

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 266
Finance Committee Substitute Adopted 4/10/97

Short Title: Production and Sale of Red Deer.

(Public)

Sponsors:

Referred to:

February 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER.

3 The General Assembly of North Carolina enacts:

4 Section 1. Article 49H of Chapter 106 of the General Statutes reads as
5 rewritten:

6 "ARTICLE 49H.

7 "**PRODUCTION AND SALE OF FALLOW ~~DEER~~ DEER AND RED DEER.**

8 "**§ 106-549.97. Regulation of fallow deer and red deer by Department of**
9 **Agriculture; certain authority of North Carolina Wildlife Resources**
10 **Commission not ~~affected~~ affected; definitions.**

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

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

18 (b) The North Carolina Wildlife Resources Commission shall regulate the
19 possession and transportation of live fallow deer and live red deer and may adopt rules to

1 prevent the release or escape of fallow deer or red deer, or both, upon finding that it is
2 necessary to protect live fallow deer or live red deer, or both, or to prevent damage to the
3 native deer population or its habitat.

4 (c) The following definitions apply in this Article:

5 (1) Fallow deer. – A member of the Dama dama species.

6 (2) Red deer. – A member of the Cervus elephus species.

7 **"§ 106-549.98. Inspection fees.**

8 The Commissioner may establish a fee at an hourly rate to be paid by the owner,
9 proprietor, or operator of each slaughtering, meat-canning, salting, packing, rendering, or
10 similar establishment for the purpose of defraying the expenses incurred in the inspection
11 of fallow deer as required by Article 49B of Chapter 106 of the General Statutes. The
12 Commissioner may establish a fee at an hourly rate to be paid by the owner, proprietor, or
13 operator of each slaughtering, meat-canning, salting, packing, rendering, or similar
14 establishment for the purpose of defraying the expenses incurred in the inspection of red
15 deer as required by Article 49B of Chapter 106 of the General Statutes."

16 Section 2. G.S. 113-129(1b) reads as rewritten:

17 "(1b) Big Game. – Bear, wild boar, wild turkey, and deer, not to include
18 fallow deer or red deer raised for production and sale under G.S. 106-
19 549.97."

20 Section 3. G.S. 113-129(7c) reads as rewritten:

21 "(7c) Game Animals. – Bear, fox, rabbit, squirrel, wild boar, and deer, not to
22 include fallow deer or red deer raised for production and sale under G.S.
23 106-549.97; bobcat, opossum, and raccoon except when trapped in
24 accordance with provisions relating to fur-bearing animals."

25 Section 4. G.S. 106-549.15(14) reads as rewritten:

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

39 Section 5. G.S. 106-549.15(22) reads as rewritten:

40 "(22) 'Renderer' means any person, firm, or corporation engaged in the
41 business of rendering carcasses, or parts or products of the carcasses, of
42 cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or other

1 equines, except rendering conducted under inspection under this
2 Article."

3 Section 6. G.S. 106-549.17 reads as rewritten:

4 **"§ 106-549.17. Inspection of animals before slaughter; humane methods of**
5 **slaughtering.**

6 (a) For the purpose of preventing the use in intrastate commerce, as hereinafter
7 provided, of meat and meat food products which are adulterated, the Commissioner shall
8 cause to be made, by inspectors appointed for that purpose, an examination and
9 inspection of all cattle, sheep, swine, goats, fallow deer, red deer, bison, horses, mules,
10 and other equines before they shall be allowed to enter into any slaughtering, packing,
11 meat-canning, rendering, or similar establishment in this State in which slaughtering and
12 preparation of meat and meat food products of such animals are conducted for intrastate
13 commerce; and all cattle, sheep, swine, goats, fallow deer, red deer, bison, horses, mules,
14 and other equines found on such inspection to show symptoms of disease shall be set
15 apart and slaughtered separately from all other cattle, sheep, swine, goats, fallow deer,
16 red deer, bison, horses, mules, or other equines, and when so slaughtered, the carcasses of
17 said cattle, sheep, swine, goats, fallow deer, red deer, bison, horses, mules, or other
18 equines shall be subject to a careful examination and inspection, all as provided by the
19 rules and regulations to be prescribed by the Board as herein provided for.

