13 may include the providing of food, for two weeks or less to persons
14 attending special events, provided these homes are not bed and breakfast
15 homes or bed and breakfast inns;
- 16 (5) Private clubs;
- 17 (6) Curb markets operated by the State Agricultural Extension Service;
- 18 (7) Establishments that prepare or serve food or drink for pay no more
19 frequently than once a month for a period not to exceed two consecutive
20 ~~days;—days,~~ including establishments permitted pursuant to this Part
21 when preparing or serving food or drink at a location other than at the
22 permitted location;
- 23 (8) Establishments that put together, portion, set out, or hand out only ~~drinks~~
24 drinks, that do not include the processing of food products to produce
25 juices or other liquids for drinks, using single service containers that are
26 not reused on the premises; ~~and~~
- 27 (9) Markets where meat food products or poultry products are prepared and
28 sold and which are under the continuous inspection by the North
29 Carolina Department of Agriculture or the United States Department of
30 ~~Agriculture.~~ Agriculture; and
- 31 (10) Establishments that process food products to produce juices or other
32 liquids for drinks and are under continuous inspection by the North
33 Carolina Department of Agriculture or the United States Department of
34 Agriculture."

35 Section 4. This act is effective when it becomes law.