

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 965*

Short Title: Control Foot & Mouth/Animal Disease Outbreaks. (Public)

Sponsors: Representatives Warwick, Hill (Primary Sponsors); Allen, Arnold, Baddour, Barefoot, Bell, Blust, Bonner, Bowie, Buchanan, Cansler, Coates, Cox, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Eddins, Gibson, Gillespie, Harrington, Jeffus, Justus, Kiser, Lucas, Luebke, McComas, McLawhorn, McMahan, Mitchell, Nesbitt, Nye, Owens, Preston, Rogers, Sexton, Shubert, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Warren, Weatherly, G. Wilson, and Yongue.

Referred to: Agriculture.

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. PROVISIONS TO STRENGTHEN THE AUTHORITY OF THE STATE VETERINARIAN.

SECTION 1. Part 9 of Article 34 of Chapter 106 of the General Statutes is amended by adding two new sections to read:

§ 106-399.4. Imminent threat of contagious animal disease; emergency measures and procedures.

(a) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture, that there is an imminent threat within the State of a contagious animal disease that has the potential for very serious and rapid spread, is of serious socio-economic and public health consequence, or is of major importance in the international trade of animals and animal products, the State Veterinarian or an authorized representative may develop and implement any emergency measures and procedures that the State Veterinarian determines necessary to prevent and control the animal disease.

1 **(b)** Written notice of emergency procedures and measures implemented under
2 this section, including an identification of the disease threat and a description of any
3 potentially infected area and animal, shall be mailed or delivered to news media, farm
4 organizations, agriculture agencies, and any other interested or affected parties as
5 determined by the State Veterinarian. Such emergency procedures and measures may
6 include, but are not limited to, restrictions on the transportation of any potentially
7 infected animals, restrictions on the transportation of agriculture products and other
8 commodities into and out of potentially infected areas, restrictions on access to
9 potentially infected areas, quarantines under G.S. 106-401(a), emergency disinfectant
10 and other control measures at all portals of entry into the State, including airports, ports,
11 and other transportation corridors, and any other measures necessary to prevent and
12 control the threat of disease infection.

13 **(c)** All State agencies and political subdivisions of the State shall cooperate with
14 the implementation of the emergency procedures and measures developed under this
15 section. All State agencies and political subdivisions of the State shall comply with the
16 emergency procedures and measures developed under this section.

17 **(d)** When determined by the State Veterinarian, in consultation with the
18 Commissioner of Agriculture, that there is an imminent threat within the State of a
19 contagious animal disease that has the potential for very serious and rapid spread, is of
20 serious socio-economic and public health consequence, or is of major importance in the
21 international trade of animals and animal products, the State Veterinarian or an
22 authorized representative may enter any property in the State to examine any animal
23 that the State Veterinarian has reasonable grounds to believe is infected with or exposed
24 to a contagious animal disease. The owner or operator of the premises on which the
25 animal is located shall permit entry on the premises by the State Veterinarian or an
26 authorized representative and shall cooperate with the State Veterinarian or an
27 authorized representative. The provisions of G.S. 106-401(a) with respect to obtaining
28 an emergency order do not apply to this subsection.

29 **§ 106-399.5. Warrantless inspections.**

30 When determined by the State Veterinarian, in consultation with the Commissioner
31 of Agriculture, that there is an imminent threat within the State of a contagious animal
32 disease that has the potential for very serious and rapid spread, is of serious socio-
33 economic and public health consequence, or is of major importance in the international
34 trade of animals and animal products, the State Veterinarian or an authorized
35 representative may stop and inspect without a warrant any individual or any motor
36 vehicle on a public or private road that is moving:

37 **(1)** Into the State from any other country, to determine whether the
38 individual or motor vehicle is carrying any animal or any article that is
39 capable of introducing or spreading the animal disease.

40 **(2)** In interstate commerce, upon probable cause to believe that the
41 individual or motor vehicle is carrying any animal or any article that is
42 capable of introducing or spreading the animal disease.