20 (b) For the purpose of preventing the inhumane slaughtering of livestock, the
21 Commissioner shall cause to be made, by inspectors appointed for that purpose, an
22 examination and inspection of the method by which cattle, sheep, swine, goats, fallow
23 deer, red deer, bison, horses, mules, and other equines are slaughtered and handled in
24 connection with slaughter in the slaughtering establishments inspected under this law.
25 The Commissioner may refuse to provide inspection to a new slaughtering establishment
26 or may cause inspection to be temporarily suspended at a slaughtering establishment if
27 the Commissioner finds that any cattle, sheep, swine, goats, fallow deer, red deer, bison,
28 horses, mules, or other equines have been slaughtered or handled in connection with
29 slaughter at such establishment by any method not in accordance with subsection (c) of
30 this section until the establishment furnishes assurances satisfactory to the Commissioner
31 that all slaughtering and handling in connection with slaughter of livestock shall be in
32 accordance with such a method.

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

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

40 (2) By slaughtering in accordance with the ritual requirements of the Jewish
41 faith or any other religious faith that prescribes a method of slaughter
42 whereby the animal suffers loss of consciousness by anemia of the brain
43 caused by the simultaneous and instantaneous severance of the carotid

1 arteries with a sharp instrument and handling in connection with such
2 slaughtering."

3 Section 7. G.S. 106-549.18 reads as rewritten:

4 **"§ 106-549.18. Inspection; stamping carcass.**

5 For the purposes hereinbefore set forth the Commissioner shall cause to be made by
6 inspectors appointed for that purpose, as hereinafter provided, a post mortem examination
7 and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, fallow
8 deer, red deer, bison, horses, mules, and other equines, capable of use as human food, to
9 be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar
10 establishment in this State in which such articles are prepared for intrastate commerce;
11 and the carcasses and parts thereof of all such animals found to be not adulterated shall be
12 marked, stamped, tagged, or labeled, as 'Inspected and Passed'; and said inspectors shall
13 label, mark, stamp, or tag as 'Inspected and Condemned,' all carcasses and parts thereof
14 of animals found to be adulterated; and all carcasses and parts thereof thus inspected and
15 condemned shall be destroyed for food purposes by the said establishment in the presence
16 of an inspector, and the Commissioner or his authorized representative may remove
17 inspectors from any such establishment which fails to so destroy any such condemned
18 carcass or part thereof, and said inspectors, after said first inspection shall, when they
19 deem it necessary, reinspect said carcasses or parts thereof to determine whether since the
20 first inspection the same have become adulterated and if any carcass or any part thereof
21 shall, upon examination and inspection subsequent to the first examination and
22 inspection, be found to be adulterated, it shall be destroyed for food purposes by the said
23 establishment in the presence of an inspector, and the Commissioner or his authorized
24 representative may remove inspectors from any establishment which fails to ~~{do}~~so
25 destroy any such condemned carcass or part thereof."

26 Section 8. G.S. 106-549.19 reads as rewritten:

27 **"§ 106-549.19. Application of Article; place of inspection.**

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

1 Section 9. G.S. 106-549.22 reads as rewritten:

2 **"§ 106-549.22. Rules and regulations of Board.**

3 The Commissioner or his authorized representative shall cause to be made, by experts
4 in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-
5 canning, salting, packing, rendering, or similar establishments in which cattle, sheep,
6 swine, goats, fallow deer, red deer, bison, horses, mules, and other equines are
7 slaughtered and the meat and meat food products thereof are prepared for intrastate
8 commerce as may be necessary to inform himself concerning the sanitary conditions of
9 the same, and the Board shall prescribe the rules and regulations of sanitation under
10 which such establishments shall be maintained; and where the sanitary conditions of any
11 such establishment are such that the meat or meat food products are rendered adulterated,
12 the Commissioner or his authorized representative shall refuse to allow said meat or meat
13 food products to be labeled, marked, stamped, or tagged as 'North Carolina Department
14 of Agriculture Inspected and Passed.'"

