



1 and other control measures at all portals of entry into the State, including airports, ports,  
2 and other transportation corridors, and any other measures necessary to prevent and  
3 control the threat of disease infection.

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

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

20 **"§ 106-399.5. Warrantless inspections.**

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

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

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

40 **"§ 106-401. State Veterinarian authorized to quarantine.**

41 (a) The State Veterinarian or his~~an~~ authorized representative is ~~authorized to go~~  
42 ~~upon or~~ may enter any property in the State, ~~or to~~ State or stop any motor vehicle on a

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

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

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

3 **"§ 106-402.1. Movement of animals prohibited; destruction of animals to control**  
4 **animal disease authorized.**

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

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

37       (c) When determined by the State Veterinarian, in consultation with the  
38 Commissioner of Agriculture, that there is an imminent threat within the State of a  
39 contagious animal disease that has the potential for very serious and rapid spread, is of  
40 serious socioeconomic and public health consequence, or is of major importance in the  
41 international trade of animals and animal products or that it is necessary to control a  
42 contagious animal disease, the State Veterinarian may require the Executive Director of

1 the Wildlife Resources Commission to develop a plan to address the movement of  
2 wildlife and the destruction of wildlife."

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

4 "**§ 106-405. ~~Violation made misdemeanor.~~Prohibited acts; penalties.**

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

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

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

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

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

## 17 **PART II. OTHER TECHNICAL AND CONFORMING CHANGES.**

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

19 "**§ 106-400. ~~Permit from State Veterinarian for sale, transportation, etc.,~~Sale or**  
20 **transportation of animals affected with disease.~~disease prohibited.~~**

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

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

40 "**§ 106-400.1. Swine disease testing.**

41 In order to control or prevent the spread of swine diseases, the Board of Agriculture  
42 may adopt rules authorizing the State Veterinarian or his an authorized representative to

1 enter, at reasonable times, the premises where swine are kept and to examine the swine  
2 and obtain blood or tissue samples for testing purposes. The State Veterinarian shall  
3 also have the authority to may quarantine swine ~~which that~~ have not been properly  
4 tested."

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

6 "**§ 106-401.1. Inspection and quarantine of poultry.**

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

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

31 "**§ 106-402. Confinement and isolation of diseased animals required.**

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

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

42 "**§ 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 and expires 1 April  
32 2003.