

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 779*

Short Title: Control Foot & Mouth/Animal Disease Outbreaks. (Public)

Sponsors: Senator Albertson.

Referred to: Rules Suspended; Agriculture/Environment/Natural Resources.

April 2, 2001

A BILL TO BE ENTITLED

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, 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 socio-economic 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

1 potentially infected areas, quarantines under G.S. 106-401(a), emergency disinfectant
2 and other control measures at all portals of entry into the State, including airports, ports,
3 and other transportation corridors, and any other measures necessary to prevent and
4 control the threat of disease infection.

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

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

21 **"§ 106-399.5. Warrantless inspections.**

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

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

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

41 **"§ 106-401. State Veterinarian authorized to quarantine.**

42 (a) The State Veterinarian or his~~an~~ authorized representative is authorized to go
43 upon or may enter any property in the State, or to State or stop any motor vehicle on a
44 public or private road to examine any animal ~~which he~~ that the State Veterinarian has

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

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

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

1 **"§ 106-402.1. Movement of animals prohibited; destruction of animals to control**
2 **animal disease authorized.**

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

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

35 (c) When determined by the State Veterinarian, in consultation with the
36 Commissioner of Agriculture, that there is an imminent threat within the State of a
37 contagious animal disease that has the potential for very serious and rapid spread, is of
38 serious socio-economic and public health consequence, or is of major importance in the
39 international trade of animals and animal products or that it is necessary to control a
40 contagious animal disease, the State Veterinarian may require the Executive Director of
41 the Wildlife Resources Commission to develop a plan to address the movement of
42 wildlife and the destruction of wildlife."

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

44 **"§ 106-405. Violation made misdemeanor. Prohibited acts; penalties.**

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

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

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

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

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

13 PART II. OTHER TECHNICAL AND CONFORMING CHANGES.

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

15 "**§ 106-400. ~~Permit from State Veterinarian for sale, transportation, etc., Sale or~~**
16 **transportation of animals affected with disease-disease prohibited.**

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

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

36 "**§ 106-400.1. Swine disease testing.**

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

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

44 "**§ 106-401.1. Inspection and quarantine of poultry.**

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

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

25 "**§ 106-402. Confinement and isolation of diseased animals required.**

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

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

36 "**§ 106-403. Disposition of dead domesticated animals.**

37 It shall ~~be~~ is the duty of the owner ~~or person in charge of any of his~~ domesticated
38 ~~animals~~ of domesticated animals that die from any cause and the ~~owner, lessee, or~~
39 ~~person in charge of any land~~ owner or operator of the premises upon which any
40 domesticated animals die, to bury the ~~same~~ animals to a depth of at least three feet
41 beneath the surface of the ground within 24 hours after knowledge of the death of ~~said~~
42 the domesticated animals, or to otherwise dispose of the ~~same~~ domesticated animals in a
43 manner approved by the State Veterinarian. It ~~shall be~~ is a violation of this ~~statute~~
44 section to bury any dead domesticated animal closer than 300 feet to any flowing stream

1 or public body of water. It ~~shall be~~is unlawful for any person to remove the carcasses of
2 dead domesticated animals from ~~his~~the person's premises to the premises of any other
3 person without the written permission of the person having charge of ~~such~~the other
4 premises and without burying ~~said~~the carcasses as ~~above provided~~provided under this
5 section. The governing body of each municipality shall designate some appropriate
6 person whose duty it shall be to provide for the removal and disposal, according to the
7 provisions of this section, of any dead domesticated animals located within the limits of
8 the municipality when the owner ~~or owners of said animals~~of the animals cannot be
9 determined. The board of commissioners of each county shall designate some
10 appropriate person whose duty it shall be to provide for the removal and ~~disposal,~~
11 ~~according to the provisions of disposal under~~ this section, of any dead domesticated
12 animals located within the limits of the county, but without the limits of any
13 municipality, when the owner ~~or owners of said~~of the animals cannot be determined.
14 All costs incurred by a municipality or county in the removal of ~~a~~dead domesticated
15 ~~animal~~animals shall be recoverable from the owner of ~~such animal~~the animals upon
16 admission of ownership or conviction. 'Domesticated animal' as used ~~herein shall~~
17 ~~include in this section~~ includes poultry."

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

19 "**§ 106-404. Animals affected with glanders to be killed.**

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

23 **SECTION 11.** This act is effective when it becomes law.