

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-191
SENATE BILL 268**

AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS.

Whereas, contact with animals in public settings such as fairs, farm tours, and petting zoos provides opportunities for entertainment and education concerning animals and animal husbandry; and

Whereas, inadequate understanding of disease transmission can lead to infectious diseases among visitors, especially children, in these public settings; and

Whereas, in 2004, Aedin, a two-year-old child, and her family visited a petting zoo in North Carolina; and

Whereas, shortly after the visit to the petting zoo, Aedin contracted E. coli infection, was hospitalized for 36 days, and continues to suffer serious, lifelong complications from the infection and related Hemolytic Uremic Syndrome (HUS); and

Whereas, it is in the interest of the public health of this State to ensure that proper sanitation and other procedures are in place at fairs and animal exhibitions to address the potential for disease transmission; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) The title to Part 4 of Article 45 of Chapter 106 of the General Statutes reads as rewritten:

"Part 4. Supervision of ~~Fairs~~-Fairs and Animal Exhibitions."

SECTION 1.(b) Part 4 of Article 45 of Chapter 106 of the General Statutes is amended by adding the following new section to read:

"§ 106-520.3A. Animal exhibition regulation; permit required; civil penalties.

(a) Title. – This section may be referred to as "Aedin's Law". This section provides for the regulation of animal exhibitions as they may affect the public health and safety.

(b) Definitions. – As used in this section, unless the context clearly requires otherwise:

(1) 'Animal' means only those animals that may transmit infectious diseases.

(2) 'Animal exhibition' means any sanctioned agricultural fair where animals are displayed on the exhibition grounds for physical contact with humans.

(c) Permit Required. – No animal exhibition may be operated for use by the general public unless the owner or operator has obtained an operation permit issued by the Commissioner. The Commissioner may issue an operation permit only after physical inspection of the animal exhibition and a determination that the animal exhibition meets the requirements of this section and rules adopted pursuant to this section. The Commissioner may deny, suspend, or revoke a permit on the basis that the exhibition does not comply with this section or rules adopted pursuant to this section.

(d) Rules. – For the protection of the public health and safety, the Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, and in consultation with the Division of Public Health of the Department of Health and Human

Services, shall adopt rules concerning the operation of and issuance of permits for animal exhibitions. The rules shall include requirements for:

- (1) Education and signage to inform the public of health and safety issues.
- (2) Animal areas.
- (3) Animal care and management.
- (4) Transition and nonanimal areas.
- (5) Hand-washing facilities.
- (6) Other requirements necessary for the protection of the public health and safety.

(e) Educational Outreach. – The Department shall continue its consultative and educational efforts to inform agricultural fair operators, exhibitors, agritourism business operators, and the general public about the health risks associated with diseases transmitted by physical contact with animals.

(f) Civil Penalty. – In addition to the denial, suspension, or revocation of an operation permit, the Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this section or a rule adopted pursuant to this section. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(g) Legal Representation by Attorney General. – It shall be the duty of the Attorney General to represent the Department of Agriculture and Consumer Services or designate a member of the Attorney General's staff to represent the Department in all actions or proceedings in connection with this section."

SECTION 2. This act becomes effective October 1, 2005. The Department of Agriculture shall use funds available for the 2005-2007 fiscal biennium to implement this act.

In the General Assembly read three times and ratified this the 7th day of July, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:45 p.m. this 15th day of July, 2005