43 **(3)** In intrastate commerce from any other portion of the State or from any
44 premises or area quarantined under G.S. 106-401, upon probable cause

1 to believe that the individual or motor vehicle is carrying any animal
2 or any article that is capable of introducing or spreading the animal
3 disease."

4 **SECTION 2.** G.S. 106-401 reads as rewritten:

5 **"§ 106-401. State Veterinarian authorized to quarantine.**

6 (a) The State Veterinarian or his~~an~~ authorized representative is~~authorized to go~~
7 upon or may enter any property in the State, or to State or stop any motor vehicle on a
8 public or private road to examine any animal which he~~that~~ the State Veterinarian has
9 reasonable grounds to believe is affected with or exposed to a contagious animal
10 disease. If such~~the~~ person refuses to consent to such~~the~~ entry and examination after the
11 State Veterinarian or his~~an~~ authorized representative shall have~~has~~ notified, in writing,
12 the owner or person in whose custody such animal or animals are~~the animal is~~ found, of
13 his~~the~~ intention to enter such~~the~~ property and conduct such~~the~~ examination, the State
14 Veterinarian or his~~an~~ authorized representative may petition the district court in the
15 county where such animal or animals are~~the animal is~~ found for an emergency order
16 authorizing such~~the~~ entry and examination. The State Veterinarian or his~~an~~ authorized
17 representative may quarantine any animal affected with or exposed to a contagious
18 disease, or injected with or otherwise exposed to any material capable of producing a
19 contagious disease and shall give public notice of such~~the~~ quarantine by posting or
20 placarding with a suitable quarantine sign the entrance to any part of the premises on
21 which such~~the~~ animal is held. Such~~The~~ animal is~~to~~shall be maintained by the owner of
22 the animal or person in charge as provided in G.S. 106-400 through 106-405~~the owner~~
23 or operator of the premises in accordance with this Part at the owner's or person's in
24 charge~~expense~~ expense of the owner of the animal or the owner or operator of the
25 premises. No animal under quarantine shall be removed from the place of quarantine
26 except upon a written permit from~~unless~~ permitted by the State Veterinarian or his~~an~~
27 authorized representative. Such~~representative~~ representative in writing. The quarantine shall remain in
28 effect until cancelled by official written notice from the State Veterinarian or his~~an~~
29 authorized representative and such~~representative~~ representative, and the quarantine shall not be
30 cancelled until any sick or diseased animal has been properly disposed of and the
31 premises have been properly cleaned and disinfected.

32 (b) When determined by the State Veterinarian, in consultation with the
33 Commissioner of Agriculture, that there is an imminent threat within the State of a
34 contagious animal disease that has the potential for very serious and rapid spread, is of
35 serious socio-economic and public health consequence, or is of major importance in the
36 international trade of animals and animal products, the State Veterinarian or an
37 authorized representative may quarantine areas within the State. As part of the
38 quarantine under this subsection, the State Veterinarian or an authorized representative
39 may enter any property in the State to examine any animal, to obtain blood and tissue
40 samples for testing for the animal disease, and for any other reason directly related to
41 preventing or controlling the animal disease, and may stop motor vehicles on a public or
42 private road. The provisions of subsection (a) of this section with respect to obtaining an
43 emergency order do not apply to this subsection. Written notice of the quarantine,
44 including a description of the area and the type of animal affected by the disease, shall

1 be mailed or delivered to news media, farm organizations, agriculture agencies, and
2 other entities reasonably calculated to give notice of the quarantine to affected animal
3 owners, to the owners or operators of affected premises, and to the public. No animal
4 subject to the quarantine shall be moved to any other premises unless permitted by the
5 State Veterinarian or an authorized representative in writing."

