

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 512
Committee Substitute Favorable 5/19/11
Committee Substitute #2 Favorable 6/9/11
Senate Finance Committee Substitute Adopted 6/15/11
Proposed Conference Committee Substitute H512-PCCS30643-ME-7

Short Title: Rendering Act Amendments.

(Public)

Sponsors:

Referred to:

March 30, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND
3 OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY
4 COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL
5 PENALTIES RELATED TO WASTE KITCHEN GREASE.

6 The General Assembly of North Carolina enacts:

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

9 "Article 14A.

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

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

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

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

19 **"§ 106-168.5. Duties of Commissioner upon receipt of application; inspection committee.**

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



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1 receive any additional compensation therefor and no compensation shall be paid by the State to
2 any other member."

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

4 "**§ 106-168.8. Minimum standards for conducting rendering operations.**

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

7 ...
8 (8) Proof of general liability insurance of one million dollars (\$1,000,000) shall
9 be made in a manner satisfactory to the Commissioner."

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

12 "**§ 106-168.14A. Collectors of waste kitchen grease subject to certain provisions.**

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

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

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

21 "**§ 14-79.2. Waste kitchen grease; unlawful acts and penalties.**

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

23 (1) Take and carry away, or aid in taking or carrying away, any waste kitchen
24 grease container or the waste kitchen grease contained therein, which
25 container bears a notice that unauthorized removal is prohibited without
26 written consent of the owner of the container.

27 (2) Intentionally contaminate or purposely damage any waste kitchen grease
28 container or grease therein.

29 (3) Place a label on a waste kitchen grease container knowing that it is owned by
30 another person in order to claim ownership of the container.

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

32 (1) If the value of the waste kitchen grease container, or the container and the
33 waste kitchen grease contained therein, is one thousand dollars (\$1,000) or
34 less, it shall be a Class 1 misdemeanor.

35 (2) If the value of the waste kitchen grease container, or the container and the
36 waste kitchen grease contained therein, is more than one thousand dollars
37 (\$1,000), it shall be a Class H felony.

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

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

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