

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2012-127
HOUSE BILL 512

AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 14A of Chapter 106 of the General Statutes reads as rewritten:

"Article 14A.

Licensing and Regulation of Rendering ~~Plants and Plants,~~ Rendering ~~Operations.~~ Operations,
and Waste Kitchen Grease Collection."

SECTION 2. G.S. 106-168.1 is amended by adding a new subdivision to read as follows:

"(6) "Waste kitchen grease" means animal fats or vegetable oils that have been used, and will not be reused, for cooking in a food establishment. "Waste kitchen grease" does not include grease septage as defined in G.S. 130A-290."

SECTION 3. G.S. 106-168.5 reads as rewritten:

"§ 106-168.5. Duties of Commissioner upon receipt of application; inspection committee.

Upon receipt of the application, the Commissioner shall promptly cause the rendering plant and equipment, or the plans, specifications, and selected site, of the applicant to be inspected by an inspection committee hereinafter called the "committee," which shall be composed of three members: One member who shall be designated by the Commissioner of Agriculture and who shall be an employee of the Department of Agriculture and Consumer Services, one member who shall be designated by the Secretary of Health and Human Services and who shall be an employee of the Department of Health and Human Services, and one member who shall be designated by the ~~director~~ board of directors of the North Carolina ~~Division of the Southeastern~~ Renderers Association, and who shall be a person having practical knowledge of rendering operations. Each member may be designated and relieved from time to time at the discretion of the designating authority. No State employee designated as a member of the committee shall receive any additional compensation therefor and no compensation shall be paid by the State to any other member."

SECTION 4. G.S. 106-168.8 is amended by adding a new subdivision to read:

"§ 106-168.8. Minimum standards for conducting rendering operations.

The following minimum standards shall be required for all rendering operations subject to the provisions of this Article:

...
(8) Proof of general liability insurance of one million dollars (\$1,000,000) shall be made in a manner satisfactory to the Commissioner."

SECTION 5. Article 14A of Chapter 106 of the General Statutes is amended by adding a new section to read as follows:

"§ 106-168.14A. Collectors of waste kitchen grease subject to certain provisions.

(a) For purposes of this section, "collector of waste kitchen grease" means any person who collects waste kitchen grease for the purpose of selling the same to any renderer or other person for further processing.



(b) Any collector of waste kitchen grease who sells the waste kitchen grease collected shall provide the purchaser with a statement of ownership setting forth the lawful ownership of the waste kitchen grease sold to such purchaser."

SECTION 6. Article 16 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-79.2. Waste kitchen grease; unlawful acts and penalties.

(a) It shall be unlawful for any person to do any of the following:

- (1) Take and carry away, or aid in taking or carrying away, any waste kitchen grease container or the waste kitchen grease contained therein, which container bears a notice that unauthorized removal is prohibited without written consent of the owner of the container.
- (2) Intentionally contaminate or purposely damage any waste kitchen grease container or grease therein.
- (3) Place a label on a waste kitchen grease container knowing that it is owned by another person in order to claim ownership of the container.

(b) Any person who violates subsection (a) of this section shall be penalized as follows:

- (1) If the value of the waste kitchen grease container, or the container and the waste kitchen grease contained therein, is one thousand dollars (\$1,000) or less, it shall be a Class 1 misdemeanor.
- (2) If the value of the waste kitchen grease container, or the container and the waste kitchen grease contained therein, is more than one thousand dollars (\$1,000), it shall be a Class H felony.

(c) A container in which waste kitchen grease is deposited that bears a name on the container shall be presumed to be owned by that person named on the container.

(d) As used in this section, "waste kitchen grease" has the same meaning as in G.S. 106-168.1."

SECTION 7. This act becomes effective January 1, 2013, and Section 6 applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 25th day of June, 2012.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 12:22 p.m. this 29th day of June, 2012