6 **SECTION 3.** Part 9 of Article 34 of Chapter 106 of the General Statutes is
7 amended by adding the following section:

8 **"§ 106-402.1. Movement of animals prohibited; destruction of animals to control**
9 **animal disease authorized.**

10 (a) When determined by the State Veterinarian, in consultation with the
11 Commissioner of Agriculture, that there is an imminent threat within the State of a
12 contagious animal disease that has the potential for very serious and rapid spread, is of
13 serious socio-economic and public health consequence, or is of major importance in the
14 international trade of animals and animal products or that it is necessary to control a
15 contagious animal disease, the State Veterinarian or an authorized representative may
16 prohibit the movement of any animal to or from any premises used for shows, sales,
17 markets, fairs, exhibitions, processing or rendering facilities, or other public or private
18 assembly or may prohibit commingling of animals. Written notice of the prohibition
19 under this subsection shall be mailed, delivered, or otherwise provided to the owner or
20 operator of the premises by any means reasonably calculated to give notice. The owner
21 or operator of the premises shall not permit any animal to enter or remain on the
22 premises in violation of this section.

23 (b) When determined by the State Veterinarian, in consultation with the
24 Commissioner of Agriculture, that there is an imminent threat within the State of a
25 contagious animal disease that has the potential for very serious and rapid spread, is of
26 serious socio-economic and public health consequence, or is of major importance in the
27 international trade of animals and animal products or that it is necessary to control a
28 contagious animal disease, the State Veterinarian may order the destruction of any
29 animal and, after consulting with the State Health Director, the proper disposal of the
30 animal. G.S. 106-403 does not apply to the disposal of animals under this subsection.
31 The order shall be in writing and shall include the manner in which the destruction of
32 the animal will be carried out. The order shall be delivered to the owner of the animal
33 and the owner or operator of the premises on which the animal is located by certified
34 mail or any other means reasonably calculated to give the owner of the animal and the
35 owner or operator of the premises notice. In the event the owner of the animal and the
36 owner or operator of the premises cannot be notified, the State Veterinarian or an
37 authorized representative may seize the animal. The owner or operator of the premises
38 on which the animal is located shall permit entry on the premises by the State
39 Veterinarian or an authorized representative and shall cooperate with the State
40 Veterinarian or an authorized representative. The provisions of G.S. 106-401(a) with
41 respect to obtaining an emergency order do not apply to this subsection.

42 (c) When determined by the State Veterinarian, in consultation with the
43 Commissioner of Agriculture, that there is an imminent threat within the State of a
44 contagious animal disease that has the potential for very serious and rapid spread, is of

1 serious socio-economic and public health consequence, or is of major importance in the
2 international trade of animals and animal products or that it is necessary to control a
3 contagious animal disease, the State Veterinarian may require the Executive Director of
4 the Wildlife Resources Commission to develop a plan to address the movement of
5 wildlife and the destruction of wildlife."

6 **SECTION 4.** G.S. 106-405 reads as rewritten:

7 "**§ 106-405. ~~Violation made misdemeanor.~~ Prohibited acts; penalties.**

8 (a) ~~Any Except as provided in G.S. 106-404, any person or persons who shall~~
9 ~~knowingly and willfully violate~~ violates any provision of G.S. 106-400 to 106-403 shall
10 ~~be this Part is guilty of a Class 2 misdemeanor.~~

11 (b) It is prohibited that any person knowingly and willfully:

12 (1) Hide or conceal any animals that are subject to a quarantine under this
13 Part.

14 (2) Fail to report the occurrence of an animal disease for which a
15 quarantine under this Part is in effect.

16 (c) Any person who has committed an act that is prohibited under subsection (b)
17 of this section shall be subject to an administrative penalty not to exceed ten thousand
18 dollars (\$10,000) per violation. Each act in violation of subsection (b) of this section is a
19 separate violation."

