

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 339
House Committee Substitute Favorable 6/30/22

Short Title: 2022 WRC Amendments.

(Public)

Sponsors:

Referred to:

March 24, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE
3 WILDLIFE RESOURCES COMMISSION.

4 The General Assembly of North Carolina enacts:

5
6 **INCREASE PENALTIES FOR VIOLATIONS OF EMERGENCY POWERS OR RULES**
7 **EXERCISED TO RESPOND TO WILDLIFE DISEASE**

8 **SECTION 1.(a)** G.S. 113-135.1(b) reads as rewritten:

9 "(b) The limitation upon penalty does not apply to any rule violation:

- 10 (1) Punishable under G.S. 113-294 or otherwise involving aggravating elements
11 that result in a greater punishment than provided by G.S. 113-135;
12 (2) That involves a defendant subject to the collection-license provisions of
13 G.S. 113-272.4 or who is a dealer as defined in G.S. 113-273; or
14 (3) Relating to seasons, bag limits, creel limits, taking fish other than with hook
15 and line, buying or selling wildlife, possessing or transporting live wildlife,
16 taking wildlife at night or with the aid of a conveyance, or falconry.
17 (4) Related to violation of emergency powers exercised to respond to a wildlife
18 disease that threatens irreparable injury to wildlife or the public pursuant to
19 G.S. 113-306(f)."

20 **SECTION 1.(b)** G.S. 113-306 is amended by adding a new subsection to read:

21 "(g) Any person who violates emergency powers or rules adopted pursuant to subsection
22 (f) of this section is guilty of a Class 3 misdemeanor for a first conviction or a Class 2
23 misdemeanor for a second or subsequent conviction within three years."

24 **SECTION 1.(c)** This section becomes effective December 1, 2022, and applies to
25 offenses committed on or after that date.

26
27 **FUR DEALER LICENSE CHANGES**

28 **SECTION 2.(a)** G.S. 113-273(f) reads as rewritten:

29 "(f) Fur-Dealer License. – Except as otherwise provided in this subsection, any individual
30 in this State who deals in furs must obtain an appropriate fur-dealer license. For the purposes of
31 this subsection, "dealing in furs" ~~is engaging in the business of buying or selling fur-bearing~~
32 ~~animals or other wild animals that may lawfully be sold,~~ refers to any individual who buys and
33 sells the raw furs, pelts, or skins of those animals, fur-bearing animals or other wild animals that
34 may lawfully be sold, or the raw furs, pelts, or skins of wild animals which may not themselves
35 be sold but whose fur, pelt, or skin may lawfully be sold. A hunter or trapper who has lawfully
36 taken wild animals whose fur, pelt, or skin is permitted to be sold under this subsection is not



1 considered a fur dealer if ~~he~~ the hunter or trapper exclusively sells ~~the animals or the raw~~ furs,
 2 pelts, and skins, as appropriate, to licensed fur dealers. All fur-dealer licenses are annual licenses
 3 issued beginning July 1 each year running until the following June 30. Fur-dealer licenses issued
 4 by the Wildlife Resources Commission are as follows:

- 5 (1) Resident fur-dealer license, ~~sixty dollars (\$60.00)~~ thirty dollars (\$30.00).
 6 Authorizes an individual resident of the State to deal in furs in accordance
 7 with the rules of the Wildlife Resources Commission.
 8 (2) Nonresident fur-dealer license, ~~three hundred dollars (\$300.00)~~ sixty dollars
 9 (\$60.00). Authorizes an individual within the State to deal in furs in
 10 accordance with the rules of the Wildlife Resources Commission.

11"

12 **SECTION 2.(b)** This section becomes effective August 1, 2022.

13
 14 **AMEND CERVID EXCRETION RULE TO ALLOW NATURAL DEER URINE**
 15 **PRODUCTS IDENTIFIED AS FREE OF CHRONIC WASTING DISEASE**

16 **SECTION 3.** S.L. 2021-176 is repealed.

17 **SECTION 4.(a)** Definitions. – For purposes of this section and its implementation,
 18 "Cervid Excretion Rule" means 15A NCAC 10B .0201 (Prohibited Taking and Manner of Take).

