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HOUSE BILL 965*
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Short Title: Control Foot & Mouth/Animal Disease Outbreaks. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. PROVISIONS TO STRENGTHEN THE AUTHORITY OF THE STATE VETERINARIAN.

SECTION 1. Part 9 of Article 34 of Chapter 106 of the General Statutes is amended by adding two new sections to read:

"§ 106-399.4. Imminent threat of contagious animal disease; emergency measures and procedures.

(a) When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, that there is an imminent threat within the State of a contagious animal disease that has the potential for very serious and rapid spread, is of serious socioeconomic and public health consequence, or is of major importance in the international trade of animals and animal products, the State Veterinarian or an authorized representative may develop and implement any emergency measures and procedures that the State Veterinarian determines necessary to prevent and control the animal disease.

(b) Written notice of emergency procedures and measures implemented under this section, including an identification of the disease threat and a description of any potentially infected area and animal, shall be mailed or delivered to news media, farm organizations, agriculture agencies, and any other interested or affected parties as determined by the State Veterinarian. Such emergency procedures and measures may include, but are not limited to, restrictions on the transportation of any potentially infected animals, restrictions on the transportation of agriculture products and other commodities into and out of potentially infected areas, restrictions on access to

1 potentially infected areas, quarantines under G.S. 106-401(a), emergency disinfectant
2 and other control measures at all portals of entry into the State, including airports, ports,
3 and other transportation corridors, and any other measures necessary to prevent and
4 control the threat of disease infection.

5 (c) All State agencies and political subdivisions of the State shall cooperate with
6 the implementation of the emergency procedures and measures developed under this
7 section. All State agencies and political subdivisions of the State shall comply with the
8 emergency procedures and measures developed under this section.

9 (d) When determined by the State Veterinarian, in consultation with the
10 Commissioner of Agriculture and with the approval of the Governor, that there is an
11 imminent threat within the State of a contagious animal disease that has the potential for
12 very serious and rapid spread, is of serious socioeconomic and public health
13 consequence, or is of major importance in the international trade of animals and animal
14 products, the State Veterinarian or an authorized representative may enter any property
15 in the State to examine any animal that the State Veterinarian has reasonable grounds to
16 believe is infected with or exposed to a contagious animal disease. The owner or
17 operator of the premises on which the animal is located shall permit entry on the
18 premises by the State Veterinarian or an authorized representative and shall cooperate
19 with the State Veterinarian or an authorized representative. The provisions of G.S. 106-
20 401(a) with respect to obtaining an emergency order do not apply to this subsection.

21 **"§ 106-399.5. Warrantless inspections.**

22 When determined by the State Veterinarian, in consultation with the Commissioner
23 of Agriculture and with the approval of the Governor, that there is an imminent threat
24 within the State of a contagious animal disease that has the potential for very serious
25 and rapid spread, is of serious socioeconomic and public health consequence, or is of
26 major importance in the international trade of animals and animal products, the State
27 Veterinarian or an authorized representative may stop and inspect without a warrant any
28 individual or any motor vehicle on a public or private road that is moving:

- 29 (1) Into the State from any other country, to determine whether the
30 individual or motor vehicle is carrying any animal or any article that is
31 capable of introducing or spreading the animal disease.
32 (2) In interstate commerce, upon probable cause to believe that the
33 individual or motor vehicle is carrying any animal or any article that is
34 capable of introducing or spreading the animal disease.
35 (3) In intrastate commerce from any other portion of the State or from any
36 premises or area quarantined under G.S. 106-401, upon probable cause
37 to believe that the individual or motor vehicle is carrying any animal
38 or any article that is capable of introducing or spreading the animal
39 disease."

40 **SECTION 2.** G.S. 106-401 reads as rewritten:

41 **"§ 106-401. State Veterinarian authorized to quarantine.**

1 (a) The State Veterinarian or ~~his~~an authorized representative ~~is authorized to go~~
2 ~~upon or may~~ enter any property in the ~~State, or to State or stop~~ any motor vehicle on a
3 public or private road to examine any animal ~~which he~~that the State Veterinarian has
4 reasonable grounds to believe is affected with or exposed to a contagious animal
5 disease. If ~~such the~~ person refuses to consent to ~~such the~~ entry and examination after the
6 State Veterinarian or ~~his~~an authorized representative ~~shall have~~has notified, in writing,
7 the owner or person in whose custody ~~such animal or animals are~~the animal is found, of
8 ~~his the~~ intention to enter ~~such the~~ property and conduct ~~such the~~ examination, the State
9 Veterinarian or ~~his~~an authorized representative may petition the district court in the
10 county where ~~such animal or animals are~~the animal is found for an emergency order
11 authorizing ~~such the~~ entry and examination. The State Veterinarian or ~~his~~an authorized
12 representative may quarantine any animal affected with or exposed to a contagious
13 disease, or injected with or otherwise exposed to any material capable of producing a
14 contagious disease and shall give public notice of ~~such the~~ quarantine by posting or
15 placarding with a suitable quarantine sign the entrance to any part of the premises on
16 which ~~such the~~ animal is held. ~~Such~~The animal is toshall be maintained by the owner of
17 the animal or person in charge as provided in G.S. 106-400 through 106-405~~the owner~~
18 or operator of the premises in accordance with this Part at the ~~owner's or person's in~~
19 ~~charge~~expense of the owner of the animal or the owner or operator of the
20 premises. No animal under quarantine shall be removed from the place of quarantine
21 ~~except upon a written permit from~~unless permitted by the State Veterinarian or ~~his~~an
22 authorized ~~representative~~representative. ~~Such~~representative in writing. The quarantine shall remain in
23 effect until cancelled by official written notice from the State Veterinarian or ~~his~~an
24 authorized ~~representative and such~~representative, and the quarantine shall not be
25 cancelled until any sick or diseased animal has been properly disposed of and the
26 premises have been properly cleaned and disinfected.

27 (b) When determined by the State Veterinarian, in consultation with the
28 Commissioner of Agriculture and with the approval of the Governor, that there is an
29 imminent threat within the State of a contagious animal disease that has the potential for
30 very serious and rapid spread, is of serious socioeconomic and public health
31 consequence, or is of major importance in the international trade of animals and animal
32 products, the State Veterinarian or an authorized representative may quarantine areas
33 within the State. As part of the quarantine under this subsection, the State Veterinarian
34 or an authorized representative may enter any property in the State to examine any
35 animal, to obtain blood and tissue samples for testing for the animal disease, and for any
36 other reason directly related to preventing or controlling the animal disease, and may
37 stop motor vehicles on a public or private road. The provisions of subsection (a) of this
38 section with respect to obtaining an emergency order do not apply to this subsection.
39 Written notice of the quarantine, including a description of the area and the type of
40 animal affected by the disease, shall be mailed or delivered to news media, farm
41 organizations, agriculture agencies, and other entities reasonably calculated to give
42 notice of the quarantine to affected animal owners, to the owners or operators of

1 affected premises, and to the public. No animal subject to the quarantine shall be moved
2 to any other premises unless permitted by the State Veterinarian or an authorized
3 representative in writing."

4 **SECTION 3.** Part 9 of Article 34 of Chapter 106 of the General Statutes is
5 amended by adding the following section:

6 **"§ 106-402.1. Movement of animals prohibited; destruction of animals to control**
7 **animal disease authorized.**

8 (a) When determined by the State Veterinarian, in consultation with the
9 Commissioner of Agriculture and with the approval of the Governor, that there is an
10 imminent threat within the State of a contagious animal disease that has the potential for
11 very serious and rapid spread, is of serious socioeconomic and public health
12 consequence, or is of major importance in the international trade of animals and animal
13 products or that it is necessary to control a contagious animal disease, the State
14 Veterinarian or an authorized representative may prohibit the movement of any animal
15 to or from any premises used for shows, sales, markets, fairs, exhibitions, processing or
16 rendering facilities, or other public or private assembly or may prohibit commingling of
17 animals. Written notice of the prohibition under this subsection shall be mailed,
18 delivered, or otherwise provided to the owner or operator of the premises by any means
19 reasonably calculated to give notice. The owner or operator of the premises shall not
20 permit any animal to enter or remain on the premises in violation of this section.

21 (b) When determined by the State Veterinarian, in consultation with the
22 Commissioner of Agriculture and with the approval of the Governor, that there is an
23 imminent threat within the State of a contagious animal disease that has the potential for
24 very serious and rapid spread, is of serious socioeconomic and public health
25 consequence, or is of major importance in the international trade of animals and animal
26 products or that it is necessary to control a contagious animal disease, the State
27 Veterinarian may order the destruction of any animal and, after consulting with the State
28 Health Director, the proper disposal of the animal. G.S. 106-403 does not apply to the
29 disposal of animals under this subsection. The order shall be in writing and shall include
30 the manner in which the destruction of the animal will be carried out. The order shall be
31 delivered to the owner of the animal and the owner or operator of the premises on which
32 the animal is located by certified mail or any other means reasonably calculated to give
33 the owner of the animal and the owner or operator of the premises notice. In the event
34 the owner of the animal and the owner or operator of the premises cannot be notified,
35 the State Veterinarian or an authorized representative may seize and destroy the animal.
36 The owner or operator of the premises on which the animal is located shall permit entry
37 on the premises by the State Veterinarian or an authorized representative and shall
38 cooperate with the State Veterinarian or an authorized representative. The provisions of
39 G.S. 106-401(a) with respect to obtaining an emergency order do not apply to this
40 subsection.