20 **PART II. OTHER TECHNICAL AND CONFORMING CHANGES.**

21 **SECTION 5.** G.S. 106-400 reads as rewritten:

22 "**§ 106-400. ~~Permit from State Veterinarian for sale, transportation, etc.,~~ Sale or**
23 **transportation of animals affected with disease. ~~disease prohibited.~~**

24 No person ~~or persons~~ shall sell, trade, offer for sale or trade, or transport by ~~truck or~~
25 ~~other conveyance~~ motor vehicle on any public road or other public place within the State
26 any animal ~~or animals~~ affected with a contagious ~~or infectious~~ animal disease, except
27 ~~upon a written permit or unless permitted by the State Veterinarian in writing and in~~
28 ~~accordance with the provisions of said the permit. The State Veterinarian, or his~~
29 ~~authorized representative, is hereby empowered to~~ State Veterinarian or an authorized
30 representative may examine any livestock that are animal that is being transported or
31 moved, sold, traded, or offered for sale or trade on any ~~highway~~ public road or other
32 public place within the State for the purpose of determining if ~~said animals are~~ the
33 animal is affected with a contagious ~~or infectious~~ disease, or are animal disease or is
34 being transported or offered for sale or trade in violation of ~~G.S. 106-400 to 106-~~
35 ~~405.~~ this Part. If the ~~animals are~~ animal is found to be diseased or ~~are~~ is being moved,
36 sold, offered for sale or trade in violation of ~~G.S. 106-400 to 106-405,~~ they this Part, it
37 shall be placed under quarantine ~~in accordance with the provisions of G.S. 106-400 to~~
38 ~~106-405~~ under G.S. 106-401 in a place to be determined by the State Veterinarian or ~~his~~
39 an authorized representative. Any animal ~~or animals~~ shipped or otherwise moved into
40 this State in violation of federal laws or regulations shall be handled in accordance with
41 the provisions of ~~G.S. 106-400 to 106-405~~ this Part."

42 **SECTION 6.** G.S. 106-400.1 reads as rewritten:

43 "**§ 106-400.1. Swine disease testing.**

1 In order to control or prevent the spread of swine diseases, the Board of Agriculture
2 may adopt rules authorizing the State Veterinarian or ~~his~~ an authorized representative to
3 enter, at reasonable times, the premises where swine are kept and to examine the swine
4 and obtain blood or tissue samples for testing purposes. The State Veterinarian ~~shall~~
5 ~~also have the authority to~~ may quarantine swine ~~which~~ that have not been properly
6 tested."

7 **SECTION 7.** G.S. 106-401.1 reads as rewritten:

8 "**§ 106-401.1. Inspection and quarantine of poultry.**

9 The State ~~Veterinarian, or his~~ Veterinarian or an authorized representative, is hereby
10 ~~authorized to go upon or~~ representative may enter any property in the State, ~~or to~~ State or
11 stop any motor ~~vehiele, to~~ vehicle to examine any poultry ~~which~~ hethat the State
12 Veterinarian has reason to believe ~~are~~ is affected with or exposed to a contagious animal
13 disease. ~~He or his~~ The State Veterinarian or an authorized representative is ~~authorized~~
14 ~~to~~ may quarantine any poultry affected with or exposed to a contagious ~~disease,~~
15 ~~or~~ disease or injected with or otherwise exposed to any material capable of producing a
16 contagious disease and ~~to~~ give public notice of ~~such~~ the quarantine by posting or
17 placarding with a suitable quarantine sign the entrance to or any part of the premises on
18 which ~~such~~ the poultry ~~are~~ is held. ~~Said~~ The poultry ~~are~~ to ~~shall~~ be maintained by the
19 poultry owner or person in charge as provided for in G.S. 106 400 to 106 405 at the
20 owner's expense, the owner or operator of the premises in accordance with this Part at
21 the expense of the poultry owner or the owner or operator of the premises. The
22 quarantine provision hereof shall under this section does not apply to those diseases
23 ~~which~~ that are endemic in the State and for which adequate preventive and control
24 measures are not available. No poultry under quarantine shall be moved from the place
25 of quarantine ~~except upon a written permit from the State Veterinarian or his~~ authorized
26 ~~representative. Said~~ quarantine, unless permitted by the State Veterinarian or an
27 authorized representative in writing. The quarantine shall remain in effect until
28 cancelled by official written notice from the State Veterinarian or ~~his~~ an authorized
29 representative and shall not be released or cancelled until the sick or dead poultry have
30 been properly disposed of and the premises have been properly cleaned and
31 disinfected."

