

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 779*
Agriculture/Environment/Natural Resources
Committee Substitute Adopted 4/3/01
Rules Suspended; Passed Second and Third Readings

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

(Public)

Sponsors:

Referred to:

April 2, 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 socioeconomic 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.

(b) Written notice of emergency procedures and measures implemented under this section, including an identification of the disease threat and a description of any potentially infected area and animal, shall be mailed or delivered to news media, farm organizations, agriculture agencies, and any other interested or affected parties as determined by the State Veterinarian. Such emergency procedures and measures may include, but are not limited to, restrictions on the transportation of any potentially infected animals, restrictions on the transportation of agriculture products and other

1 commodities into and out of potentially infected areas, restrictions on access to
2 potentially infected areas, quarantines under G.S. 106-401(a), emergency disinfectant
3 and other control measures at all portals of entry into the State, including airports, ports,
4 and other transportation corridors, and any other measures necessary to prevent and
5 control the threat of disease infection.

6 (c) All State agencies and political subdivisions of the State shall cooperate with
7 the implementation of the emergency procedures and measures developed under this
8 section. All State agencies and political subdivisions of the State shall comply with the
9 emergency procedures and measures developed under this section.

10 (d) 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 socioeconomic and public health consequence, or is of major importance in the
14 international trade of animals and animal products, the State Veterinarian or an
15 authorized representative may enter any property in the State to examine any animal
16 that the State Veterinarian has reasonable grounds to believe is infected with or exposed
17 to a contagious animal disease. The owner or operator of the premises on which the
18 animal is located shall permit entry on the premises by the State Veterinarian or an
19 authorized representative and shall cooperate with the State Veterinarian or an
20 authorized representative. The provisions of G.S. 106-401(a) with respect to obtaining
21 an emergency order do not apply to this subsection.

22 **"§ 106-399.5. Warrantless inspections.**

23 When determined by the State Veterinarian, in consultation with the Commissioner
24 of Agriculture, that there is an imminent threat within the State of a contagious animal
25 disease that has the potential for very serious and rapid spread, is of serious
26 socioeconomic and public health consequence, or is of major importance in the
27 international trade of animals and animal products, the State Veterinarian or an
28 authorized representative may stop and inspect without a warrant any individual or any
29 motor vehicle on a public or private road that is moving:

- 30 (1) Into the State from any other country, to determine whether the
31 individual or motor vehicle is carrying any animal or any article that is
32 capable of introducing or spreading the animal disease.
33 (2) In interstate commerce, upon probable cause to believe that the
34 individual or motor vehicle is carrying any animal or any article that is
35 capable of introducing or spreading the animal disease.
36 (3) In intrastate commerce from any other portion of the State or from any
37 premises or area quarantined under G.S. 106-401, upon probable cause
38 to believe that the individual or motor vehicle is carrying any animal
39 or any article that is capable of introducing or spreading the animal
40 disease."

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

42 **"§ 106-401. State Veterinarian authorized to quarantine.**

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

27 (b) When determined by the State Veterinarian, in consultation with the
28 Commissioner of Agriculture, that there is an imminent threat within the State of a
29 contagious animal disease that has the potential for very serious and rapid spread, is of
30 serious socioeconomic and public health consequence, or is of major importance in the
31 international trade of animals and animal products, the State Veterinarian or an
32 authorized representative may quarantine areas within the State. As part of the
33 quarantine under this subsection, the State Veterinarian or an authorized representative
34 may enter any property in the State to examine any animal, to obtain blood and tissue
35 samples for testing for the animal disease, and for any other reason directly related to
36 preventing or controlling the animal disease, and may stop motor vehicles on a public or
37 private road. The provisions of subsection (a) of this section with respect to obtaining an
38 emergency order do not apply to this subsection. Written notice of the quarantine,
39 including a description of the area and the type of animal affected by the disease, shall
40 be mailed or delivered to news media, farm organizations, agriculture agencies, and
41 other entities reasonably calculated to give notice of the quarantine to affected animal
42 owners, to the owners or operators of affected premises, and to the public. No animal

1 subject to the quarantine shall be moved to any other premises unless permitted by the
2 State Veterinarian or an authorized representative in writing."

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

5 **"§ 106-402.1. Movement of animals prohibited; destruction of animals to control**
6 **animal disease authorized.**

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

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

39 (c) When determined by the State Veterinarian, in consultation with the
40 Commissioner of Agriculture, that there is an imminent threat within the State of a
41 contagious animal disease that has the potential for very serious and rapid spread, is of
42 serious socioeconomic and public health consequence, or is of major importance in the

1 international trade of animals and animal products or that it is necessary to control a
2 contagious animal disease, the State Veterinarian may require the Executive Director of
3 the Wildlife Resources Commission to develop a plan to address the movement of
4 wildlife and the destruction of wildlife."

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

6 "**§ 106-405. Violation made misdemeanor. Prohibited acts; penalties.**

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

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

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

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

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

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

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

21 "**§ 106-400. Permit from State Veterinarian for sale, transportation, etc., Sale or**
22 **transportation of animals affected with disease. disease prohibited.**

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

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

42 "**§ 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 ~~vehicle, 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."

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

2 "**§ 106-403. Disposition of dead domesticated animals.**

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

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

29 "**§ 106-404. Animals affected with glanders to be killed.**

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

33 **SECTION 11.** This act is effective when it becomes law and expires 1 April
34 2003.