

Part 6. Regulation of Food and Lodging Facilities.

**§ 130A-247. Definitions.**

The following definitions shall apply throughout this Part:

- (1) "Bar" means an establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of G.S. 18B-1001 and that does not prepare or serve food as defined in this Part other than beverage garnishes, ice, or food that does not require time or temperature control for safety as set out in G.S. 130A-248(a) and rules adopted to implement that section and that is in an unopened original commercial package, except for food used as a beverage garnish.
- (1a) "Bed and breakfast home" means a business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria:
  - a. Does not serve food or drink to the general public for pay.
  - b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
  - c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.
  - d. Is the permanent residence of the owner or the manager of the business.
- (2) "Bed and breakfast inn" means a business of at least nine but not more than 12 guest rooms that offers bed and breakfast accommodations for a period of less than one week, and that meets all of the following requirements:
  - a. Does not serve food or drink to the general public for pay.
  - b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals only to overnight guests of the business.
  - c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as separate charge on the overnight guest's bill at the conclusion of the guest's stay.
  - d. Is the permanent residence of the owner or the manager of the business.
- (3) "Brewery" means an establishment licensed under G.S. 18B-1104 that is not engaged in the preparation of food on the premises. For purposes of this subdivision, the term "food" does not include beverages.
- (4) "Distillery" means an establishment licensed under G.S. 18B-1105 that is not engaged in the preparation of food on the premises. For purposes of this subdivision, the term "food" does not include beverages.
- (5) "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).
- (6) "Establishment that prepares or serves drink" means a business or other entity that prepares or serves beverages made from raw apples or potentially hazardous beverages made from other raw fruits or vegetables or that

- otherwise puts together, portions, sets out, or hands out drinks for human consumption.
- (7) "Establishment that prepares or serves food" means a business or other entity that cooks, puts together, portions, sets out, or hands out food for human consumption.
  - (8) "Limited food services establishment" means an establishment as described in G.S. 130A-248(a4), with food handling operations that are restricted by rules adopted by the Commission pursuant to G.S. 130A-248(a4) and that prepares or serves food only in conjunction with amateur athletic events. Limited food service establishment also includes lodging facilities that serve only reheated food that has already been pre-cooked.
  - (9) "Permanent house guest" means a person who receives room or board for periods of a week or longer. The term includes visitors of the permanent house guest.
  - (10) Repealed by Session Laws 2022-44, s. 6(b), effective July 7, 2022.
  - (11) "Private club" means an organization that (i) maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1) or (ii) meets the definition of a private club set forth in G.S. 18B-1000(5).
  - (12) "Regular boarder" means a person who receives food for periods of a week or longer.
  - (13) "Temporary food establishment" means an establishment not otherwise exempted from this part pursuant to G.S. 130A-250 that (i) prepares or serves food, (ii) operates for a period of time not to exceed 30 days in one location, and (iii) is affiliated with and endorsed by a transitory fair, carnival, circus, festival, public exhibition, or agritourism business. For purposes of this subdivision, "agritourism" means the same as in G.S. 160D-903(a). Notwithstanding the time limit set out in this subdivision, a local health department may, upon the request of a temporary food establishment, grant a one-time, 15-day extension of the establishment's permit if the establishment continues to meet all of the requirements of its permit and applicable rules.
  - (14) "Winery" means an establishment licensed under G.S. 18B-1101 or G.S. 18B-1102 that is not engaged in the preparation of food on the premises. For purposes of this subdivision, the term "food" does not include beverages. (1983, c. 891, s. 2; 1987, c. 367; 1991, c. 733, s. 1; 1993, c. 262, s. 1; c. 513, s. 12; 1995, c. 123, s. 12; c. 507, s. 26.8(f); 1999-247, ss. 3, 4; 2013-360, s. 12E.1(a); 2013-413, ss. 7, 11(a); 2014-115, s. 17; 2014-120, s. 21(a); 2017-211, s. 4(a), (b); 2018-5, s. 38.10(g); 2018-114, s. 2; 2019-49, s. 7; 2019-182, s. 15(a); 2021-150, ss. 6.3(a), (e); 2022-44, s. 6(b); 2022-55, s. 7(c); 2022-62, s. 18; 2023-129, s. 16(a).)