

1 15A NCAC 18A .2901 is proposed for amendment as follows:

2
3 **SECTION .2900 - RESTAURANT AND LODGING FEE COLLECTION AND INVENTORY PROGRAM**

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5 **15A NCAC 18A .2901 DISBURSEMENT OF FUNDS**

6 (a) For the purposes of this Rule, the following definitions shall apply:

- 7 (1) "Department" means the North Carolina Department of Health and Human Services.
- 8 (2) "Disaster" means when a declaration has been made by the President of the United States under 44
9 C.F.R. Part 206, Subpart B, which is hereby incorporated by reference, including any subsequent
10 editions or amendments, or by the Governor of North Carolina under G.S. 166A-19.3(3).
- 11 (3) "Emergency" means when a state of emergency declaration has been issued under G.S. 166A-
12 19.3(19).
- 13 (4) "Event" means a National Special Security Event designated by the President of the United States
14 under 18 U.S.C. 3056(e)(1), which is hereby incorporated by reference, including any subsequent
15 editions or amendments.
- 16 (5) "Rate of compliance" means the number of inspections and educational visits for food and lodging
17 establishments conducted by the local health department during the previous state fiscal year divided
18 by the number of inspections and educational visits mandated to be conducted by the local health
19 department per state fiscal year pursuant to G.S. 130A-249 and 10A NCAC 46 .0213, not to exceed
20 a value of 1.

21 (b) Fees collected pursuant to G.S. 130A-248(d), minus state expenses budgeted for the collection and inventory
22 program, shall be distributed to local health departments for the support of local public health programs and activities
23 as follows:

- 24 (1) seven hundred and fifty dollars (\$750.00) to each county; and
- 25 (2) the balance of funds that remain after the distribution described in Subparagraph (b)(1) of this Rule
26 shall be distributed to each county in accordance with the formula provided in Subparagraph
27 (b)(2)(A) of this Rule. After the distribution of funds pursuant to Part (b)(2)(A) of this Rule, the
28 balance of any funds that remain shall be distributed in accordance with the formula provided in
29 Part (b)(2)(B) of this Rule to the counties that have one hundred percent compliance with the
30 inspection requirements for food and lodging establishments as set out in G.S. 130A-249 and 10A
31 NCAC 46 .0213 in the immediately preceding state fiscal year:
- 32 (A) [the remaining balance of funds after distribution in Subparagraph (b)(1) of this Rule]
33 multiplied by (the number of facilities in the county divided by the number of facilities in
34 the state) multiplied by (the county's rate of compliance) equals the allocation to the county;
35 and
- 36 (B) [total amount of remaining funds after distribution in Part (b)(2)(A)] multiplied by (the
37 number of facilities in the county divided by the number of facilities in all counties with

1 100 percent compliance with mandatory inspection requirements for food and lodging
2 establishments as set forth in G.S. 130A-249 and 10A NCAC 46 .0213 during the previous
3 fiscal year) equals the additional allocation to the county.

4 (c) Notwithstanding the definition of rate of compliance in Paragraph (a) of this Rule, the total amount of funds
5 distributed to a local health department shall be calculated in accordance with Paragraph (b) of this Rule, but using
6 the local health department's rate of compliance from the last state fiscal year that was completed immediately prior
7 to a disaster, emergency, or event, when:

8 (1) one or more counties served by the local health department is named in a disaster or emergency
9 declaration or in an event designation;

10 (2) the local health director or the local health director's designee submits a written attestation to the
11 State Environmental Health Director that includes the following:

12 (A) an explanation of how disruption caused by the disaster, emergency, or event is such that
13 inspections that are required pursuant to G.S. 130A-249 and 10A NCAC 46 .0213 for food
14 and lodging establishments cannot be carried out as planned because of the local health
15 department's involvement in the response to the disaster, emergency, or event; and

16 (B) a statement that the loss of funds as a result of the local health department's decreased rate
17 of compliance is expected to result in a financial hardship to the local health department's
18 environmental health program; and

19 (3) the Department determines that sufficient funds are available to make a disbursement to the local
20 health department in accordance with this Paragraph.

21 (d) Attestations written pursuant to Paragraph (c) of this Rule shall be submitted to the State Environmental Health
22 Director by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, NC 27699-1632.

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24 *History Note: Authority G.S. 130A-9; 130A-248; 130A-249; S.L. 2023-137;*

25 *Eff. May 1, 1991;*

26 *Readopted Eff. July 1, 2022.*