

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 541
Agriculture/Environmental/Natural Resources Committee Substitute Adopted
4/19/01
House Committee Substitute Favorable 5/3/01

Short Title: Sanitation Rules/Family Foster Homes Exempt.

(Public)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY
2 FOSTER HOMES OR THERAPEUTIC HOMES FROM SANITATION
3 REQUIREMENTS.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 130A-235 reads as rewritten:

7 "**§ 130A-235. Regulation of sanitation in institutions; setback requirements**
8 **applicable to certain water supply wells.**

9 (a) For protection of the public health, the Commission shall adopt rules to
10 establish sanitation requirements for all institutions and facilities at which individuals
11 are provided room or board and for which a license to operate is required to be obtained
12 or a certificate for payment is obtained from the Department. The rules shall also apply
13 to facilities that provide room and board to individuals but are exempt from licensure
14 under G.S. 131D-10.4(1). No other State agency may adopt rules to establish sanitation
15 requirements for these institutions and facilities. The Department shall issue a license to
16 operate or a certificate for payment to such an institution or facility only upon
17 compliance with all applicable sanitation rules of the Commission, and the Department
18 may suspend or revoke a license or a certificate for payment for violation of these rules.
19 In adopting rules pursuant to this section, the Commission shall define categories of
20 standards to which such institutions and facilities shall be subject and shall establish
21 criteria for the placement of any such institution or facility into one of the categories.
22 This section shall not apply to State institutions and facilities subject to inspection under
23 G.S. 130A-5(10). This section shall not apply to a single-family dwelling that is used
24 for a family foster home, as defined in G.S. 131D-10.2, or a therapeutic home. For
25 purposes of this section, 'therapeutic home' means a 24-hour residential facility located
26 in a private residence that provides professionally trained parent-substitutes who work

1 intensively with children and adolescents who are emotionally disturbed or who have a
2 substance abuse problem.

3 (b) Rules that establish a minimum distance from a building foundation for a
4 water supply well shall provide that an institution or facility located in a single-family
5 dwelling served by a water supply well that is located closer to a building foundation
6 than the minimum distance specified in the rules may be licensed or approved if the
7 results of water testing meet or exceed standards established by the Commission and
8 there are no other potential health hazards associated with the well. At the time of
9 application for licensure or approval, water shall be sampled and tested for pesticides,
10 nitrates, and bacteria. Thereafter, water shall be sampled and tested at intervals
11 determined by the Commission but not less than annually. A registered sanitarian or
12 other health official who is qualified by training and experience shall collect the water
13 samples as required by this subsection and may examine the well location to determine
14 if there are other potential health hazards associated with the well. A well shall comply
15 with all other applicable sanitation requirements established by the Commission.

16 (c) The Department may suspend or revoke a license or approval for a violation
17 of this section or rules adopted by the Commission."

18 **SECTION 2.** This act is effective when it becomes law.