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SENATE BILL 150
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Short Title: Raising Fallow Deer.

(Public)

Sponsors: Senators Speed; Ballance, Sands, and Murphy.

Referred to: Agriculture, Marine Resources, and Wildlife.

February 20, 1991

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR THE PRODUCTION AND SALE OF FALLOW DEER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 106 of the General Statutes of North Carolina is amended to add a new Article to read:

“ARTICLE 49H.

“PRODUCTION AND SALE OF FALLOW DEER.

“§ 106-549.97. Regulation of fallow deer by Department of Agriculture; certain authority of North Carolina Wildlife Resources Commission not affected.

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

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

(b) The North Carolina Wildlife Resources Commission shall regulate the possession and transportation of live fallow deer and may adopt rules to prevent the release or escape of fallow deer upon finding that it is necessary to protect live fallow deer or to prevent damage to the native deer population or its habitat.”

“§ 106-549.98. Inspection fees.

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

6 Sec. 2. G.S. 113-129(1b) is rewritten to read:

7 "(1b) Big Game. —~~Deer, bear, Bear,~~ wild boar, ~~and~~—wild ~~turkey.~~ turkey,
8 and deer, not to include fallow deer raised for production and sale
9 under G.S. 106-549.97."

10 Sec. 3. G.S. 113-129(7c) is rewritten to read:

11 "(7c) Game Animals. — Bear, ~~deer,~~ fox, rabbit, squirrel, ~~and~~—wild bear;
12 boar, and deer, not to include fallow deer raised for production and
13 sale under G.S. 106-549.97; bobcat, opossum, and raccoon except
14 when trapped in accordance with provisions relating to fur-bearing
15 animals."

16 Sec. 4. G.S. 106-549.15(14) reads as rewritten:

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

31 Sec. 5. G.S. 106-549.15(22) reads as rewritten:

32 "(22) 'Renderer' means any person, firm, or corporation engaged in the
33 business of rendering carcasses, or parts or products of the
34 carcasses, of cattle, sheep, swine, goats, fallow deer, horses, mules,
35 or other equines, except rendering conducted under inspection
36 under this Article."

37 Sec. 6. G.S. 106-549.17 reads as rewritten:

38 **"§ 106-549.17. Inspection of animals before slaughter; humane methods of**
39 **slaughtering.**

40 (a) For the purpose of preventing the use in intrastate commerce, as hereinafter
41 provided, of meat and meat food products which are adulterated, the Commissioner
42 shall cause to be made, by inspectors appointed for that purpose, an examination and
43 inspection of all cattle, sheep, swine, goats, fallow deer, horses, mules, and other
44 equines before they shall be allowed to enter into any slaughtering, packing, meat-

1 canning, rendering, or similar establishment in this State in which slaughtering and
2 preparation of meat and meat food products of such animals are conducted for intrastate
3 commerce; and all cattle, sheep, swine, goats, fallow deer, horses, mules, and other
4 equines found on such inspection to show symptoms of disease shall be set apart and
5 slaughtered separately from all other cattle, sheep, swine, goats, fallow deer, horses,
6 mules, or other equines, and when so slaughtered, the carcasses of said cattle, sheep,
7 swine, goats, fallow deer, horses, mules, or other equines shall be subject to a careful
8 examination and inspection, all as provided by the rules and regulations to be
9 prescribed by the Board as herein provided for.

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

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

25 (1) In the case of cattle, calves, fallow deer, horses, mules, sheep,
26 swine, and other livestock, all animals are rendered insensible to
27 pain by a single blow or gunshot or an electrical, chemical, or other
28 means that is rapid and effective, before being shackled, hoisted,
29 thrown, cast, or cut; or

30 (2) By slaughtering in accordance with the ritual requirements of the
31 Jewish faith or any other religious faith that prescribes a method of
32 slaughter whereby the animal suffers loss of consciousness by
33 anemia of the brain caused by the simultaneous and instantaneous
34 severance of the carotid arteries with a sharp instrument and
35 handling in connection with such slaughtering."

36 Sec. 7. G.S. 106-549.18 reads as rewritten:

37 **"§ 106-549.18. Inspection; stamping carcass.**

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

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

16 Sec. 8. G.S. 106-549.19 reads as rewritten:

17 **"§ 106-549.19. Application of Article; place of inspection.**

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

34 Sec. 9. G.S. 106-549.22 reads as rewritten:

35 **"§ 106-549.22. Rules and regulations of Board.**

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

1 adulterated, the Commissioner or his authorized representative shall refuse to allow said
2 meat or meat food products to be labeled, marked, stamped, or tagged as ‘North
3 Carolina Department of Agriculture Inspected and Passed.’“

4 Sec. 10. G.S. 106-549.23 reads as rewritten:

5 **"§ 106-549.23. Prohibited slaughter, sale and transportation.**

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

9 (1) Slaughter any of these animals or prepare any of these articles which
10 are capable of use as human food, at any establishment preparing any
11 such articles for intrastate commerce except in compliance with the
12 requirements of this and the subsequent Article;

13 (2) Slaughter, or handle in connection with slaughter, any such animals in
14 any manner not in accordance with G.S. 106-549.17(c) of this Article;

15 (3) Sell, transport, offer for sale or transportation, or receive for
16 transportation, in intrastate commerce:

17 a. Any of these articles which (i) are capable of use as human food
18 and (ii) are adulterated or misbranded at the time of sale,
19 transportation, offer for sale or transportation, or receipt for
20 transportation; or

21 b. Any articles required to be inspected under this Article unless
22 they have been so inspected and passed; or

23 (4) Do, with respect to any of these articles which are capable of use as
24 human food, any act while they are being transported in intrastate
25 commerce or held for sale after such transportation, which is intended
26 to cause or has the effect of causing the articles to be adulterated or
27 misbranded."

28 Sec. 11. G.S. 106-549.25 reads as rewritten:

29 **"§ 106-549.25. Slaughter, sale and transportation of equine carcasses.**

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

41 Sec. 12. G.S. 106-549.26 reads as rewritten:

42 **"§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.**

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

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

35 Sec. 13. G.S. 106-549.27(a) reads as rewritten:

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

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

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

19 Sec. 14. G.S. 106-549.28 reads as rewritten:

20 "**§ 106-549.28. Regulation of storage of meat.**

21 The Board may by regulations prescribe conditions under which carcasses, parts of
22 carcasses, meat, and meat food products of cattle, sheep, swine, goats, fallow deer,
23 horses, mules, or other equines, capable of use as human food, shall be stored or
24 otherwise handled by any person, firm, or corporation engaged in the business of
25 buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such
26 articles, whenever the Board deems such action necessary to assure that such articles
27 will not be adulterated or misbranded when delivered to the consumer. Willful violation
28 of any such regulation is a misdemeanor and punishable by a fine of not over five
29 hundred dollars (\$500.00) and imprisonment for not over six months or both fine and
30 imprisonment."

31 Sec. 15. This act is effective upon ratification.