



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 7: Allow Seating for Food Stand Customers

2015-2016 General Assembly

Committee:	Senate Re-ref to Health Care. If fav, re-ref to Commerce	Date:	March 9, 2015
Introduced by:	Sen. Tillman	Prepared by:	Theresa Matula Committee Staff
Analysis of:	PCS to First Edition S7-CSSH-3		

SUMMARY: *Senate Bill 7 allows a food stand to provide tables and chairs for customers eating or drinking on the premises without obtaining a restaurant permit, unless the seating arrangement poses a threat to public health and safety. The act would become effective October 1, 2015.*

The PCS deletes the second sentence in Section 1 of the original bill.

CURRENT LAW:

G.S. 130A-248 pertains to the regulation of food and lodging establishments. G.S. 130A-248(a) requires the Commission for Public Health to adopt rules governing the sanitation of establishments that prepare or serve drink or food for pay.

A food establishment must obtain a permit and no permit is issued until an evaluation by the regulatory authority shows that the establishment is in compliance. The regulatory authority is required to impose conditions if necessary to ensure the food establishment remains in compliance. (15A NCAC 18A .2659)

A "**food stand**" is defined as a food establishment that prepares or serves food and that does not provide seating facilities for customers to use while eating or drinking. (15A NCAC 18A.2651(6))

A "**restaurant**" is a food establishment that prepares or serves food and provides seating. (15A NCAC 18A.2651(18))

G.S. 130-335 pertains to wastewater collection, treatment and disposal. **G.S. 130-335(e)** requires the rules of the Commission and the rules of the local board of health to address specified items related to wastewater collection, treatment and disposal systems. The rules regarding required design capacity and required design volume for wastewater systems shall provide that exceptions may be granted upon showing that a system is adequate to meet actual daily water consumption. The design of a sewage treatment and disposal system is based on the type and use of the establishment. Flow rates for various establishments including restaurants and food stands are outlined in the rules (15A NCAC 18A.1949).

BILL ANALYSIS:

Senate Bill 7 amends G.S. 130A-248 to add a new subsection pertaining to food stands. Notwithstanding Chapter 130A, Article 8, Part 6, Regulation of Food and Lodging Facilities and G.S. 130-335(e), the new subsection would allow a food stand, without obtaining a restaurant permit, to provide tables and chairs for customers to use while eating or drinking on the premises unless the Department of Health and Human Services demonstrates that this type of seating arrangement poses a threat to public health and safety.

EFFECTIVE DATE: This bill would become effective October 1, 2015.

O. Walker Reagan
Director



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