41 (c) When determined by the State Veterinarian, in consultation with the
42 Commissioner of Agriculture and with the approval of the Governor, that there is an

1 imminent threat within the State of a contagious animal disease that has the potential for
2 very serious and rapid spread, is of serious socioeconomic and public health
3 consequence, or is of major importance in the international trade of animals and animal
4 products or that it is necessary to control a contagious animal disease, the State
5 Veterinarian may require the Executive Director of the Wildlife Resources Commission
6 to develop a plan to address the movement of wildlife and the destruction of wildlife."

7 **SECTION 4.** G.S. 106-405 reads as rewritten:

8 **"§ 106-405. ~~Violation made misdemeanor.~~ Prohibited acts; penalties.**

9 (a) ~~Any~~ Except as provided in G.S. 106-404, any person or persons who shall
10 knowingly and willfully violate ~~violates~~ any provision of G.S. 106-400 to 106-403 shall
11 be this Part is guilty of a Class 2 misdemeanor.

12 (b) It is prohibited that any person knowingly and willfully:

13 (1) Hide or conceal any animals that are subject to a quarantine under this
14 Part.

15 (2) Fail to report the occurrence of an animal disease for which a
16 quarantine under this Part is in effect.

17 (c) Any person who has committed an act that is prohibited under subsection (b)
18 of this section shall be subject to an administrative penalty not to exceed ten thousand
19 dollars (\$10,000) per violation. Each act in violation of subsection (b) of this section is a
20 separate violation."

21 **PART II. OTHER TECHNICAL AND CONFORMING CHANGES.**

22 **SECTION 5.** G.S. 106-400 reads as rewritten:

23 **"§ 106-400. ~~Permit from State Veterinarian for sale, transportation, etc.,~~ Sale or**
24 **transportation of animals affected with disease. ~~disease prohibited.~~**

25 No person ~~or persons~~ shall sell, trade, offer for sale or trade, or transport by ~~truck or~~
26 ~~other conveyance~~ motor vehicle on any public road or other public place within the State
27 any animal ~~or animals~~ affected with a contagious ~~or infectious~~ animal disease, except
28 ~~upon a written permit or unless permitted by the State Veterinarian in writing and in~~
29 accordance with the provisions of said the permit. The State Veterinarian, or his
30 ~~authorized representative, is hereby empowered to~~ State Veterinarian or an authorized
31 representative may examine any livestock that are animal that is being transported or
32 moved, sold, traded, or offered for sale or trade on any highway public road or other
33 public place within the State for the purpose of determining if said animals are
34 the animal is affected with a contagious or infectious disease, or are animal disease or is
35 being transported or offered for sale or trade in violation of G.S. 106-400 to 106-
36 405. this Part. If the animals are animal is found to be diseased or are is being moved,
37 sold, offered for sale or trade in violation of G.S. 106-400 to 106-405, they this Part, it
38 shall be placed under quarantine in accordance with the provisions of G.S. 106-400 to
39 106-405 under G.S. 106-401 in a place to be determined by the State Veterinarian or his
40 an authorized representative. Any animal or animals shipped or otherwise moved into
41 this State in violation of federal laws or regulations shall be handled in accordance with
42 the provisions of G.S. 106-400 to 106-405 this Part."

1 **SECTION 6.** G.S. 106-400.1 reads as rewritten:

2 "**§ 106-400.1. Swine disease testing.**

3 In order to control or prevent the spread of swine diseases, the Board of Agriculture
4 may adopt rules authorizing the State Veterinarian or ~~his~~an authorized representative to
5 enter, at reasonable times, the premises where swine are kept and to examine the swine
6 and obtain blood or tissue samples for testing purposes. The State Veterinarian ~~shall~~
7 ~~also have the authority to~~may quarantine swine ~~which~~that have not been properly
8 tested."

9 **SECTION 7.** G.S. 106-401.1 reads as rewritten:

