

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 471

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

(Public)

Sponsors: Representative Tallent.

Referred to: Commerce.

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF ESTABLISHMENTS THAT ARE
SUBJECT TO REGULATION AS FOOD AND LODGING FACILITIES.

The General Assembly of North Carolina enacts:

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

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

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

"(5) 'Establishment that prepares or serves food' means a business or other entity that cooks, puts together, portions, sets out, or hands out food ~~in unpackaged portions for human consumption.~~ for human consumption; this definition does not apply to establishments that only set out or hand out food in a prepackaged condition as regulated by the North Carolina

1 Department of Agriculture in accordance with G.S. 106-120 through
2 G.S. 106-145."

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

4 **"§ 130A-250. Exemptions.**

5 The following shall be exempt from this Part:

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

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