

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 390

Short Title: Poultry Worker Protection. (Public)

Sponsors: Representatives Earle, Insko (Primary Sponsors); K. Alexander, M. Alexander, Bell, Bordsen, Cotham, Glazier, Harrison, Hughes, Lucas, Mackey, Parmon, Pierce, Ross, and Wainwright.

Referred to: Health, if favorable, Commerce, Small Business, and Entrepreneurship.

March 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE HEALTH OF EMPLOYEES OF POULTRY PROCESSING
3 PLANTS BY AUTHORIZING THE STATE HEALTH DIRECTOR TO INSPECT THE
4 PLANTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 16 of Chapter 95 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 95-136.2. Inspection of poultry processing plants.**

9 (a) The following definitions apply in this section:

10 (1) Large processing plant. – An entity that processes poultry and employs more
11 than 500 employees in this State.

12 (2) Licensed medical professional. – Any one of the following persons licensed
13 to practice in this State:

14 a. A physician.

15 b. A registered nurse, licensed practical nurse, or nurse practitioner
16 acting under the supervision of a physician licensed to practice
17 medicine in this State.

18 c. A physician's assistant acting under the supervision of a physician
19 licensed to practice medicine in this State.

20 (3) Poultry processing plant. – An entity that processes poultry in this State.

21 (4) State Health Director. – The officer appointed pursuant to G.S. 130A-3 or
22 that officer's designee.

23 (b) Without abrogating the authority of the Commissioner, the State Health Director is
24 delegated the authority of the Commissioner to inspect poultry processing plants pursuant to
25 this Article. The purpose of the inspection shall be to review and investigate the medical
26 evaluation, treatment, referral, record keeping, reporting, and possible causes of injuries,
27 illnesses, or deaths within the poultry processing plant. The State Health Director shall provide
28 a written report to the Director of the Occupational Safety and Health Division containing the
29 findings of the inspection, including any deficiencies found. The Director of the Occupational
30 Safety and Health Division shall review the report and shall take appropriate action to correct
31 any deficiencies or violations.

32 (c) The State Health Director shall have all powers to inspect the poultry processing
33 plant under G.S. 95-136, including, but not limited to, full and immediate access to any part of
34 the poultry processing plant, the ability to question privately any employer, owner, operator,



1 agent, or employee, and full and immediate access to any and all records. If access is denied, an
2 administrative search warrant shall be obtained pursuant to G.S. 15-27.2.

3 (d) The State Health Director shall be permitted to examine, review, and obtain a copy
4 of all records, reports, or other materials maintained by the Department of Labor pursuant to
5 this Article. The Commissioner or Director shall be permitted to examine, review, and obtain a
6 copy of all records, reports, or other materials maintained by the State Health Director pursuant
7 to this Article.

8 (e) In addition to complying with existing occupational safety and health record
9 keeping requirements, poultry processing plants shall maintain a written log of all injuries and
10 health concerns, including complaints of pain, whether or not the complaints reach any other
11 threshold. The log shall include:

12 (1) The name of the employee.

13 (2) A description of the employee's injury or illness, the date that the symptom
14 or symptoms were first noticed, and any action taken by a licensed medical
15 professional or the plant management in response to the reported injury or
16 illness.

17 (3) The outcome of any treatment or referral.

18 Employees are free to report, and the employer shall not discourage, threaten, or prevent
19 employees from reporting, the information required by this section.

20 (f) The State Health Director shall make an annual report to the Governor, to the
21 Speaker of the House of Representatives, to the President Pro Tempore of the Senate, and to the
22 Commissioner of Labor on the findings of the inspection program, including any
23 recommendations for additional legislation, regulation, or enforcement measures necessary to
24 protect the health of workers in poultry processing plants."

25 **SECTION 2.** This act becomes effective October 1, 2009.