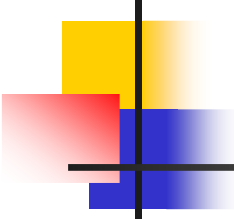




HB-2 Local Lessons Learned Pitt County

Presentation for Health Director's Legal Conference
Chapel Hill, NC
April 22, 2010
John Morrow, MD, MPH



“I hear you knockin but you cant come in!”

- Unable to visually verify status without entry.
- Private Clubs may not provide access even though GS 130A-17 gives us “right of entry”.
- Administrative search and inspection warrant not a good option.

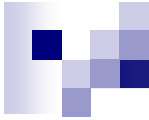




“The spy who loved me”

- Undercover agent was hired to hang out in the bars on weekends.
- Expensive operation and potentially hazardous.
- System of validation.





CLUB A	4-11-10	12:05	Customers smoking Employees Smoking Ashtrays present No visible signage at entrances Manager did not ask smokers to leave	Sign was present at entrance but multiple people smoking in the club. No one seemed concerned that patrons were smoking. 2 ashtrays were present at the bar. No employees smoking. No one asked the patrons to put out their cigarettes or asked them to leave. Cover 7
CLUB B	4-11-10	1:50a.m	Customers smoking Employees Smoking Ashtrays present No visible signage at entrances Manager did not ask smokers to leave	Ashtrays are present. Bar patrons are smoking. No one has asked them to put out their cigarettes or to leave. Employees are not smoking. No sign is present at the entrance of the nightclub \$Cover 6
CLUB C	4-11-10	1:55a.m	Customers smoking Employees Smoking Ashtrays present No visible signage at entrances Manager did not ask smokers to leave	2 signs were present in their usual place in between the bar and the first pool table. 2 ashtrays present, one at bar, one on a table behind the bar. Multiple people smoking throughout establishment. No employees smoking and no asked the patrons to put out cigarettes or leave. Cover 0
CLUB D	4-10-10	11:50	Customers smoking Employees Smoking Ashtrays present No visible signage at entrances Manager did not ask smokers to leave	All rules abided. PASSED. Cover 4



“Everyday”

- The fine after 3rd violation needed to accumulate to have an impact.
- Unable to easily verify because of operating hours and “private” status.
- Place responsibility on the bar to prove that they have come into compliance.





Board of Health appeal

- 5 days to notify board.
- They must calendar in next 15 days.
- Must give appealer 10 day notice.
- Tight timeframe to hold hearing.
- Potential problem meeting quorum.
- Public meetings law in effect.