

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 200

Agriculture/Environment/Natural Resources Committee Substitute Adopted 2/22/95

Short Title: Penalties/Viol. of Ag. Laws.

(Public)

Sponsors:

Referred to:

February 15, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE GASOLINE AND OIL INSPECTION LAW, THE MEAT INSPECTION LAW, AND THE ANIMAL WELFARE AND ANIMAL HEALTH LAWS.

The General Assembly of North Carolina enacts:

PART I. GASOLINE AND OIL INSPECTION ACT.

Section 1. Article 3 of Chapter 119 of the General Statutes is amended by adding the following new section:

§ 119-39.1. Civil Penalties.

The Commissioner of Agriculture may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

PART II. MEAT INSPECTION LAWS.

Sec. 2. G.S. 106-549.35 is amended by adding the following new subsection:

(c) The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or Article 49B, or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

PART III. ANIMAL WELFARE ACT.

Sec. 3. Article 3 of Chapter 19A of the General Statutes, Animal Welfare Act, is amended by adding the following new section:

"§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation."

PART IV. ANIMAL HEALTH LAWS.

Sec. 4. Article 14A of Chapter 106 of the General Statutes, Licensing and Regulation of Rendering Plants and Rendering Operations, is amended by adding the following new section:

"§ 106-168.16. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 5. Article 34 of Chapter 106 of the General Statutes, Animal Diseases, is amended by adding the following:

"PART 12. PENALTIES.**"§ 106-405.20. Civil Penalties.**

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 6. Article 35 of Chapter 106 of the General Statutes, Public Livestock Markets, is amended by adding the following new section:

"§ 106-417.1. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 7. Article 35A of Chapter 106 of the General Statutes, Livestock Prompt Pay Law, is amended by adding the following new section:

"§ 106-418.7A. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 8. Article 35B of Chapter 106 of the General Statutes, Livestock Dealer Licensing Act, is amended by adding the following new section:

"§ 106-418.16. Civil Penalties.

1 The Commissioner may assess a civil penalty of not more than five thousand dollars
2 (\$5,000) against any person who violates a provision of this Article or any rule
3 promulgated thereunder. In determining the amount of the penalty, the Commissioner
4 shall consider the degree and extent of harm caused by the violation."

5 Sec. 9. Article 49 of Chapter 106 of the General Statutes, Poultry, Hatcheries
6 and Chick Dealers, is amended by adding the following new section:

7 **"§ 106-549.1. Civil Penalties.**

8 The Department of Agriculture may assess a civil penalty of not more than five
9 thousand dollars (\$5,000) against any person who violates a provision of this Article or
10 any rule promulgated thereunder. In determining the amount of the penalty, the
11 Department shall consider the degree and extent of harm caused by the violation."

12 Sec. 10. Article 49E of Chapter 106 of the General Statutes, Disposal of Dead
13 Diseased Poultry, is amended by adding the following new section:

14 **"§ 106-549.72. Civil Penalties.**

15 The Commissioner may assess a civil penalty of not more than five thousand dollars
16 (\$5,000) against any person who violates a provision of this Article or any rule
17 promulgated thereunder. In determining the amount of the penalty, the Commissioner
18 shall consider the degree and extent of harm caused by the violation."

19 Sec. 11. Article 49F of Chapter 106 of the General Statutes, Biological
20 Residues, is amended by adding the following new section:

21 **"§ 106-549.89. Civil Penalties.**

22 The Commissioner may assess a civil penalty of not more than five thousand dollars
23 (\$5,000) against any person who violates a provision of this Article or any rule
24 promulgated thereunder. In determining the amount of the penalty, the Commissioner
25 shall consider the degree and extent of harm caused by the violation."

26 Sec. 12. Article 58 of Chapter 106 of the General Statutes, Biologics Laws, is
27 amended by adding the following new section:

28 **"§ 106-715. Civil Penalties.**

29 The Commissioner may assess a civil penalty of not more than five thousand dollars
30 (\$5,000) against any person who violates a provision of this Article or any rule
31 promulgated thereunder. In determining the amount of the penalty, the Commissioner
32 shall consider the degree and extent of harm caused by the violation."

33 Sec. 13. The organizational headings to the parts of this act, set forth in bolded
34 uppercase, are a convenience to the reader and are for reference only. The headings do
35 not expand, limit, or define the text of this act.

36 Sec. 14. This act is effective upon ratification and shall apply to violations
37 occurring on or after that date.