

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 1183  
SENATE BILL 757

AN ACT PROVIDING FOR THE CONTROL BY THE DEPARTMENT OF  
AGRICULTURE OF BIOLOGICAL RESIDUES IN ANIMALS, ANIMAL PRODUCTS  
AND FEEDS.

The General Assembly of North Carolina enacts:

**Section 1.** Definitions. For the purpose of this act, the following terms shall have the meanings ascribed to them in this section: "Commissioner" means the North Carolina Commissioner of Agriculture or his authorized delegate. "Board" means the North Carolina Board of Agriculture. "Person" means any individual, partnership, corporation, association, cooperative or other legal entity. "State" means the State of North Carolina. "Animal" means any member of the animal kingdom except man. "Animal produce" means any product derived from any animal, whether suitable or not for human consumption. "Animal feed" means any meat, grain, forage, or other food of any plant, animal or mineral origin, or any combination thereof, which is normally fed to any animal. "Biological residue" means any substance, including metabolites, remaining in or on any animal prior to or at the time of slaughter or in any of its tissues after slaughter, or in or on any animal product or animal feed, as the result of treatment with, or exposure, of the animal, animal product, or animal feed to any pesticide, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

**Sec. 2.** Any animal, animal product, or animal feed which the Commissioner has reasonable cause to believe contains or bears any biological residue may be immediately detained or quarantined by written order of the Commissioner until it can be determined in a manner acceptable to the Commissioner that the animal, animal feed, or animal product does not contain or bear a biological residue, or that the biological residue therein is within tolerances which are established by, or approved by, the Board, and the detention or quarantine is removed; or the animal, animal product or animal feed is destroyed or otherwise disposed of in a manner acceptable to the Commissioner; or in the case of a live animal, it has been treated in a manner acceptable to the Commissioner to reduce the level of any biological residue to a level acceptable to the Commissioner. The burden of proof under this section shall be on the owner or custodian of such animal, animal feed or animal product.

**Sec. 3.** Any order or quarantine or detention made by the Commissioner may be appealed by the aggrieved party to the superior court of the county wherein such animal, animal product or animal feed is quarantined or detained. The superior court judge, on at least 24 hours notice, may hear said appeal in or out of term, in court or in chambers and may affirm, reverse or modify the order of quarantine or detention imposing such conditions as he may deem just and proper. Any party may appeal from the superior court to the Court of Appeals. Pending an appeal from the Commissioner or the superior court, any regular or special superior court judge residing in or holding court in the district may enter such orders as he deems necessary for the preservation or disposition of the animal, animal product or feed, and may require the posting of a bond for the faithful performance of such order.

**Sec. 4.** (1) No person shall ship, transport, or otherwise move, or deliver, or receive for movement, any animal, animal product, or animal feed under detention or quarantine

pursuant to Section 2 of this act, except under written permit of the Commissioner and in accordance with the conditions stated in such written permission, or until the detention or quarantine order has been revoked by written order of the Commissioner.

(2) No person shall ship, transport, or otherwise move, or deliver or receive for movement any animal, animal product, or animal feed which he knows, or by the exercise of reasonable care would know, contains or bears a biological residue which exceeds the tolerances established or approved by the Board.

**Sec. 5.** The Commissioner may enter any place within the State at all reasonable times where any animal, animal product or animal feed is kept to examine the facilities, inventory and/or copy the records thereof, and to take reasonable samples of any such animal, animal product or animal feed after giving notice in writing to the owner or custodian of the premises to be entered. If such person shall refuse to consent to such entry, the Commissioner may apply to any district court judge and such judge may order, without notice, that the owner or custodian of any place where any animal, animal product or animal feed is kept to permit the Commissioner to enter such place for the purposes herein stated and failure by any person to obey such order may be punished as for contempt.

**Sec. 6.** The Commissioner shall make such investigations or inspections as he deems necessary to determine whether any person has violated, or is violating, any provision of this act or any regulation promulgated thereunder, and when any biological residue is found in or on any animal, animal product, or animal feed, the Commissioner may make such investigation or inspection as he deems necessary to determine the source of the substance which resulted in the biological residue.

**Sec. 7.** The North Carolina Board of Agriculture is hereby authorized to promulgate regulations as it may deem necessary to effectuate the purposes of this act, including but not limited to, tolerances for biological residues. It shall be unlawful for any person to violate any provision of this act or any regulation promulgated by the Board under authority of this act.

**Sec. 8.** Any person who violates any provisions of this act or any regulations thereunder shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed six months, or both fine and imprisonment.

**Sec. 9.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

**Sec. 10.** This act shall be effective on September 1, 1971.

In the General Assembly read three times and ratified, this the 21st day of July, 1971.