

## NC DEPARTMENT OF HEALTH AND HUMAN SERVICES **Session Law 2023-129 and How It May Affect Your Bar**

[Session Law 2023-129](#) became effective on October 2, 2023, and made changes to the inspection and permitting requirements for certain bars that serve food. **A bar that prepares and serves food that requires [time and temperature controls](#) to limit the growth of foodborne pathogens will need to obtain a food establishment permit from their local health department by March 27, 2024.**

These changes, developed in consultation with stakeholders, were made in response to the 2022 ABC Omnibus Bill, which had previously exempted all bars from the benefit of health department sanitation inspections.

We understand that there have been changes over the years to ABC permitting rules affecting public health inspections, and the purpose of this document is to clarify this recent change. For bars required to be permitted, food safety inspections are important to ensure that the food served to the public is from approved sources, and that processes and procedures are in place to reduce risk factors that may cause foodborne illness.

**Important note—this change does not affect every bar. Session Law 2023-129 continues to exempt some bars from obtaining a food establishment permit and from food safety inspections, including:**

- (1) Bars that only use food as a garnish for beverages;
- (2) Bars that do not prepare or serve food for pay;
- (3) Bars that serve food for pay, but only serve food that does not require time and temperature control for safety as defined by the [FDA Food Code](#);
- (4) Bars that are designated as private clubs by the ABC Commission as defined in [G.S. 18B-1000\(5\)](#); and
- (5) Bars that meet the definition of a private club that hold a tax-exempt status as defined in [G.S. 130A-247\(11\)](#).

**For bars that do require permitting and inspection, resources are in place to help you through the process.** Please contact the [local health department's environmental health section](#) immediately and they will assist you with the application and permitting process. The local health department will conduct a plan review and issue the permit once requirements are met. **Establishments have until March 27, 2024, to obtain a food establishment permit for serving food. If you do not obtain a permit by March 27<sup>th</sup>, the bar may continue to operate; however, food subject to this law cannot be served.** Again, please contact your local health department

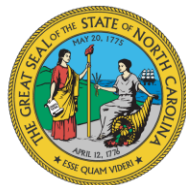
if you are unsure if your establishment qualifies or for assistance and additional information regarding this process.

- A [plan review application](#) must be submitted to the local health department to begin the permitting process. During this process, the requirements (which vary for each entity) will be discussed with the establishment.
- Basic requirements of a food establishment include, but are not limited to: hand washing sinks, dishwashing facilities, food and supply storage areas, and approved waste removal processes.
- Requirements for any additional equipment needed by these establishments vary and will be determined upon review of the menu with the establishment by the local health department. For example, a menu with limited food preparation requirements (e.g., hot dogs, deli sandwiches) will have different (and fewer) equipment requirements than an establishment that has a full-service buffet.
- Once the plan review process is complete, your local environmental health specialist will review the application and make an initial visit to review your facility for a food establishment permit. Once all requirements are met and the permit is issued, your establishment will be subject to inspection at a frequency determined by the risk of processes used and foods served. The local health department will advise you of the inspection frequency.
- The rules and regulations governing food safety, plan review, and permitting for food establishments can be found [here](#).

### **Questions and Next Steps:**

Your local health department is standing by to assist with the plan review process and help answer any questions that you may have. Additionally, there are [resources](#) available to help with plan review questions.

If you have any additional questions or concerns after contacting your local health department, **please reach out to NCDHHS Food Protection Staff, who are also available to help with this transition process at [NCBarQuestion@dhhs.nc.gov](mailto:NCBarQuestion@dhhs.nc.gov)**. NCDHHS is committed to helping establishments navigate this process with as little disruption as possible while ensuring the health and safety of North Carolinians.



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