

North Carolina Department of
Environment And Natural Resources

Division of Environmental Health

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
Linda C. Sewall, Director
Michael U. Rhodes, Section Chief



August 3, 2000

MEMORANDUM

To: Local Health Directors, Supervisors and Coordinators

From: Susan C. Grayson, Head
Dairy and Food Protection Branch

Subject: Ratified House Bill 1506

House Bill 1506 “ An Act To Require Establishments That Prepare or Serve Food To A Certain Number Of Regular Boarders Or Permanent Houseguests Comply With State Food Sanitation Requirements” was ratified on June 30 and signed by the Governor on July 5, 2000. This legislation is now law and may be seen at the following website: <http://www.ncleg.net/html1999/bills/currentversion/ratified/house/hbil1506.full.html>
A copy is also attached.

Food service establishments serving people for a week or longer have been exempt as “boarding homes”, due to the definitions of “permanent houseguest” [G.S. 130A-247(1a)] and “regular boarder” [G.S. 130A-247(3)]. This included cafeterias serving retirement communities where food was typically purchased by the month. [Refer to G.S. 130A-250 (3)]

House Bill 1506 specifies that establishments serving food for pay:

- ◆ to 13 or more persons who are disabled or over-55 years of age,
- ◆ who might be otherwise termed houseguests or regular boarders
- ◆ where the establishment is not regulated under G.S. 130A-235 (the institutional and residential care rules), will begin meeting the restaurant rules on July 1, 2001.

However, there are, under the bill, two classes of these establishments:

- (1) Those establishments **in operation as of July 1, 2000** may continue to function with the equipment they had in place on July 1, 2000 (provided no imminent hazard exists). This equipment will be accepted at the time of permitting (July 1, 2001) and may be used until it creates an Imminent hazard or the operator chooses to replace it. As that original equipment is replaced, it will be replaced with equipment meeting the restaurant rules. Construction (floors, walls, ceilings, lighting, bathrooms and other aspects of the physical facility.) is handled differently. Construction changes can only be required if an imminent hazard exists.
- (2) Those establishments that **began operation after July 1, 2000** will have to meet all the restaurant rules as of the date of permitting (July 1, 2001 or later).

Note that this change in the law will take effect on July 1, 2001. In the coming months, locate the establishments in your area which might fall under this law. It is suggested that you contact the local Council on Aging and Social Services Agency for their assistance in locating facilities serving such populations. You may also wish to look in the phone book under “Retirement & Life Care Communities & Homes”. Please make these establishments aware

of the law. Provide them with a copy of the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" and provide walkthroughs. When making walkthroughs, please record information about whether or not they were in operation on July 1, 2000 and about the equipment currently in place. If you are aware of a food safety manager's training course in your area, you might also wish to provide the establishment with information regarding the course. Please make every effort to inform the establishments in your county which might be affected and prepare them to be ready on July 1, 2001.

cc: Division of Aging
Facility Services

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-82
HOUSE BILL 1506

AN ACT TO REQUIRE ESTABLISHMENTS THAT PREPARE OR SERVE FOOD TO A CERTAIN NUMBER OF REGULAR BOARDERS OR PERMANENT HOUSEGUESTS COMPLY WITH STATE FOOD SANITATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-250 reads as rewritten:

"§ 130A-250. Exemptions.

The following shall be exempt from this Part:

- (1) Establishments that provide lodging described in G.S. 130A-248(a1) with four or fewer lodging units.
- (2) Condominiums.
- (3) Establishments that prepare or serve food or provide lodging to regular boarders or permanent ~~house~~

~~guests only.~~ houseguests only.

However, the rules governing food sanitation adopted under G.S. 130A-248 apply to establishments that are not regulated under G.S. 130A-235 and that prepare or serve food for pay to 13 or more regular boarders or permanent houseguests who are disabled or who are 55 years of age or older. Establishments to which the rules governing food sanitation are made applicable by this subdivision that are in operation as of 1 July 2000 may continue to use equipment and construction in use on that date if no imminent hazard exists. Replacement equipment for these establishments shall comply with the rules governing food sanitation adopted under G.S. 130A-248.

(4) Private homes that occasionally offer lodging accommodations, which may include the providing of food, for two weeks or less to persons attending special events, provided these homes are not bed and breakfast homes or bed and breakfast inns.

(5) Private clubs.

(6) Curb markets operated by the State Agricultural Extension Service.

(7) Establishments that prepare or serve food or drink for pay no more frequently than once a month for a period not to exceed two consecutive days, including establishments permitted pursuant to this Part when preparing or serving food or drink at a location other than the permitted locations.

(8) Establishments that put together, portion, set out, or hand out only beverages that do not include those made from raw apples or potentially hazardous beverages made from raw fruits or vegetables, using single service containers that are not reused on the premises.

(9) Establishments where meat food products or poultry products are prepared and sold and which are under inspection by the North Carolina Department of Agriculture and Consumer Services or the United States Department of Agriculture.

(10) Markets that sell uncooked cured country ham or uncooked cured salted pork and that engage in minimal preparation such as slicing, weighing, or wrapping the ham or pork, when this minimal preparation is the only activity that would otherwise subject these markets to regulation under this Part.

(11) Establishments that only set out or hand out beverages that are regulated by the North Carolina Department of Agriculture and Consumer Services in accordance with Article 12 of Chapter 106 of the General Statutes.

(12) Establishments that only set out or hand out food that is regulated by the North Carolina Department of Agriculture and Consumer Services in accordance with Article 12 of Chapter 106 of the General Statutes."

Section 2. This act becomes effective 1 July 2001.

In the General Assembly read three times and ratified this the 30th day of June, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:50 p.m. this 5th day of July, 2000

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