10 "**§ 106-401.1. Inspection and quarantine of poultry.**

11 The State Veterinarian, ~~or his~~Veterinarian or an authorized representative, is hereby
12 ~~authorized to go upon or~~representative may enter any property in the State, ~~or to~~State or
13 stop any motor ~~vehiele,~~vehicle to examine any poultry ~~which~~hethat the State
14 Veterinarian has reason to believe ~~are~~is affected with or exposed to a contagious animal
15 disease. ~~He or his~~The State Veterinarian or an authorized representative ~~is~~authorized
16 ~~to~~may quarantine any poultry affected with or exposed to a contagious ~~disease,~~
17 ~~or~~disease or injected with or otherwise exposed to any material capable of producing a
18 contagious disease and ~~to~~give public notice of ~~such~~the quarantine by posting or
19 placarding with a suitable quarantine sign the entrance ~~to~~or any part of the premises on
20 which ~~such~~the poultry ~~are~~is held. ~~Said~~The poultry ~~are~~toshall be maintained by the
21 poultry owner or person in charge as provided for in G.S. 106 400 to 106 405 at the
22 owner's expense, the owner or operator of the premises in accordance with this Part at
23 the expense of the poultry owner or the owner or operator of the premises. The
24 quarantine ~~provision hereof shall under this section does not~~ apply to those diseases
25 ~~which~~that are endemic in the State and for which adequate preventive and control
26 measures are not available. No poultry under quarantine shall be moved from the place
27 of quarantine ~~except upon a written permit from the State Veterinarian or his~~ authorized
28 ~~representative.~~ Said quarantine, unless permitted by the State Veterinarian or an
29 authorized representative in writing. The quarantine shall remain in effect until
30 cancelled by official written notice from the State Veterinarian or ~~his~~an authorized
31 representative and shall not be released or cancelled until the sick or dead poultry have
32 been properly disposed of and the premises have been properly cleaned and
33 disinfected."

34 **SECTION 8.** G.S. 106-402 reads as rewritten:

35 "**§ 106-402. Confinement and isolation of diseased animals required.**

36 Any ~~animal,~~ ~~animals~~animal or poultry affected with or exposed to a contagious ~~or~~
37 infectiousanimal disease shall be confined by the owner ~~or person in charge of said~~
38 ~~animal,~~ ~~animals~~of the animal or poultry or the owner or operator of the premises in such
39 a manner, by penning or otherwise securing and actually isolating ~~same~~the animal or
40 poultry from the approach or contact with other animals or poultry not so affected; ~~they~~
41 it shall not have access to any ditch, canal, branch, creek, river, or other ~~water~~course
42 ~~which~~surface water that passes beyond the ~~premises of the owner or person in charge of~~

1 ~~said animals or poultry, affected premises, or to any public road, or to the premises of~~
2 any other person."

3 **SECTION 9.** G.S. 106-403 reads as rewritten:

4 "**§ 106-403. Disposition of dead domesticated animals.**

5 ~~It shall be~~is the duty of the owner ~~or person in charge of any of his domesticated~~
6 ~~animals of domesticated animals~~ that die from any cause and the ~~owner, lessee, or~~
7 ~~person in charge of any land~~ owner or operator of the premises upon which any
8 domesticated animals die, to bury the ~~same animals~~ to a depth of at least three feet
9 beneath the surface of the ground within 24 hours after knowledge of the death of ~~said~~
10 ~~the domesticated animals, or to otherwise dispose of the same domesticated animals in a~~
11 manner approved by the State Veterinarian. It ~~shall be~~is a violation of this ~~statute~~
12 ~~section~~ to bury any dead domesticated animal closer than 300 feet to any flowing stream
13 or public body of water. It ~~shall be~~is unlawful for any person to remove the carcasses of
14 dead domesticated animals from ~~his the person's~~ premises to the premises of any other
15 person without the written permission of the person having charge of ~~such the other~~
16 premises and without burying ~~said the carcasses as above provided~~provided under this
17 ~~section~~. The governing body of each municipality shall designate some appropriate
18 person whose duty it shall be to provide for the removal and disposal, according to the
19 provisions of this section, of any dead domesticated animals located within the limits of
20 the municipality when the owner ~~or owners of said animals of the animals~~ cannot be
21 determined. The board of commissioners of each county shall designate some
22 appropriate person whose duty it shall be to provide for the removal and ~~disposal,~~
23 ~~according to the provisions of disposal under~~ this section, of any dead domesticated
24 animals located within the limits of the county, but without the limits of any
25 municipality, when the owner ~~or owners of said of the~~ animals cannot be determined.
26 All costs incurred by a municipality or county in the removal of a ~~dead domesticated~~
27 ~~animal animals~~ shall be recoverable from the owner of ~~such animal the animals~~ upon
28 admission of ownership or conviction. 'Domesticated animal' as used ~~herein shall~~
29 ~~include in this section includes~~ poultry."

30 **SECTION 10.** G.S. 106-404 reads as rewritten:

31 "**§ 106-404. Animals affected with glanders to be killed.**

32 If the owner of any animal having the glanders or farcy ~~shall omit or refuse, omits or~~
33 ~~refuses,~~ upon discovery or knowledge of its condition, to ~~deprive the same of life~~destroy
34 ~~the animal~~ at once, ~~he shall be~~that person is guilty of a Class 3 misdemeanor."

35 **SECTION 11.** This act is effective when it becomes law and expires 1 April
36 2003.