19 **SECTION 4.(b)** Cervid Excretion Rule. – Until the effective date of the revised
 20 permanent rule that the Wildlife Resources Commission is required to adopt pursuant to
 21 subsection (d) of this section, the Commission shall implement the Cervid Excretion Rule, as
 22 provided in subsection (c) of this section.

23 **SECTION 4.(c)** Implementation. – No person shall possess or use any substance or
 24 material that contains or is labeled as containing any excretion collected from a cervid, including
 25 feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to
 26 take, attracting, or scouting wildlife. This prohibition shall not apply to the following substances:

- 27 (1) Products containing synthetic analogs of cervid excretions and labeled as
 28 such; and
 29 (2) Natural deer urine products identified as free of chronic wasting disease
 30 (CWD) based on testing by an independent laboratory using a method that
 31 may help detect the presence of CWD prions from facilities that comply with
 32 a federally approved CWD herd certification program and any federal CWD
 33 protocols.

34 **SECTION 4.(d)** Additional Rulemaking Authority. – Notwithstanding
 35 G.S. 150B-21.2, the Commission shall adopt a permanent rule to amend the Cervid Excretion
 36 Rule consistent with subsection (c) of this section using the procedure for temporary rules set
 37 forth in G.S. 150B-21.1(a3). Notwithstanding G.S. 150B-19(4), the rule adopted by the
 38 Commission pursuant to this section shall be substantively identical to the provisions of
 39 subsection (c) of this section. Rules adopted by the Commission in accordance with this section
 40 shall be subject to review by the Rules Review Commission as provided by G.S. 150B-21.1(b);
 41 provided, however, that if the rules are approved by the Rules Review Commission, they shall
 42 become effective as provided by G.S. 150B-21.3(b). Rules adopted pursuant to this section shall
 43 not be subject to G.S. 150B-21.3(b2) or G.S. 150B-21.4.

44 **SECTION 4.(e)** Applicability and Sunset. – This section and rules adopted pursuant
 45 to this section apply to any cervid excretions used for hunting on or after July 1, 2022. This section
 46 expires when permanent rules adopted as required by subsection (d) of this section become
 47 effective.

48
 49 **INCLUDE PUBLIC MOUNTAIN TROUT WATERS IN RESIDENT SUBSISTENCE**
 50 **UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE WAIVER**

51 **SECTION 5.** G.S. 113-351(d) reads as rewritten:

1 "(d) Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver. –
2 A county department of social services shall issue a Resident Subsistence Unified Inland/Coastal
3 Recreational Fishing License Waiver to an individual who receives benefits from Medicaid, Food
4 and Nutrition Services, or Work First Family Assistance through the county department of social
5 services and who requests a waiver. This waiver shall be issued at no charge. This waiver is valid
6 for a period of one year from the date of issuance. This waiver shall be issued only to an
7 individual who is a resident of the State. This waiver authorizes the waiver holder to fish with
8 hook and line for all fish in all inland fishing waters and joint fishing waters, ~~except for including~~
9 public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.
10 County departments of social services shall supply the Wildlife Resources Commission with the
11 name, mailing address, and telephone number of each individual who receives a waiver."
12

13 **DEFINE "DOMESTICALLY RAISED WATERFOWL AND GAME BIRDS"**

14 **SECTION 6.** G.S. 113-129 reads as rewritten:

15 **"§ 113-129. Definitions relating to resources.**

16 The following definitions and their cognates apply in the description of the various marine
17 and estuarine and wildlife resources:

18 ...

19 (5b) Domestically Raised Waterfowl and Game Birds. – Propagated mallard ducks
20 in accordance with 50 C.F.R. § 21.13, bobwhite quail, ringed neck pheasants,
21 chukar partridges, and Hungarian partridges.

22 (5c) Farmed Cervid. – Any member of the Cervidae family, other than white-tailed
23 deer, elk, mule deer, or black-tailed deer, that is bought and sold for
24 commercial purposes.

25 ~~(5e)~~(5d) Feral Swine. – Free-ranging mammals of the species Sus scrofa.

26 "
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28 **EFFECTIVE DATE**

29 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
30 law.