

Agriculture and Wildlife

See full summary documents for additional detail

H958 - Felony Death Impaired Boating/Sheyenne's Law. (SL 2016-34)

S.L. 2016-34 creates new offenses for death or serious injury resulting from impaired boating and clarifies the penalty for impaired boating. Please see the full summary for an explanation of those offenses and the penalty level for each offense.

This act becomes effective December 1, 2016, and applies to offenses committed on or after that date.

H992 - Amend Industrial Hemp Program. (SL 2016-93)

S.L. 2016-93 expands the membership of the Industrial Hemp Commission (Commission) from five members to nine, (ii) clarifies the powers and duties of the Commission, including granting rulemaking authority to the Commission and providing that the industrial hemp research program must be managed and coordinated by State land grant universities, (iii) sets out specific responsibilities of licensees and authorized research purposes for the industrial hemp program, including the commercial sale and marketing of industrial hemp, (iv) creates civil and criminal penalties for various violations of the industrial hemp program, and (v) amends the definition of marijuana to allow for the production of industrial hemp when the Commission adopts temporary rules to implement the industrial hemp program.

The civil and criminal penalties become effective December 1, 2016, and apply to offenses committed on or after that date. The remainder of the act became effective July 11, 2016.

H1030 - 2016 Appropriations Act.

Sec. 13.1: Spay/Neuter Program Eligibility. (SL 2016-94)

Sec. 13.1 of S.L. 2016-94 provides that a local government is eligible for reimbursement from the Department of Agriculture and Consumer Services' Spay/Neuter Account if the local government offers a spay/neuter clinic operated by a non-profit organization under contract or other arrangement with the city, regardless of whether the non-profit organization contracts with a local veterinarian to perform the spay/neuter procedures. This section also amends the definition of "Low-income person" for purposes of eligibility for reimbursement from the Spay/Neuter Account to provide that an individual may meet that designation if the person qualifies for a public assistance program administered by the Department of Health and Human Services.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 13.3: Future Farmers of America Pilot Program. (SL 2016-94)

Sec. 13.4 of S.L. 2016-94 appropriates \$60,000 to the Future Farmers of America program at Southern Guilford High School in Guilford County for a pilot program relating to animal science, and \$12,000 apiece to the Future Farmers of America programs at the following high schools for a pilot program relating to animal science and agricultural crop planting: Mountain Heritage High School in Yancey County, Madison High School in Madison County, Central Haywood High School in Haywood County, Pisgah High School in Haywood County, and Tuscola High School in Haywood County. As part of its annual report, the Tobacco Trust Fund Commission must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on program activities, objectives, and itemized expenditures from these funds.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 13.4: Healthy Food Small Retailer Program. (SL 2016-94)

Sec. 13.4 of S.L. 2016-94, as amended by Sec. 6.3 of S.L. 2016-123, directs the Department of Agriculture and Consumer Services (DACS) to create a program to reimburse small food retailers for expenditures relating to enhancing access to healthy foods in food desert zones. Funds may be used to reimburse small food retailers for the purchase and installation of refrigeration equipment, display shelving, and other equipment necessary for stocking nutrient-dense foods. \$250,000 is appropriated to the program, and DACS may reimburse a single small food retailer up to \$25,000. To be eligible for the program, a small food retailer must accept or agree to accept Supplemental Nutrition Assistance Program (SNAP) and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits. DACS must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division by October 1, 2017, on the activities, number of small food retailers receiving reimbursement, how funds were used by the small food retailers, and the gross amount of food in dollars sold to customers by participating small food retailers.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 14.14: Mattamuskeet Lodge Transfer and Advanced Planning. (SL 2016-94)

Sec. 14.14 of S.L. 2016-94 transfers authority and management of the Mattamuskeet Lodge (Lodge) in Hyde County, which was transferred from the federal government in 2006 (P.L. 109-358), from the Department of Natural and Cultural Resources to the Wildlife Resources Commission (WRC). This section also directs WRC to undertake advanced planning for the completion of renovations to the Lodge and to explore opportunities for a public-private partnership for future operation of the Lodge to optimize the sustainability and benefit of the Lodge to the community and authorizes WRC to use \$200,000 of funds appropriated to it for the 2016-2017 fiscal year for this purpose. WRC must report to the Joint

Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than January 15, 2017, regarding its implementation of the requirements of this section.

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 14A.1: Amend Membership of Outdoor Heritage Advisory Council. (SL 2016-94)

Sec. 14A.1 of S.L. 2016-94 amends the Outdoor Heritage Advisory Council by adding two additional members to the Council, one appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and one appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. The two new members will serve an initial term of two years, beginning October 1, 2016.

This section became effective July 1, 2016.

S770 - North Carolina Farm Act of 2016.

