

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS45147-MG-79 (03/10)

Short Title: Create Inspection Program/Venison Donations. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH REGULATIONS GOVERNING THE SANITATION OF DEER PROCESSING ESTABLISHMENTS THAT MAKE CHARITABLE DONATIONS OF VENISON FOR HUMAN CONSUMPTION TO FOOD BANKS AND OTHER NONPROFIT ORGANIZATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-39(b) reads as rewritten:

"(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning the grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in ~~G.S. 130A-247(1)~~, G.S. 130A-247, and a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c)."

**SECTION 2.** G.S. 130A-138 reads as rewritten:

**§ 130A-138. Operators of restaurants and other food or drink establishments to report.**

An operator of a restaurant or other establishment where food or drink is prepared or served for pay, as defined in ~~G.S. 130A-247(4) and (5)~~, G.S. 130A-247, shall report information required by the Commission to the local health director of the county or district in which the restaurant or food establishment is located when the operator has reason to suspect an outbreak of food-borne illness in its customers or employees or when it has reason to suspect that a food handler at the establishment has a food-borne disease or food-borne condition required by the Commission to be reported."

**SECTION 3.(a)** G.S. 130A-247(1) is recodified as G.S. 130A-247(3) and reads as rewritten:

~~(1)~~(3) "Establishment" means (i) an establishment that prepares or serves drink, (ii) an establishment that prepares or serves food, (iii) an establishment that provides lodging, (iv) a bed and breakfast inn, ~~or~~ (v) an establishment that prepares and sells meat food products as defined in G.S. 106-549.15(14) or poultry products as defined in ~~G.S. 106-549.51(26)~~ G.S. 106-549.51(26), or (vi) an establishment that processes and donates deer."



1           **SECTION 3.(b)** G.S. 130A-247(1a) is recodified as G.S. 130A-247(8).

2           **SECTION 3.(c)** G.S. 130A-247(2) is recodified as G.S. 130A-247(9).

3           **SECTION 3.(d)** G.S. 130A-247(3) is recodified as G.S. 130A-247(10).

4           **SECTION 3.(e)** G.S. 130A-247(4) is recodified as G.S. 130A-247(5).

5           **SECTION 3.(f)** G.S. 130A-247(5) is recodified as G.S. 130A-247(6).

6           **SECTION 3.(g)** G.S. 130A-247(5a) is recodified as G.S. 130A-247(1).

7           **SECTION 3.(h)** G.S. 130A-247(6) is recodified as G.S. 130A-247(2).

8           **SECTION 3.(i)** G.S. 130A-247(8) is recodified as G.S. 130A-247(11).

9           **SECTION 3.(j)** G.S. 130A-247 is amended by adding a new subdivision to read:

10          "(4) "Establishment that processes and donates deer" means an establishment that  
11           processes and donates to nonprofit organizations in this State fallow deer or  
12           red deer capable of use as human food."

13          **SECTION 4.** G.S. 130A-248 reads as rewritten:

14    "**§ 130A-248. Regulation of food and lodging establishments.**

15          (a) For the protection of the public health, the Commission shall adopt rules governing  
16          the sanitation of establishments that prepare or serve drink or food for pay and establishments  
17          that prepare and sell meat food products or poultry products. However, any establishment that  
18          prepares or serves food or drink to the public, regardless of pay, shall be subject to the  
19          provisions of this Article if the establishment that prepares or serves food or drink holds an  
20          ABC permit, as defined in G.S. 18B-101, meets any of the definitions in G.S. 18B-1000, and  
21          does not meet the definition of a private club as provided in ~~G.S. 130A-247(2)~~G.S. 130A-247.

22          ...

23          (a6) For the protection of the public health, the Commission shall adopt rules governing  
24          the sanitation of establishments that process and donate deer.

25          ...."

26          **SECTION 5.** G.S. 130A-249 reads as rewritten:

27    "**§ 130A-249. Inspections; report and grade card.**

28          The Secretary may enter any establishment that is subject to the provisions of  
29          G.S. 130A-248 for the purpose of making inspections. The Secretary shall inspect each food  
30          service establishment at a frequency established by the Commission. The Secretary shall  
31          inspect each establishment that processes and donates deer at least once annually. In  
32          establishing a schedule for inspections, the Commission shall consider the risks to the  
33          population served by the establishment and the type of food or drink served by the  
34          establishment. The person responsible for the management or control of an establishment shall  
35          permit the Secretary to inspect every part of the establishment and shall render all aid and  
36          assistance necessary for the inspection. The Secretary shall leave a copy of the inspection form  
37          and a card or cards showing the grade of the establishment with the responsible person. The  
38          Secretary shall post the grade card in a conspicuous place as determined by the Secretary where  
39          it may be readily observed by the public upon entering the establishment or upon picking up  
40          food prepared inside but received and paid for outside the establishment through delivery  
41          windows or other delivery devices. If a single establishment has one or more outside delivery  
42          service stations and an internal delivery system, that establishment shall have a grade card  
43          posted where it may be readily visible upon entering the establishment and one posted where it  
44          may be readily visible in each delivery window or delivery device upon picking up the food  
45          outside the establishment. The grade card or cards shall not be removed by anyone, except by  
46          or upon the instruction of the Secretary."

47          **SECTION 6.** This act becomes effective October 1, 2015.