32 **SECTION 8.** G.S. 106-402 reads as rewritten:

33 "**§ 106-402. Confinement and isolation of diseased animals required.**

34 Any ~~animal, animals~~ animal or poultry affected with or exposed to a contagious ~~or~~
35 ~~infectious~~ animal disease shall be confined by the owner ~~or person in charge of said~~
36 ~~animal, animals~~ of the animal or poultry or the owner or operator of the premises in such
37 a manner, by penning or otherwise securing and actually isolating ~~same~~ the animal or
38 poultry from the approach or contact with other animals or poultry not so affected; ~~they~~
39 it shall not have access to any ditch, canal, branch, creek, river, or other ~~water~~ course
40 ~~which~~ surface water that passes beyond the ~~premises of the owner or person in charge of~~
41 ~~said animals or poultry, affected premises,~~ or to any public road, or to the premises of
42 any other person."

43 **SECTION 9.** G.S. 106-403 reads as rewritten:

44 "**§ 106-403. Disposition of dead domesticated animals.**

1 It shall be ~~is~~ the duty of the owner ~~or person in charge of any of his domesticated~~
2 ~~animals of domesticated animals~~ that die from any cause and the ~~owner, lessee, or~~
3 ~~person in charge of any land owner or operator of the premises~~ upon which any
4 domesticated animals die, to bury the ~~same animals~~ to a depth of at least three feet
5 beneath the surface of the ground within 24 hours after knowledge of the death of ~~said~~
6 ~~the domesticated animals~~, or to otherwise dispose of the ~~same domesticated animals~~ in a
7 manner approved by the State Veterinarian. It ~~shall be~~ ~~is~~ a violation of this ~~statute~~
8 ~~section~~ to bury any dead domesticated animal closer than 300 feet to any flowing stream
9 or public body of water. It ~~shall be~~ ~~is~~ unlawful for any person to remove the carcasses of
10 dead domesticated animals from ~~his the person's~~ premises to the premises of any other
11 person without the written permission of the person having charge of ~~such the other~~
12 premises and without burying ~~said the carcasses as above provided~~ ~~provided under this~~
13 ~~section~~. The governing body of each municipality shall designate some appropriate
14 person whose duty it shall be to provide for the removal and disposal, according to the
15 provisions of this section, of any dead domesticated animals located within the limits of
16 the municipality when the owner ~~or owners of said animals of the animals~~ cannot be
17 determined. The board of commissioners of each county shall designate some
18 appropriate person whose duty it shall be to provide for the removal and ~~disposal,~~
19 ~~according to the provisions of disposal under~~ this section, of any dead domesticated
20 animals located within the limits of the county, but without the limits of any
21 municipality, when the owner ~~or owners of said of the~~ animals cannot be determined.
22 All costs incurred by a municipality or county in the removal of a ~~dead domesticated~~
23 ~~animal animals~~ shall be recoverable from the owner of ~~such animal the animals~~ upon
24 admission of ownership or conviction. 'Domesticated animal' as used ~~herein shall~~
25 ~~include in this section includes~~ poultry."

26 SECTION 10. G.S. 106-404 reads as rewritten:

27 "§ 106-404. Animals affected with glanders to be killed.

28 If the owner of any animal having the glanders or farcy ~~shall omit or refuse, omits or~~
29 ~~refuses,~~ upon discovery or knowledge of its condition, to ~~deprive the same of life~~ ~~destroy~~
30 ~~the animal~~ at once, ~~he shall be~~ ~~that person is~~ guilty of a Class 3 misdemeanor."

31 SECTION 11. This act is effective when it becomes law.