



# SENATE BILL 7: Allow Seating for Food Stand Customers

2015-2016 General Assembly

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<b>Committee:</b>	Senate Commerce	<b>Date:</b>	April 14, 2015
<b>Introduced by:</b>	Sen. Tillman	<b>Prepared by:</b>	Wendy Graf Ray
<b>Analysis of:</b>	PCS to Second Edition S7-CSSU-6		Committee Counsel

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**SUMMARY:** *The Proposed Committee Substitute for Senate Bill 7 would allow a food stand to provide tables and up to eight seats for customers eating or drinking on the premises without requiring the additional sewage capacity that would apply to restaurants.*

**CURRENT LAW:** G.S. 130A-248 requires the Commission for Public Health to adopt rules governing the sanitation of establishments that prepare or serve drink or food for pay. All food establishments must obtain a permit, and no permit is issued until an evaluation by the regulatory authority shows that the establishment is in compliance. Under current rules, 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. A "restaurant" is a food establishment that prepares or serves food and provides seating.

G.S. 130A-335 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 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, and restaurants require a higher level of sewage capacity than food stands.

**BILL ANALYSIS:** The PCS for Senate Bill 7 would allow a permitted food stand to provide tables and up to eight seats for customers without requiring further evaluation of the adequacy of the approved sewage system, as would be required generally for food establishments that provide seating.

**EFFECTIVE DATE:** The act would become effective October 1, 2015.

