

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 816

Short Title: Alligator/Yellow Perch Production.

(Public)

Sponsors: Senator Conder.

Referred to: Finance.

April 14, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF COMMERCIALY
RAISED ALLIGATORS AND YELLOW PERCH AND TO PROVIDE FOR THE
INSPECTION OF ALLIGATOR MEAT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-761(c) reads as rewritten:

"(c) Species with special restrictions.

(1) Hybrid striped bass. The hybrid striped bass shall be subject to rules adopted by the Board of Agriculture in all river basins of the State except for the Neuse, Roanoke, and Tar/Pamlico River basins. In these basins production, propagation, and holding facilities shall comply with additional escapement prevention measures as prescribed by the Wildlife Resources Commission.

(2) Yellow perch. The yellow perch may be held or grown on all licensed facilities east of Interstate Highway 77. Permission shall be obtained from the Wildlife Resources Commission before yellow perch may be held or raised pursuant to this subsection. For purposes of this subsection, 'yellow perch' means *perca flavescens*.

(3) Alligators. American alligators may be held or grown if all of the following requirements are satisfied:

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- 1 a. Only hatchlings that have been permanently tagged and are
2 permitted for export from their state of origin may be possessed.
3 The farmer shall maintain records of the hatchlings that have
4 been permanently tagged and make these records available for
5 inspection by the Wildlife Resources Commission and the
6 Department upon request.
- 7 b. All production facilities shall prepare and implement a
8 confinement plan prior to stocking the facility. Confinement
9 plans shall comply with guidelines developed and adopted by the
10 Wildlife Resources Commission. The Department may inspect
11 the confinement area to determine whether the farmer is
12 complying with the confinement plan. As used in this sub-
13 subdivision, confinement includes production within a building
14 (or similar structure) and a perimeter fence.
- 15 c. The use of swine, poultry, or other livestock for feed shall
16 comply with a disease management plan that has received the
17 approval of the State Veterinarian.
- 18 d. All activities shall be in compliance with the Endangered Species
19 Act and the Convention on International Trade in Endangered
20 Species. The Department is the State agency responsible for the
21 administration of this program for farm-raised alligators.
- 22 e. Possession of untagged or undocumented alligators is a Class H
23 felony. Possession or taking of alligators from the wild in North
24 Carolina shall also result in a license revocation for the facility
25 and operator for a period of five years."

26 Section 2. Article 49 of Chapter 106 of the General Statutes reads as rewritten:

27 **"ARTICLE 49H.**

28 "Production and Sale of Fallow ~~Deer~~-Deer and American Alligator.

29 **"§ 106-549.97. Regulation of fallow deer and American alligator by Department of**
30 **Agriculture; certain authority of North Carolina Wildlife Resources**
31 **Commission not affected.**

32 (a) The Department of Agriculture shall regulate the production and sale of fallow
33 deer and American alligator for food purposes. The Board of Agriculture shall adopt
34 rules for the production and sale of fallow deer and American alligator for food purposes
35 in such a manner as to provide for close supervision of any person, firm, or corporation
36 producing and selling fallow deer or American alligator, or both, for food purposes.

37 As used in this section, 'fallow deer' (*Dama dama* spp.) means a small European deer
38 raised commercially for production and sale for food purposes.

39 (b) The North Carolina Wildlife Resources Commission shall regulate the
40 possession and transportation of live fallow deer and live American alligators and may
41 adopt rules to prevent the release or escape of fallow deer or American alligators, or both,
42 upon finding that it is necessary to protect live fallow deer or live American alligators, or

1 ~~both, or to prevent damage to the either or both of these native deer population-populations~~
2 ~~or its habitat-their habitats."~~

3 **"§ 106-549.98. Inspection fees.**

4 The Commissioner may establish a fee at an hourly rate to be paid by the owner,
5 proprietor, or operator of each slaughtering, meat-canning, salting, packing, rendering, or
6 similar establishment for the purpose of defraying the expenses incurred in the inspection
7 of fallow deer as required by Article 49B of Chapter 106 of the General Statutes. The
8 Commissioner may establish a fee at an hourly rate to be paid by the owner, proprietor, or
9 operator of each slaughtering, meat-canning, salting, packing, rendering, or similar
10 establishment for the purpose of defraying the expenses incurred in the inspection of
11 American alligators as required by Article 49B of Chapter 106 of the General Statutes."

12 Section 3. G.S. 106-549.15(14) reads as rewritten:

13 "(14) 'Meat food product' means any product capable of use as human food
14 that is made wholly or in part from any meat or other portion of the
15 carcass of any cattle, sheep, swine, goats, bison, ~~or~~-fallow deer, or
16 American alligator excepting products that contain meat or other
17 portions of such carcasses only in a relatively small proportion or
18 historically have not been considered by consumers as products of the
19 meat food industry, and that are exempted from definition as a meat
20 food product by the Board under such conditions as it may prescribe to
21 assure that the meat or other portions of such carcasses contained in
22 such product are not adulterated and that such products are not
23 represented as meat food products. This term as applied to food
24 products of equines shall have a meaning comparable to that provided in
25 this subdivision with respect to cattle, sheep, swine, goats, and bison."