Sec.1: Provide the Department of Agriculture and Consumer Services with Enforcement Authority for the Program Governing Bedding Improperly Made, Sanitized, or Tagged. (SL 2016-113)

Sec. 1 of S.L. 2016-113 grants the Department of Agriculture and Consumer Services (DACS) several new powers to enforce the DACS bedding sanitation program. This section grants DACS the authority to detain or embargo bedding products suspected of being adulterated or misbranded, and allows DACS to petition for the products to be condemned. This section also authorizes the Commissioner of Agriculture (Commissioner) to petition the superior court for an injunction and assess a civil penalty of not more than \$2,500 against a person in violation of the bedding laws. This section also makes a violation of the bedding laws a Class 2 misdemeanor. If a person receives written notice of a violation from the Commissioner and continues to violate the Article, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation.

This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

S770 - North Carolina Farm Act of 2016.

Sec. 3: Allow Wildlife Management Agencies to Cull Feral Swine from Aircraft. (SL 2016-113)

Sec. 3 of S.L. 2016-113 authorizes employees of the Wildlife Resources Commission and employees of federal agencies whose responsibilities include fisheries and wildlife management, such as the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA-APHIS), to cull feral swine from aircraft with the written permission of the landowner. This activity is prohibited in coastal counties during waterfowl season.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 4: Direct Department of Agriculture and Consumer Services to Inspect Rendering Plants. (SL 2016-113)

Sec. 4 of S.L. 2016-113 eliminates the rendering plant inspection committee that existed under prior law, which was composed of an employee of the Department of Agriculture and Consumer Services, an employee of the Department of Health and Human Services, and a person having practical knowledge of rendering operations, and directs the Commissioner of Agriculture or the Commissioner's designee to inspect rendering operations.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 5: Require Training for Appointed and Elected Soil and Water District Supervisors. (SL 2016-113)

Sec. 5 of S.L. 2016-113 requires that both elected and appointed soil and water district supervisors annually receive six hours of training in soil, water, and natural resources conservation and in the duties and responsibilities of district supervisors. The training may be provided by the School of Government at the University of North Carolina at Chapel Hill or other sources approved by the Soil and Water Conservation Commission.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 6: Board of Agriculture Rule-Making Authority for Animal Shelter Support Fund. (SL 2016-113)

Sec. 6 of S.L. 2016-113 directs the Board of Agriculture, rather than the Animal Welfare Section of the Department of Agriculture and Consumer Services, to adopt rules detailing eligible expenses and application guidelines for the Animal Shelter Support Fund (Fund). The Animal Welfare Section does not have rulemaking authority. This section also gives the Board of Agriculture temporary rulemaking authority to administer the Fund.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 7: Rule-Making Exemption for Forest Management Plans. (SL 2016-113)

Sec. 7 of S.L. 2016-113 exempts the Board of Agriculture from the rulemaking requirements of the Administrative Procedure Act with respect to the adoption of fee schedules for the preparation of forest management plans by the North Carolina Forest Service.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 8: Allow Local Preference for School Food Procurement. (SL 2016-113)

Sec. 8 of S.L. 2016-113 allows a local board of education to develop and implement policies and procedures to facilitate and maximize purchases of food grown or raised in North Carolina. This includes policies that permit a price percentage preference for the purpose of procuring food grown or raised within the State. A price percentage preference is the percent by which a responsive bid from a responsible bidder whose product is grown or raised in the State may exceed the lowest responsive bid submitted by a responsible bidder whose product is not grown or raised in the State.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 9: Allow Chorionic Gonadotropin Injections for Veterinary Use. (SL 2016-113)

Sec. 9 of S.L. 2016-113 exempts chorionic gonadotropin from the list of Schedule III controlled substances when administered by injection for veterinary use by a licensed veterinarian or the veterinarian's designated agent.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 11: Establish Voluntary Assessment on Deer Feed. (SL 2016-113)

Sec. 11 of S.L. 2016-113 creates a voluntary assessment on farmed cervid feed to be administered by the North Carolina Deer and Elk Farmers Association ("Association"), not to exceed four dollars (\$4.00) per ton of farmed cervid feed. The assessment may not be levied for a period longer than ten years. All funds paid into the assessment are refundable upon written request to the Association.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 14: Exempt Horticultural Uses From the Sedimentation Pollution Control Act. (SL 2016-113)

Sec. 14 of S.L. 2016-113 exempts production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, including the production of mulch, ornamental plants, sod, and other horticultural products, from the Sedimentation Pollution Control Act.

This section became effective July 26, 2016.

S770 - North Carolina Farm Act of 2016.

Sec. 15: Clarify Eligibility for Expanded Gas Products Service to Agriculture Fund. (SL 2016-113)

Sec. 15 of S.L. 2016-113 modifies the eligibility requirements for the Expanded Gas Products Service to Agriculture Fund by providing that an eligible project is a project for an agricultural operation or agricultural processing facility that requests natural gas or propane gas service. Under prior law in order to be eligible, a project would have been required to expand the agricultural or processing capabilities of the facility.

This section became effective July 26, 2016.