

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS85126-MG-54 (02/12)

Short Title: Regulate Certified Food Protection Managers. (Public)

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE REGULATION OF
3 CERTIFIED FOOD PROTECTION MANAGERS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 130A-248(a3)(2) reads as rewritten:

6 "(a3) The rules adopted by the Commission pursuant to subsections (a), (a1), and (a2) of
7 this section shall address, but not be limited to, the following:

8 ...

9 (2) Requirements ~~for~~for all of the following:

- 10 a. Lighting and water ~~supply~~supply.
- 11 b. Wastewater collection, treatment, and disposal ~~facilities~~;
12 ~~and facilities~~.
- 13 c. Lavatory and toilet facilities, food protection, and waste
14 ~~disposal~~disposal. The requirements for food protection shall specify
15 all of the following:
- 16 1. That a food establishment is required to have only one
17 certified food protection manager even if the food
18 establishment has two or more separately permitted food
19 departments on its premises.
- 20 2. That a person may serve as a certified food protection
21 manager without obtaining accreditation from the American
22 National Standards Institute or an equivalent accrediting body
23 as long as the person regularly supervises two or more other
24 employees, has supervisory and management responsibilities,
25 and has genuine authority to direct and control food
26 preparation and service on behalf of the food establishment.
- 27 3. That a certified food protection manager is not required to be
28 on site during times when the food establishment is not
29 operating and food is not being prepared, packaged, or served
30 for immediate consumption as long as the food establishment
31 has designated a person in charge that is on site at the food
32 establishment during these times.
- 33 4. That the food establishment may designate as a person in
34 charge any person who meets any of the requirements
35 specified in section 2-102.11 of the United States Food and
36 Drug Administration Food Code of 2009, and the designated



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1 person in charge is authorized to act on behalf of the food
2 establishment in the absence of the certified food protection
3 manager, provided, however, that the food establishment shall
4 not be subject to inspection during the times when a
5 designated person in charge is on site."

6"

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