15 Section 10. G.S. 106-549.23 reads as rewritten:

16 **"§ 106-549.23. Prohibited slaughter, sale and transportation.**

17 No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats,
18 fallow deer, red deer, bison, horses, mules, or other equines, or any carcasses, parts of
19 carcasses, meat or meat food products of any such animals:

- 20 (1) Slaughter any of these animals or prepare any of these articles which are
21 capable of use as human food, at any establishment preparing any such
22 articles for intrastate commerce except in compliance with the
23 requirements of this and the subsequent Article;
- 24 (2) Slaughter, or handle in connection with slaughter, any such animals in
25 any manner not in accordance with G.S. 106-549.17(c) of this Article;
- 26 (3) Sell, transport, offer for sale or transportation, or receive for
27 transportation, in intrastate commerce:
- 28 a. Any of these articles which (i) are capable of use as human food
29 and (ii) are adulterated or misbranded at the time of sale,
30 transportation, offer for sale or transportation, or receipt for
31 transportation; or
- 32 b. Any articles required to be inspected under this Article unless
33 they have been so inspected and passed; or
- 34 (4) Do, with respect to any of these articles which are capable of use as
35 human food, any act while they are being transported in intrastate
36 commerce or held for sale after such transportation, which is intended to
37 cause or has the effect of causing the articles to be adulterated or
38 misbranded."

39 Section 11. G.S. 106-549.25 reads as rewritten:

40 **"§ 106-549.25. Slaughter, sale and transportation of equine carcasses.**

41 No person, firm, or corporation shall sell, transport, offer for sale or transportation, or
42 receive for transportation, in intrastate commerce, any carcasses of horses, mules, or
43 other equines or parts of such carcasses, or the meat or meat food products thereof, unless

1 they are plainly and conspicuously marked or labeled or otherwise identified as required
2 by regulations prescribed by the Board to show the kinds of animals from which they
3 were derived. When required by the Commissioner or his authorized representative, with
4 respect to establishments at which inspection is maintained under this Article, such
5 animals and their carcasses, parts thereof, meat and meat food products shall be prepared
6 in establishments separate from those in which cattle, sheep, swine, fallow deer, red deer,
7 bison, or goats are slaughtered or their carcasses, parts thereof, meats or meat food
8 products are prepared."

9 Section 12. G.S. 106-549.26 reads as rewritten:

10 **"§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.**

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

1 Section 13. G.S. 106-549.27(a) reads as rewritten:

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

5 (1) Apply to the slaughtering by any person of animals of his own raising,
6 and the preparation by him and transportation in intrastate commerce of
7 the carcasses, parts thereof, meat and meat food products of such
8 animals exclusively for use by him and members of his household and
9 his nonpaying guests and employees; nor

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

28 Section 14. G.S. 106-549.28 reads as rewritten:

29 "**§ 106-549.28. Regulation of storage of meat.**

30 The Board may by regulations prescribe conditions under which carcasses, parts of
31 carcasses, meat, and meat food products of cattle, sheep, swine, goats, fallow deer, red
32 deer, bison, horses, mules, or other equines, capable of use as human food, shall be stored
33 or otherwise handled by any person, firm, or corporation engaged in the business of
34 buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such
35 articles, whenever the Board deems such action necessary to assure that such articles will
36 not be adulterated or misbranded when delivered to the consumer. Willful violation of
37 any such regulation is a Class 2 misdemeanor."

38 Section 15. This act is effective when it becomes law.