

§ 153A-221. Minimum standards; waiver of rules during an emergency.

(a) The Secretary shall develop and publish minimum standards for the operation of local confinement facilities and may from time to time develop and publish amendments to the standards. The standards shall be developed with a view to providing secure custody of prisoners and to protecting their health and welfare and providing for their humane treatment. The standards shall provide for all of the following:

- (1) Secure and safe physical facilities.
- (2) Jail design.
- (3) Adequacy of space per prisoner.
- (4) Heat, light, and ventilation.
- (5) Supervision of prisoners.
- (6) Personal hygiene and comfort of prisoners.
- (7) Medical care for prisoners, including mental health, behavioral health, intellectual and other developmental disability, and substance abuse services.
- (8) Sanitation.
- (9) Food allowances, food preparation, and food handling.
- (10) Any other provisions that may be necessary for the safekeeping, privacy, care, protection, and welfare of prisoners.
- (11) Compliance with the requirements of Part 2B of Article 10 of Chapter 153A of the General Statutes, Dignity for Women Incarcerated in Local Confinement Facilities.

(b) In developing the standards and any amendments thereto, the Secretary shall consult with organizations representing local government and local law enforcement, including the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina Sheriffs' Association, and the North Carolina Police Executives' Association. The Secretary shall also consult with interested State departments and agencies, including the Division of Prisons of the Department of Adult Correction, the Department of Health and Human Services, the Department of Insurance, and the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission.

(c) Before the standards or any amendments thereto may become effective, they must be approved by the Commission and the Governor. Upon becoming effective, they have the force and effect of law.

(d) Notwithstanding any law or rule to the contrary, each dormitory in a county detention facility may house up to 64 inmates as long as the dormitory provides all of the following:

- (1) A minimum floor space of 70 square feet per inmate, including both the sleeping and dayroom areas.
- (2) One shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight inmates, and one water fountain.
- (3) A telephone jack or other telephone arrangement provided within the dormitory.
- (4) Space designed to allow a variety of activities.
- (5) Sufficient seating and tables for all inmates.
- (6) A way for officers to observe the entire area from the entrance.

(e) Repealed by Session Laws 2022-74, s. 9K.2(a), effective July 11, 2022.

(f) The Division of Health Service Regulation of the North Carolina Department of Health and Human Services may temporarily waive any rules applicable to local confinement facilities upon any of the following:

- (1) A declaration of a state of emergency by the Governor in accordance with Article 1A of Chapter 166A of the General Statutes.

- (2) A declaration of a national emergency by the President of the United States.
- (3) A declaration of a public health emergency by the Secretary of the United States Department of Health and Human Services.
- (4) A temporary waiver or modification issued by the Secretary of the United States Department of Health and Human Services, to the extent necessary to allow for consistency between the State and the federal government.
- (5) When the Division of Health Service Regulation determines the existence of an emergency that poses a risk to the health or safety of prisoners or local confinement facility staff. (1967, c. 581, s. 2; 1973, c. 476, ss. 128, 133, 138; c. 822, s. 1; 1983, c. 745, s. 6; c. 768, s. 20; 1991, c. 237, s. 1; 1997-443, s. 11A.118(a); 2008-194, s. 10(a), (b); 2011-145, s. 19.1(h); 2011-324, s. 1; 2014-22, s. 1; 2017-186, s. 2(eeeeeeeee); 2019-76, s. 30; 2021-143, s. 3(b); 2021-180, s. 19C.9(p); 2022-74, s. 9K.2(a); 2024-57, s. 1C.2.)