

JOINT LEGISLATIVE OVERSIGHT COMMITTEE  
ON HEALTH & HUMAN SERVICES

NC Department of Health and Human Services

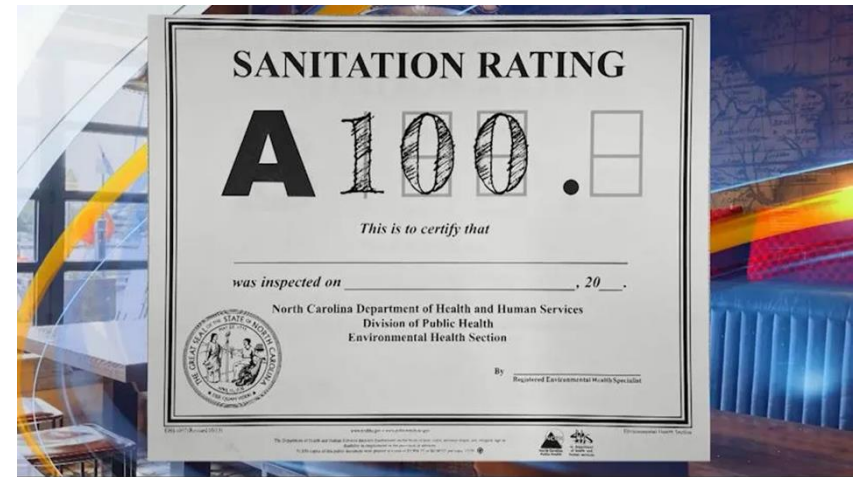
# Update on Bar & Restaurant Inspections

**Mark Benton**  
Chief Deputy Secretary

**April 2, 2024**

# Overview

- Over 39,000 food establishments are permitted and inspected by local health departments in North Carolina.
- Each of these establishments adhere to the National Food Code developed by the US Food & Drug Administration (FDA).
- The Food Code is used by NC and other states.



# Food Code Protects the Public

- **The Food Code provides states with science-based standards to protect the public's health.**
- **The code addresses five major risk factors that contribute to foodborne illness:**
  1. Food stored at improper, or unsafe temperatures
  2. Inadequate cooking, such as undercooking eggs
  3. Contaminated, improperly cleaned equipment
  4. Food from unsafe sources
  5. Poor personal hygiene by food handlers
- **Permitting and inspection focuses on these items to ensure food is healthy and safe for purchase**

*<https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/NC-FoodCodeManual-2021-FINAL.pdf>*

# Foodborne Illness Sickens Many



**1 in 6 Americans get sick from contaminated food or beverages each year**



**3,000**

**American lives lost each year**

*SOURCE:* [www.cdc.gov/foodborneburden/2011-foodborne-estimates.html](http://www.cdc.gov/foodborneburden/2011-foodborne-estimates.html)

# Food Permits for Bars over the Years

- **Prior to 2013, bars which sold certain food for sale to the public were subject to health inspections.**
- **In 2013, private bars were designated as exempt from health inspections.**
- **In 2022, the ABC Omnibus bill (SL 2022-44) expanded exemption from private bars to any establishment classified as a "bar" - regardless of whether they prepare or serve food.**

**And most recently,**

- **In 2023, SL 2023-129 changed inspection and permitting requirements for certain bars that serve time and temperature-controlled food needs. It requires these bars to obtain a permit from the local health department.**

# Small # of Bars Impacted by 2023 Law

- **SL 2023-129 excludes bars that:**
  - Only use food as a garnish
  - Do not prepare or serve food for pay
  - Serve pre-packaged time and temperature controlled foods that the customer opens
  - Are designated as a private club under G.S. 18B-1000(5)
- **Impacted bars are only those which prepare and serve food that requires time and/or temperature control (e.g., meat, poultry & seafood) just like the food regulated in 39,000 establishments in NC.**

# What does Permitting Require?

- **Basic requirements of a food establishment include, but are not limited to:**
  - **Sink for handwashing**
  - **Area to store food and food supplies**
  - **Ability to wash pots/pans, plates and cutlery (e.g., dishwasher, 2-compartment sink)**
  - **Certain equipment, depending on menu/food and food processes**

# Latest Data on Bars Seeking a Permit

- **84 bars permitted and 144 bars are in plan review at this time.\***
- **We estimate that about the same number (or fewer) haven't yet begun the permitting process.**
- **Bars are concerned about:**
  - **Lack of time to make the required improvements**
  - **Inadequate equipment**
  - **Lack of a funding source to make required improvements**
  - **Lack of available space for the type of food service desired**

*\*As of March 21, 2024.*



# Efforts to Assist and Educate Bars

## What we've done:

- Worked with stakeholders since October 2, 2023, the effective date of SL 2023-129
- Developed & distributed a list of "Frequently Asked questions" to Local Health Departments, the NC Restaurant and Lodging Association, and the NC Bar Owners Association
- On March 19, issued a memo providing an extension to October 1, 2024 to come into compliance
- Regional staff have assisted (and continue to assist) counties, bars to troubleshoot issues

## Who we've worked with:

- NC Restaurant and Lodging Association (NCRLA)
- NC Bar Owners Association
- Local Health Departments

*If you have other questions,  
please reach out to  
NCBarQuestion@dhhs.nc.gov*