26 Section 4. G.S. 106-549.15(22) reads as rewritten:

27 "(22) 'Renderer' means any person, firm, or corporation engaged in the
28 business of rendering carcasses, or parts or products of the carcasses, of
29 cattle, sheep, swine, goats, fallow deer, American alligator, horses,
30 mules, or other equines, except rendering conducted under inspection
31 under this Article."

32 Section 5. G.S. 106-549.17 reads as rewritten:

33 **"§ 106-549.17. Inspection of animals before slaughter; humane methods of**
34 **slaughtering.**

35 (a) For the purpose of preventing the use in intrastate commerce, as hereinafter
36 provided, of meat and meat food products which are adulterated, the Commissioner shall
37 cause to be made, by inspectors appointed for that purpose, an examination and
38 inspection of all cattle, sheep, swine, goats, fallow deer, American alligator, bison,
39 horses, mules, and other equines before they shall be allowed to enter into any
40 slaughtering, packing, meat-canning, rendering, or similar establishment in this State in
41 which slaughtering and preparation of meat and meat food products of such animals are
42 conducted for intrastate commerce; and all cattle, sheep, swine, goats, fallow deer,
43 American alligator, bison, horses, mules, and other equines found on such inspection to

1 show symptoms of disease shall be set apart and slaughtered separately from all other
2 cattle, sheep, swine, goats, fallow deer, American alligator, bison, horses, mules, or other
3 equines, and when so slaughtered, the carcasses of said cattle, sheep, swine, goats, fallow
4 deer, American alligator, bison, horses, mules, or other equines shall be subject to a
5 careful examination and inspection, all as provided by the rules and regulations to be
6 prescribed by the Board as herein provided for.

7 (b) For the purpose of preventing the inhumane slaughtering of livestock, the
8 Commissioner shall cause to be made, by inspectors appointed for that purpose, an
9 examination and inspection of the method by which cattle, sheep, swine, goats, fallow
10 deer, American alligator, bison, horses, mules, and other equines are slaughtered and
11 handled in connection with slaughter in the slaughtering establishments inspected under
12 this law. The Commissioner may refuse to provide inspection to a new slaughtering
13 establishment or may cause inspection to be temporarily suspended at a slaughtering
14 establishment if the Commissioner finds that any cattle, sheep, swine, goats, fallow deer,
15 American alligator, bison, horses, mules, or other equines have been slaughtered or
16 handled in connection with slaughter at such establishment by any method not in
17 accordance with subsection (c) of this section until the establishment furnishes assurances
18 satisfactory to the Commissioner that all slaughtering and handling in connection with
19 slaughter of livestock shall be in accordance with such a method.

20 (c) Either of the following two methods of slaughtering of livestock and handling
21 of livestock in connection with slaughter are found to be humane:

- 22 (1) In the case of cattle, calves, fallow deer, American alligator, bison,
23 horses, mules, sheep, swine, and other livestock, all animals are
24 rendered insensible to pain by a single blow or gunshot or an electrical,
25 chemical, or other means that is rapid and effective, before being
26 shackled, hoisted, thrown, cast, or cut; or
27 (2) By slaughtering in accordance with the ritual requirements of the Jewish
28 faith or any other religious faith that prescribes a method of slaughter
29 whereby the animal suffers loss of consciousness by anemia of the brain
30 caused by the simultaneous and instantaneous severance of the carotid
31 arteries with a sharp instrument and handling in connection with such
32 slaughtering.

33 Section 6. G.S. 106-549.18 reads as rewritten:

34 **"§ 106-549.18. Inspection; stamping carcass.**

35 For the purposes hereinbefore set forth the Commissioner shall cause to be made by
36 inspectors appointed for that purpose, as hereinafter provided, a post mortem examination
37 and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, fallow
38 deer, American alligator, bison, horses, mules, and other equines, capable of use as
39 human food, to be prepared at any slaughtering, meat-canning, salting, packing,
40 rendering, or similar establishment in this State in which such articles are prepared for
41 intrastate commerce; and the carcasses and parts thereof of all such animals found to be
42 not adulterated shall be marked, stamped, tagged, or labeled, as 'Inspected and Passed';
43 and said inspectors shall label, mark, stamp, or tag as 'Inspected and Condemned,' all

1 carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts
2 thereof thus inspected and condemned shall be destroyed for food purposes by the said
3 establishment in the presence of an inspector, and the Commissioner or his authorized
4 representative may remove inspectors from any such establishment which fails to so
5 destroy any such condemned carcass or part thereof, and said inspectors, after said first
6 inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to
7 determine whether since the first inspection the same have become adulterated and if any
8 carcass or any part thereof shall, upon examination and inspection subsequent to the first
9 examination and inspection, be found to be adulterated, it shall be destroyed for food
10 purposes by the said establishment in the presence of an inspector, and the Commissioner
11 or his authorized representative may remove inspectors from any establishment which
12 fails to [do] so destroy any such condemned carcass or part thereof."

