



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

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## Session Law 2023-129: Updated Information on Application and Permitting Process

There are currently 39,000 establishments in North Carolina which serve food that require permitting and routine inspection by trained personnel from local health departments. All of these permitted establishments are required to adhere to a set of national food safety standards adopted by the FDA.

[Session Law 2023-129](#) amended existing state law to require certain bars which sell certain food (that which requires time and/or temperature control for safety (TCS) to limit the growth of foodborne pathogens) to be permitted and inspected by their local health department, and held to the FDA standards. This law brings NC into alignment with how other states treat bars which sell/serve TCS food. But Session Law 2023-129 does not apply to all bars. Bars that only serve non-TCS foods (pretzels, peanuts, etc.), only sell packaged TCS products that are opened by their patrons, and bars that are designated as private clubs as defined in NC General Statute 130A-247(11) are not affected by these changes and remain exempt from these requirements.

While far fewer in number when compared to all permitted food establishments, many of the affected bars have already begun or completed the initial permitting process. To-date, 78 bars have been permitted and another 112 have submitted their application for review. We estimate that there may be another hundred or so which have not begun the permitting process.

We recognize that it may require a bit more time for the remaining bars (subject to Session Law 2023-129) to initiate and complete the permitting process. While every effort should be made to meet permit requirements by March 27, 2024, **affected establishments that submit an application to their local health department by the March 27<sup>th</sup> deadline will have until October 1, 2024, to work towards meeting full permitting requirements.** While the local health department can usually conduct a visit less than a week after the application is submitted, this additional time allows for any issues identified during those visits to be remedied. This updated information and guidance reflects our commitment to working together towards a solution that helps bars minimize food safety risks, protects the public, and makes this transition as smooth as possible.

Foodborne illness continues to be one of the most preventable illnesses. The CDC estimates that 1 in 6 Americans gets sick from contaminated food or beverages which results in nearly 3,000 deaths each year. Unpermitted settings present an increased risk of foodborne illness. That's because their food may come from unapproved sources and there are no recordkeeping requirements – making it more challenging to conduct traceback investigations and to notify other food establishments if illnesses occur. And when food recalls happen, unpermitted establishments could unknowingly

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continue to serve contaminated food. In July 2023, an individual consumed raw oysters at an unpermitted bar in Mecklenburg County and then was diagnosed with vibriosis, which can be fatal.

Your local health department is available to assist you with any questions about the permitting process and the NCDHHS Food Protection team may also be contacted at [NCBarQuestion@dhhs.nc.gov](mailto:NCBarQuestion@dhhs.nc.gov). Additionally, please reference the Department's information on this change ([Session Law 2023-129 and How It May Affect Your Bar](#)) which has been distributed widely, including to Local Health Departments, the NC Restaurant and Lodging Association, and the Bar Owners Association.