

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 839**

Short Title: Community Bldgs/Exempt from Food Rules. (Public)

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Sponsors: Senator Queen.

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Referred to: Agriculture/Environment/Natural Resources.

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April 3, 2003

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT MUNICIPAL COMMUNITY BUILDINGS ARE  
3 EXEMPT FROM RULES GOVERNING FOOD HANDLING  
4 ESTABLISHMENTS UNDER CERTAIN CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

6                   **SECTION 1.** G.S. 130A-250 is amended by adding the following new  
7 subdivision to read:

8 "**§ 130A-250. Exemptions.**

9       The following shall be exempt from this Part:

- 10           (1) Establishments that provide lodging described in G.S. 130A-248(a1)  
11               with four or fewer lodging units.
- 12           (2) Condominiums.
- 13           (3) Establishments that prepare or serve food or provide lodging to regular  
14               boarders or permanent houseguests only. However, the rules governing  
15               food sanitation adopted under G.S. 130A-248 apply to establishments  
16               that are not regulated under G.S. 130A-235 and that prepare or serve  
17               food for pay to 13 or more regular boarders or permanent houseguests  
18               who are disabled or who are 55 years of age or older. Establishments  
19               to which the rules governing food sanitation are made applicable by  
20               this subdivision that are in operation as of 1 July 2000 may continue to  
21               use equipment and construction in use on that date if no imminent  
22               hazard exists. Replacement equipment for these establishments shall  
23               comply with the rules governing food sanitation adopted under G.S.  
24               130A-248.
- 25           (4) Private homes that occasionally offer lodging accommodations, which  
26               may include the providing of food, for two weeks or less to persons  
27               attending special events, provided these homes are not bed and  
28               breakfast homes or bed and breakfast inns.
- 29           (5) Private clubs.

- 1 (6) Curb markets operated by the State Agricultural Extension Service.
- 2 (7) Establishments (i) that are incorporated as nonprofit corporations in
- 3 accordance with Chapter 55A of the General Statutes or (ii) that are
- 4 exempt from federal income tax under the Internal Revenue Code, as
- 5 defined in G.S. 105-228.90, or (iii) that are political committees as
- 6 defined in G.S. 163-278.6(14) and that prepare or serve food or drink
- 7 for pay no more frequently than once a month for a period not to
- 8 exceed two consecutive days, including establishments permitted
- 9 pursuant to this Part when preparing or serving food or drink at a
- 10 location other than the permitted locations. A nutrition program for the
- 11 elderly that is administered by the Division of Aging of the
- 12 Department of Health and Human Services and that prepares and
- 13 serves food or drink on the premises where the program is located in
- 14 connection with a fundraising event is exempt from this Part if food
- 15 and drink are prepared and served no more frequently than one day
- 16 each month.
- 17 (8) Establishments that put together, portion, set out, or hand out only
- 18 beverages that do not include those made from raw apples or
- 19 potentially hazardous beverages made from raw fruits or vegetables,
- 20 using single service containers that are not reused on the premises.
- 21 (9) Establishments where meat food products or poultry products are
- 22 prepared and sold and which are under inspection by the North
- 23 Carolina Department of Agriculture and Consumer Services or the
- 24 United States Department of Agriculture.
- 25 (10) Markets that sell uncooked cured country ham or uncooked cured
- 26 salted pork and that engage in minimal preparation such as slicing,
- 27 weighing, or wrapping the ham or pork, when this minimal preparation
- 28 is the only activity that would otherwise subject these markets to
- 29 regulation under this Part.
- 30 (11) Establishments that only set out or hand out beverages that are
- 31 regulated by the North Carolina Department of Agriculture and
- 32 Consumer Services in accordance with Article 12 of Chapter 106 of
- 33 the General Statutes.
- 34 (12) Establishments that only set out or hand out food that is regulated by
- 35 the North Carolina Department of Agriculture and Consumer Services
- 36 in accordance with Article 12 of Chapter 106 of the General Statutes.
- 37 (13) Municipally owned and operated community buildings with a
- 38 maximum capacity of two hundred fifty (250) persons leased to civic
- 39 groups, private clubs, or individuals where food or drink is not sold to
- 40 or prepared for the public but where food or drink is sold or prepared
- 41 (i) only to members, guests, or invitees of the civic group, private club,
- 42 or individuals, or (ii) as a fundraiser for organizations that are exempt
- 43 under subdivision (7) of this section."

44 **SECTION 2.** This act is effective when it becomes law.