13 Section 7. G.S. 106-549.19 reads as rewritten:

14 **"§ 106-549.19. Application of Article; place of inspection.**

15 The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle,
16 sheep, swine, goats, fallow deer, American alligator, bison, horses, mules, and other
17 equines or the meat or meat products thereof, capable of use as human food, which may
18 be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar
19 establishment, where inspection under this Article is maintained, and such examination
20 and inspection shall be had before the said carcasses or parts thereof shall be allowed to
21 enter into any department wherein the same are to be treated and prepared for meat food
22 products; and the foregoing provisions shall also apply to all such products which, after
23 having been issued from any such slaughtering, meat-canning, salting, packing,
24 rendering, or similar establishment, shall be returned to the same or to any similar
25 establishment where such inspection is maintained. The Commissioner or his authorized
26 representative may limit the entry of carcasses, part of carcasses, meat and meat food
27 products, and other materials into any establishment at which inspection under this
28 Article is maintained, under such conditions as he may prescribe to assure that allowing
29 the entry of such articles into such inspected establishments will be consistent with the
30 purposes of this and the subsequent Article."

31 Section 8. G.S. 106-549.22 reads as rewritten:

32 **"§ 106-549.22. Rules and regulations of Board.**

33 The Commissioner or his authorized representative shall cause to be made, by experts
34 in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-
35 canning, salting, packing, rendering, or similar establishments in which cattle, sheep,
36 swine, goats, fallow deer, American alligator, bison, horses, mules, and other equines are
37 slaughtered and the meat and meat food products thereof are prepared for intrastate
38 commerce as may be necessary to inform himself concerning the sanitary conditions of
39 the same, and the Board shall prescribe the rules and regulations of sanitation under
40 which such establishments shall be maintained; and where the sanitary conditions of any
41 such establishment are such that the meat or meat food products are rendered adulterated,
42 the Commissioner or his authorized representative shall refuse to allow said meat or meat

1 food products to be labeled, marked, stamped, or tagged as 'North Carolina Department
2 of Agriculture Inspected and Passed.'

3 Section 9. G.S. 106-549.23 reads as rewritten:

4 **"§ 106-549.23. Prohibited slaughter, sale and transportation.**

5 No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats,
6 fallow deer, American alligator, bison, horses, mules, or other equines, or any carcasses,
7 parts of carcasses, meat or meat food products of any such animals:

- 8 (1) Slaughter any of these animals or prepare any of these articles which are
9 capable of use as human food, at any establishment preparing any such
10 articles for intrastate commerce except in compliance with the
11 requirements of this and the subsequent Article;
- 12 (2) Slaughter, or handle in connection with slaughter, any such animals in
13 any manner not in accordance with G.S. 106-549.17(c) of this Article;
- 14 (3) Sell, transport, offer for sale or transportation, or receive for
15 transportation, in intrastate commerce:
- 16 a. Any of these articles which (i) are capable of use as human food
17 and (ii) are adulterated or misbranded at the time of sale,
18 transportation, offer for sale or transportation, or receipt for
19 transportation; or
- 20 b. Any articles required to be inspected under this Article unless
21 they have been so inspected and passed; or
- 22 (4) Do, with respect to any of these articles which are capable of use as
23 human food, any act while they are being transported in intrastate
24 commerce or held for sale after such transportation, which is intended to
25 cause or has the effect of causing the articles to be adulterated or
26 misbranded."

27 Section 10. G.S. 106-549.25 reads as rewritten:

28 **"§ 106-549.25. Slaughter, sale and transportation of equine carcasses.**

29 No person, firm, or corporation shall sell, transport, offer for sale or transportation, or
30 receive for transportation, in intrastate commerce, any carcasses of horses, mules, or
31 other equines or parts of such carcasses, or the meat or meat food products thereof, unless
32 they are plainly and conspicuously marked or labeled or otherwise identified as required
33 by regulations prescribed by the Board to show the kinds of animals from which they
34 were derived. When required by the Commissioner or his authorized representative, with
35 respect to establishments at which inspection is maintained under this Article, such
36 animals and their carcasses, parts thereof, meat and meat food products shall be prepared
37 in establishments separate from those in which cattle, sheep, swine, fallow deer,
38 American alligator, bison, or goats are slaughtered or their carcasses, parts thereof, meats
39 or meat food products are prepared."

