

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 218
Committee Substitute Favorable 4/19/01
Committee Substitute #2 Favorable 4/25/01
Senate Judiciary I Committee Substitute Adopted 6/26/01

Short Title: Injury to Commodities or Production Systems.

(Public)

Sponsors:

Referred to:

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR DOUBLE DAMAGES FOR THE INJURY TO, OR THE
DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION
SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 43 of Chapter 1 of the General Statutes is amended by
adding a new section to read:

**"§ 1-539.2B. Double damages for injury to agricultural commodities or production
systems; define value of agricultural commodities grown for educational,
testing, or research purposes.**

(a) Any person who unlawfully and willfully injures or destroys any other
person's agricultural commodities or production system is liable to the owner for double
the value of the commodities or production system injured or destroyed.

(b) For purposes of this section, the value of agricultural commodities that are
grown for educational, testing, or research purposes includes all of the following:

(1) The diminution in market value of the commodities when the
commodities were grown for sale and the plaintiff is the entity who
sold the commodities or would have sold the commodities but for their
injury or destruction.

(2) Costs to the plaintiff for research and development of the injured or
destroyed commodities.

(3) Other incidental and consequential damages proven to have been
incurred by the plaintiff.

(c) For the purpose of this section, the following definitions apply:

(1) 'Agricultural commodities' means:

a. Commodities produced for individual and public use,
consumption, and marketing from one of the following:

- 1 1. The cultivation of soil or hydroponics or any other
2 method of production for crops, including fruits,
3 vegetables, flowers, and ornamental plants.
4 2. The planting and production of trees, timber, forests, or
5 forest products.
6 3. The raising of livestock, poultry, and eggs.
7 4. Aquaculture as defined in G.S. 106-758.
8 b. Seed, genetic material, tissue cultures, and any research and
9 development materials, information, and records related to
10 items included in subdivision (1)a. of this subsection developed
11 or used for educational, testing, or research purposes.
12 (2) 'Production systems' means land, buildings, and equipment used in the
13 production of agricultural commodities, including aquaculture
14 facilities as defined in G.S. 106-758."

15 **SECTION 2.** This act becomes effective October 1, 2001, and applies to acts
16 that occur on or after that date.