

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-12
SENATE BILL 779**

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

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

(d) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, 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 enter any property in the State to examine any animal that the State Veterinarian has reasonable grounds to believe is infected with or exposed to a contagious animal disease. The owner or operator of the premises on which the animal is located shall permit entry on the

premises by the State Veterinarian or an authorized representative and shall cooperate with the State Veterinarian or an authorized representative. The provisions of G.S. 106-401(a) with respect to obtaining an emergency order do not apply to this subsection.

"§ 106-399.5. Warrantless inspections.

When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, 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 stop and inspect without a warrant any individual or any motor vehicle on a public or private road that is moving:

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

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

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

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

(b) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, 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 quarantine areas within the State. As part of the quarantine under this subsection, the State Veterinarian or an authorized representative may enter any property in the State to examine any animal, to obtain blood and tissue samples for testing for the animal disease, and for any other reason directly related to preventing or controlling the animal disease, and may stop motor vehicles on a public or private road. The provisions of subsection (a) of this section with respect to obtaining an emergency order do not apply to this subsection. Written notice of the quarantine, including a description of the area and the type of animal affected by the disease, shall be mailed or delivered to news media, farm organizations, agriculture agencies, and other entities reasonably calculated to give notice of the quarantine to affected animal owners, to the owners or operators of affected premises, and to the public. No animal subject to the quarantine shall be moved to any other premises unless permitted by the State Veterinarian or an authorized representative in writing."

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

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

(a) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, 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 or that it is necessary to control a contagious animal disease, the State Veterinarian or an authorized representative may prohibit the movement of any animal to or from any premises used for shows, sales, markets, fairs, exhibitions, processing or rendering facilities, or other public or private assembly or may prohibit commingling of animals. Written notice of the prohibition under this subsection shall be mailed, delivered, or otherwise provided to the owner or operator of the premises by any means reasonably calculated to give notice. The owner or operator of the premises shall not permit any animal to enter or remain on the premises in violation of this section.

(b) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, 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 or that it is necessary to control a contagious animal disease, the State Veterinarian may order the destruction of any animal and, after consulting with the State Health Director, the proper disposal of the animal. G.S. 106-403 does not apply to the disposal of animals under this subsection. The order shall be in writing and shall include the manner in which the destruction of the animal will be carried out. The order shall be delivered to the owner of the animal and the owner or operator of the premises on which the animal is located by certified mail or any other means reasonably calculated to give the owner of the animal and the owner or operator of the premises notice. In the event the owner of the animal and the owner or operator of the premises cannot be notified, the State Veterinarian or an authorized representative may seize and destroy the animal. The owner or operator of the premises on which the animal is located shall permit entry on the premises by the State Veterinarian or an authorized representative and shall cooperate with the State Veterinarian or an authorized representative. The provisions of G.S. 106-401(a) with respect to obtaining an emergency order do not apply to this subsection.

(c) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, 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 or that it is necessary to control a contagious animal disease, the State Veterinarian may require the Executive Director of the Wildlife Resources Commission to develop a plan to address the movement of wildlife and the destruction of wildlife."

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

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

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

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

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

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

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

PART II. OTHER TECHNICAL AND CONFORMING CHANGES.

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

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

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

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

"§ 106-400.1. Swine disease testing.

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

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

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

~~The State Veterinarian, or his Veterinarian or an authorized representative, is hereby authorized to go upon or representative may enter any property in the State, or to State or stop any motor vehicle, to vehicle to examine any poultry which hethat the State Veterinarian has reason to believe are is affected with or exposed to a contagious animal~~

disease. ~~He or his~~ The State Veterinarian or an authorized representative is authorized to ~~may~~ quarantine any poultry affected with or exposed to a contagious ~~disease,~~ ~~or~~ ~~disease~~ or injected with or otherwise exposed to any material capable of producing a contagious disease and ~~to~~ give public notice of ~~such~~ ~~the~~ quarantine by posting or placarding with a suitable quarantine sign the entrance to or any part of the premises on which ~~such~~ ~~the~~ poultry ~~are~~ is held. ~~Said~~ ~~The~~ ~~poultry~~ ~~are~~ ~~to~~ ~~shall~~ be maintained by the ~~poultry~~ ~~owner~~ or ~~person~~ ~~in~~ ~~charge~~ as provided for in G.S. 106-400 to 106-405 at the ~~owner's~~ ~~expense.~~ the owner or operator of the premises in accordance with this Part at the expense of the poultry owner or the owner or operator of the premises. The quarantine provision hereof shall under this section does not apply to those diseases which that are endemic in the State and for which adequate preventive and control measures are not available. No poultry under quarantine shall be moved from the place of quarantine except upon a written permit from the State Veterinarian or his authorized representative. Said quarantine, unless permitted by the State Veterinarian or an authorized representative in writing. The quarantine shall remain in effect until cancelled by official written notice from the State Veterinarian or his an authorized representative and shall not be released or cancelled until the sick or dead poultry have been properly disposed of and the premises have been properly cleaned and disinfected."

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

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

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

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

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

It shall be is the duty of the owner or person in charge of any of his domesticated animals of domesticated animals that die from any cause and the owner, lessee, or person in charge of any land owner or operator of the premises upon which any domesticated animals die, to bury the same animals to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of said the domesticated animals, or to otherwise dispose of the same domesticated animals in a manner approved by the State Veterinarian. It shall be is a violation of this statute section to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. It shall be is unlawful for any person to remove the carcasses of dead domesticated animals from his the person's premises to the premises of any other person without the written permission of the person having charge of such the other premises and without burying said the carcasses as above provided provided under this section. The governing body of each municipality shall designate some appropriate person whose duty it shall be to provide for the removal and disposal, according to the provisions of this section, of any dead domesticated animals located within the limits of the municipality when the owner or owners of said animals of the animals cannot be determined. The board of commissioners of each county shall designate some appropriate person whose duty it shall be to provide for the removal and disposal, according to the provisions of disposal under this section, of any dead domesticated animals located within the limits of the county, but without the limits of any municipality, when the owner or owners of said of the animals cannot be determined. All costs incurred by a municipality or county in the removal of a dead domesticated

~~animal-animals~~ shall be recoverable from the owner of ~~such animal- the~~ animals upon admission of ownership or conviction. 'Domesticated animal' as used ~~herein shall include in this section includes~~ poultry."

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

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

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

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

In the General Assembly read three times and ratified this the 4th day of April, 2001.

s/ Beverly E. Perdue
President of the Senate

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

s/ Michael F. Easley
Governor

Approved 6:44 p.m. this 4th day of April, 2001