40 Section 11. G.S. 106-549.26 reads as rewritten:

41 **"§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.**

42 The Commissioner or his authorized representative shall appoint from time to time
43 inspectors to make examination and inspection of all cattle, sheep, swine, goats, fallow

1 deer, American alligator, bison, horses, mules, and other equines the inspection of which
2 is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat
3 food products thereof, and of the sanitary conditions of all establishments in which such
4 meat and meat food products hereinbefore described are prepared; and said inspectors
5 shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat food
6 product therefrom, prepared in any establishment hereinbefore mentioned, until the same
7 shall have actually been inspected and found to be not adulterated; and shall perform such
8 other duties as are provided by this and the subsequent Article and by the rules and
9 regulations to be prescribed by said Board and said Board shall, from time to time, make
10 such rules and regulations as are necessary for the efficient execution of the provisions of
11 this and the subsequent Article, and all inspections and examinations made under this
12 Article shall be such and made in such manner as described in the rules and regulations
13 prescribed by said Board not inconsistent with the provisions of this Article and as
14 directed by the Commissioner or his authorized representative. Any person, firm, or
15 corporation, or any agent or employee of any person, firm, or corporation, who shall give,
16 pay, or offer, directly or indirectly, to any inspector, or any other officer or employee of
17 this State authorized to perform any of the duties prescribed by this and the subsequent
18 Article or by the rules and regulations of the Board or by the Commissioner or his
19 authorized representative any money or other thing of value, with intent to influence said
20 inspector, or other officer or employee of this State in the discharge of any duty herein
21 provided for, shall be deemed guilty of a Class I felony which may include a fine not less
22 than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000); and
23 any inspector, or other officer or employee of this State authorized to perform any of the
24 duties prescribed by this Article who shall accept any money, gift, or other thing of value
25 from any person, firm, or corporation, or officers, agents, or employees thereof, given
26 with intent to influence his official action, or who shall receive or accept from any
27 person, firm, or corporation engaged in intrastate commerce any gift, money, or other
28 thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a
29 Class I felony and shall, upon conviction thereof, be summarily discharged from office
30 and may be punished by a fine not less than five hundred dollars (\$500.00) nor more than
31 ten thousand dollars (\$10,000)."

32 Section 12. G.S. 106-549.27(a) reads as rewritten:

33 "(a) The provisions of this Article requiring inspection of the slaughter of animals
34 and the preparation of the carcasses, parts thereof, meat and meat food products at
35 establishments conducting such operations shall not

36 (1) Apply to the slaughtering by any person of animals of his own raising,
37 and the preparation by him and transportation in intrastate commerce of
38 the carcasses, parts thereof, meat and meat food products of such
39 animals exclusively for use by him and members of his household and
40 his nonpaying guests and employees; nor

41 (2) To the custom slaughter by any person, firm, or corporation of cattle,
42 sheep, swine, fallow deer, American alligator, bison, or goats delivered
43 by the owner thereof for such slaughter, and the preparation by such

1 slaughter and transportation in intrastate commerce of the carcasses,
2 parts thereof, meat and meat food products of such animals, exclusively
3 for use, in the household of such owner, by him, and members of his
4 household and his nonpaying guests and employees: Provided, that all
5 carcasses, parts thereof, meat and meat food products derived from
6 custom slaughter shall be identified as required by the Commissioner,
7 during all phases of slaughtering, chilling, cooling, freezing, packing,
8 meat canning, rendering, preparation, storage and transportation;
9 provided further, that the custom slaughter does not engage in the
10 business of buying or selling any carcasses, parts thereof, meat or meat
11 food products of any cattle, sheep, swine, goats, fallow deer, American
12 alligator, bison, or equines, capable of use as human food, unless the
13 carcasses, parts thereof, meat or meat food products have been inspected
14 and passed and are identified as having been inspected and passed by
15 the Commissioner or the United States Department of Agriculture."

16 Section 13. G.S. 106-549.28 reads as rewritten:

17 "**§ 106-549.28. Regulation of storage of meat.**

18 The Board may by regulations prescribe conditions under which carcasses, parts of
19 carcasses, meat, and meat food products of cattle, sheep, swine, goats, fallow deer,
20 American alligator, bison, horses, mules, or other equines, capable of use as human food,
21 shall be stored or otherwise handled by any person, firm, or corporation engaged in the
22 business of buying, selling, freezing, storing, or transporting, in or for intrastate
23 commerce, such articles, whenever the Board deems such action necessary to assure that
24 such articles will not be adulterated or misbranded when delivered to the consumer.
25 Willful violation of any such regulation is a Class 2 misdemeanor."

26 Section 14. No later than October 31, 1997, the Department of Agriculture
27 shall adopt rules to implement this act.

28 Section 15. This act is effective when it becomes law.