

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 2104

Short Title: Poultry Worker Protection/Funds. (Public)

Sponsors: Senator Clodfelter.

Referred to: Agriculture/Environment/Natural Resources.

May 28, 2008

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT THE HEALTH OF EMPLOYEES OF POULTRY  
3 PROCESSING PLANTS BY AUTHORIZING THE STATE HEALTH DIRECTOR  
4 TO INSPECT THE PLANTS AND APPROPRIATING FUNDS FOR THAT  
5 PURPOSE.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 95-136.2. Inspection of poultry processing plants.**

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

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

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

15 a. A physician.

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

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

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

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

25 (b) Without abrogating the authority of the Commissioner, the State Health  
26 Director is delegated the authority of the Commissioner to inspect poultry processing  
27 plants pursuant to this Article. The purpose of the inspection shall be to review and  
28 investigate the medical evaluation, treatment, referral, record-keeping, reporting, and  
29 possible causes of injuries, illnesses, or deaths within the poultry processing plant. The

1 State Health Director shall provide a written report to the Director of the Occupational  
2 Safety and Health Division containing the findings of the inspection, including any  
3 deficiencies found. The Director of Occupational Safety and Health Division shall  
4 review the report and shall take appropriate action to correct any deficiencies or  
5 violations.

6 (c) The State Health Director shall have all powers to inspect the poultry  
7 processing plant under G.S. 95-136, including but not limited to, full and immediate  
8 access to any part of the poultry processing plant, the ability to question privately any  
9 employer, owner, operator, agent, or employee, and full and immediate access to any  
10 and all records. If access is denied, an administrative search warrant shall be obtained  
11 pursuant to G.S. 15-27.2.

12 (d) The State Health Director shall be permitted to examine, review, and obtain a  
13 copy of all records, reports, or other materials maintained by the Department of Labor  
14 pursuant to this Article. The Commissioner or Director shall be permitted to examine,  
15 review, and obtain a copy of all records, reports, or other materials maintained by the  
16 State Health Director pursuant to this Article.

17 (e) In addition to complying with existing occupational safety and health  
18 recordkeeping requirements, poultry processing plants shall maintain a written log of all  
19 injuries and health concerns, including complaints of pain, whether or not the  
20 complaints reach any other threshold. The log shall include:

21 (1) The name of the employee.

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

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

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

29 (f) Effective September 1, 2008, each large poultry processing plant shall  
30 employ or contract with one or more licensed medical professional who shall be  
31 available at the plant to provide the evaluation, treatment, and referral of employees  
32 who are injured or become ill during operating hours of that plant or as a result of work  
33 performed at that plant.

34 (g) The State Health Director shall make an annual report to the Governor, to the  
35 Speaker of the House of Representatives, to the President Pro-Tem of the Senate, and to  
36 the Commissioner of Labor on the findings of the inspection program, including any  
37 recommendations for additional legislation, regulation, or enforcement measures  
38 necessary to protect the health of workers in poultry processing plants."

39 **SECTION 2.** There is appropriated from the General Fund to the  
40 Department of Health and Human Services, State Health Director, the sum of three  
41 hundred fifty thousand dollars (\$350,000), in recurring funds, for the 2008-2009 fiscal  
42 year for the implementation of this act.

43 **SECTION 3.** This act becomes effective July 1, 2008.