

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 18*

Short Title: Local Health Board Rules Protect Health.

(Public)

Sponsors: Representatives H. Hunter, Brown, Chapin, DeVane, Hardaway, Justus, Wood; Hackney and Warner.

Referred to: Rules.

February 4, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY LANGUAGE TO AUTHORIZE LOCAL BOARDS OF
2 HEALTH TO ADOPT RULES MORE STRINGENT THAN THE COMMISSION
3 FOR HEALTH SERVICES OR THE ENVIRONMENTAL MANAGEMENT
4 COMMISSION WHEN DEEMED NECESSARY TO PROTECT THE PUBLIC
5 HEALTH.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 130A-39(b) reads as rewritten:

9 "~~(b) A local board of health may adopt a more stringent rule in an area regulated~~
10 ~~by the Commission for Health Services or the Environmental Management Commission~~
11 ~~where, in the opinion of the local board of health, a more stringent rule is required to~~
12 ~~protect the public health; A local board of health may adopt by reference rules adopted~~
13 by the Commission for Health Services or the Environmental Management
14 Commission, with any more stringent modifications or additions deemed necessary by
15 the local board of health to protect the public health; otherwise, the rules of the
16 Commission for Health Services or the rules of the Environmental Management
17 Commission shall prevail over local board of health rules. However, a local board of
18 health may not adopt a rule concerning the grading and permitting of food and lodging
19 facilities as listed in Part 6 of Article 8 of this Chapter and a local board of health may
20 adopt rules concerning sanitary sewage collection, treatment and disposal systems
21 which are not designed to discharge effluent to the land surface or surface waters and
22 which are not public or community systems only in accordance with G.S. 130A-335(c)."

23 Sec. 2. This act is effective upon ratification.