

Article 87.

North Carolina Sweetpotato Act.

§ 106-1065. Title.

This Article shall be known and may be cited as the "North Carolina Sweetpotato Act of 2020. (2020-18, s. 6.)

§ 106-1066. Definitions.

As used in this Article:

- (1) "Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.
- (2) "Department" means the Department of Agriculture and Consumer Services.
- (3) "North Carolina Sweetpotato Quality and Branding Advisory Council" means the advisory council established pursuant to G.S. 106-1070.
- (4) "Person" means an individual, partnership, corporation, association, or any other legal entity. (2020-18, s. 6; 2020-80, s. 2.7(a).)

§ 106-1067. North Carolina sweetpotato brand.

Only sweetpotatoes that are grown in the State of North Carolina may be identified, classified, packaged, labeled, or otherwise designated for sale inside or outside the State as North Carolina sweetpotatoes. (2020-18, s. 6.)

§ 106-1068. Powers of Commissioner to regulate and promote North Carolina sweetpotatoes.

(a) The Commissioner of Agriculture may take all actions necessary and appropriate to create, register, license, promote, and protect a trademark for use on or in connection with the sale or promotion of North Carolina sweetpotatoes and products containing North Carolina sweetpotatoes. The Commissioner may impose and collect a reasonable royalty or license fee per hundredweight of sweetpotatoes for the use of such trademark on products containing North Carolina sweetpotatoes or the packaging containing such sweetpotato products. The Commissioner shall determine the fee in consultation with representatives of the sweetpotato industry and the Marketing Division of the Department of Agriculture and Consumer Services. The Commissioner shall remit all royalties and license fees received from this Article, less any costs associated with monitoring the use of the trademark, prohibiting the unlawful or unauthorized use of the trademark, and enforcing rights in the trademark, to the North Carolina SweetPotato Commission for the promotion of North Carolina sweetpotatoes.

(b) The Board of Agriculture may adopt rules that may include, but are not limited to, quality standards, grades, packing, handling, labeling, and marketing practices for the marketing of sweetpotatoes in this State, and such other rules as are necessary to administer this Article. The Board of Agriculture may also adopt rules establishing a registration, inspection, and verification program for the production and marketing of North Carolina sweetpotatoes in this State. All North Carolina sweetpotatoes sold shall conform to the prescribed standards and grades and shall be labeled accordingly.

(c) The Commissioner and the Commissioner's agents and employees may enter any premises or other property where sweetpotatoes are produced, stored, sold, offered for sale, packaged for sale, transported, or delivered to inspect the sweetpotatoes for the purpose of enforcing the provisions of this Article and the rules adopted under this Article. (2020-18, s. 6.)

§ 106-1069. Standards for grades.

The most recent standards for grades adopted by the United States Department of Agriculture, Agricultural Marketing Service, United States Standards for Grades of Sweet Potatoes are adopted by reference and shall be the standards for grades in this State, except that the Commissioner may establish tolerances or allowable percentages of United States standards each season upon the recommendation of the North Carolina Sweetpotato Quality and Branding Advisory Council. (2020-18, s. 6; 2020-80, s. 2.7(b).)

§ 106-1070. North Carolina Sweetpotato Quality and Branding Advisory Council.

There is established within the Department of Agriculture and Consumer Services the North Carolina Sweetpotato Quality and Branding Advisory Council. The Commissioner of Agriculture shall serve as chair, and the members of the Advisory Council shall be appointed by the North Carolina SweetPotato Commission, to consist of individuals involved in growing, packing, or growing and packing North Carolina sweetpotatoes; at least one sweetpotato processor; at least one sweetpotato retailer; at least one county cooperative extension agent familiar with the production of North Carolina sweetpotatoes; the Executive Director of the North Carolina SweetPotato Commission, and any other person or persons selected by the North Carolina SweetPotato Commission, for the purpose of rendering advice upon the Commissioner's request regarding the exercise of the Commissioner's authority pursuant to G.S. 106-1068. Members shall also provide advice and recommendations to the Commissioner on plant pest regulatory issues affecting sweetpotatoes, over which the Commissioner has regulatory jurisdiction. The North Carolina Sweetpotato Quality and Branding Advisory Council shall meet at least quarterly or as needed upon the request of the Commissioner. Members of the North Carolina Sweetpotato Quality and Branding Advisory Council shall receive no compensation for their service. (2020-18, s. 6; 2020-80, s. 2.7(c).)