

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 268  
Health Care Committee Substitute Adopted 6/1/05

Short Title: Animal Exhibition Sanitation/"Aedin's Law".

(Public)

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Sponsors:

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Referred to:

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March 1, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT "AEDIN'S LAW" TO DIRECT THE COMMISSIONER OF  
3 AGRICULTURE TO ADOPT RULES ESTABLISHING PERMITTING AND  
4 SANITATION REQUIREMENTS FOR ANIMAL EXHIBITIONS.

5 Whereas, contact with animals in public settings such as fairs, farm tours, and  
6 petting zoos provides opportunities for entertainment and education concerning animals  
7 and animal husbandry; and

8 Whereas, inadequate understanding of disease transmission can lead to  
9 infectious diseases among visitors, especially children, in these public settings; and

10 Whereas, in 2004, Aedin, a two-year-old child, and her family visited a  
11 petting zoo in North Carolina; and

12 Whereas, shortly after the visit to the petting zoo, Aedin contracted E. coli  
13 infection, was hospitalized for 36 days, and continues to suffer serious, lifelong  
14 complications from the infection and related Hemolytic Uremic Syndrome (HUS); and

15 Whereas, it is in the interest of the public health of this State to ensure that  
16 proper sanitation and other procedures are in place at fairs and animal exhibitions to  
17 address the potential for disease transmission; Now, therefore,

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** The title to Part 4 of Article 45 of Chapter 106 of the  
20 General Statutes reads as rewritten:

21 "Part 4. Supervision of ~~Fairs~~Fairs and Animal Exhibitions."

22 **SECTION 1.(b)** Part 4 of Article 45 of Chapter 106 of the General Statutes  
23 is amended by adding the following new section to read:

24 "**§ 106-520.3A. Animal exhibition regulation; permit required; civil penalties.**

25 (a) Title. – This section may be referred to as "Aedin's Law". This section  
26 provides for the regulation of animal exhibitions as they may affect the public health  
27 and safety.

28 (b) Definitions. – As used in this section, unless the context clearly requires  
29 otherwise:

1           (1) 'Animal' means only those animals that may transmit infectious  
2           diseases.

3           (2) 'Animal exhibition' means any sanctioned agricultural fair where  
4           animals are displayed on the exhibition grounds for physical contact  
5           with humans.

6           (c) Permit Required. – No animal exhibition may be operated for use by the  
7           general public unless the owner or operator has obtained an operation permit issued by  
8           the Commissioner. The Commissioner may issue an operation permit only after physical  
9           inspection of the animal exhibition and a determination that the animal exhibition meets  
10           the requirements of this section and rules adopted pursuant to this section. The  
11           Commissioner may deny, suspend, or revoke a permit on the basis that the exhibition  
12           does not comply with this section or rules adopted pursuant to this section.

13           (d) Rules. – For the protection of the public health and safety, the Commissioner  
14           of Agriculture, with the advice and approval of the State Board of Agriculture, and in  
15           consultation with the Division of Public Health of the Department of Health and Human  
16           Services, shall adopt rules concerning the operation of and issuance of permits for  
17           animal exhibitions. The rules shall include requirements for:

18           (1) Education and signage to inform the public of health and safety issues.

19           (2) Animal areas.

20           (3) Animal care and management.

21           (4) Transition and nonanimal areas.

22           (5) Hand-washing facilities.

23           (6) Other requirements necessary for the protection of the public health  
24           and safety.

25           (e) Educational Outreach. – The Department shall continue its consultative and  
26           educational efforts to inform agricultural fair operators, exhibitors, agritourism business  
27           operators, and the general public about the health risks associated with diseases  
28           transmitted by physical contact with animals.

29           (f) Civil Penalty. – In addition to the denial, suspension, or revocation of an  
30           operation permit, the Commissioner may assess a civil penalty of not more than five  
31           thousand dollars (\$5,000) against any person who violates a provision of this section or  
32           a rule adopted pursuant to this section. In determining the amount of the penalty, the  
33           Commissioner shall consider the degree and extent of harm caused by the violation.

34           The clear proceeds of civil penalties assessed pursuant to this section shall be  
35           remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

36           (g) Legal Representation by Attorney General. – It shall be the duty of the  
37           Attorney General to represent the Department of Agriculture and Consumer Services or  
38           designate a member of the Attorney General's staff to represent the Department in all  
39           actions or proceedings in connection with this section."

40           **SECTION 2.** This act becomes effective October 1, 2005. The Department  
41           of Agriculture shall use funds available for the 2005-2007 fiscal biennium to implement  
42           this act.