

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 266

Short Title: Production and Sale of Red Deer.

(Public)

Sponsors: Senators Ledbetter; Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Kincaid, McDaniel, Page, Rucho, Shaw of Guilford, and Webster.

Referred to: Agriculture/Environment/Natural Resources.

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 49 of Chapter 106 of the General Statutes reads as rewritten:

5 **"ARTICLE 49H.**

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

7 **"§ 106-549.97. Regulation of fallow deer and red deer by Department of**
8 **Agriculture; certain authority of North Carolina Wildlife Resources**
9 **Commission not affected.**

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

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

17 (b) The North Carolina Wildlife Resources Commission shall regulate the
18 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 either or both of these native deer population-populations or its ~~habitat.~~ their habitats.

4 (c) As used in this Article:

5 (1) 'Fallow deer' means a small European deer (**Dama dama spp**).

6 (2) 'Red deer' means a deer native to Europe (**Cervus elephus**).

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.
19 106-549.97."

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

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

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

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

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

42 "(22) 'Renderer' means any person, firm, or corporation engaged in the
43 business of rendering carcasses, or parts or products of the carcasses,

1 of cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or
2 other equines, except rendering conducted under inspection under
3 this Article."

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

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

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

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

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

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

41 (2) By slaughtering in accordance with the ritual requirements of the
42 Jewish faith or any other religious faith that prescribes a method of
43 slaughter whereby the animal suffers loss of consciousness by

1 anemia of the brain caused by the simultaneous and instantaneous
2 severance of the carotid arteries with a sharp instrument and
3 handling in connection with such slaughtering."

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

5 **"§ 106-549.18. Inspection; stamping carcass.**

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

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

28 **"§ 106-549.19. Application of Article; place of inspection.**

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

1 inspected establishments will be consistent with the purposes of this and the subsequent
2 Article."

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

4 **"§ 106-549.22. Rules and regulations of Board.**

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

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

18 **"§ 106-549.23. Prohibited slaughter, sale and transportation.**

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

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

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

43 **"§ 106-549.25. Slaughter, sale and transportation of equine carcasses.**

1 No person, firm, or corporation shall sell, transport, offer for sale or transportation, or
2 receive for transportation, in intrastate commerce, any carcasses of horses, mules, or
3 other equines or parts of such carcasses, or the meat or meat food products thereof, unless
4 they are plainly and conspicuously marked or labeled or otherwise identified as required
5 by regulations prescribed by the Board to show the kinds of animals from which they
6 were derived. When required by the Commissioner or his authorized representative, with
7 respect to establishments at which inspection is maintained under this Article, such
8 animals and their carcasses, parts thereof, meat and meat food products shall be prepared
9 in establishments separate from those in which cattle, sheep, swine, fallow deer, red deer,
10 bison, or goats are slaughtered or their carcasses, parts thereof, meats or meat food
11 products are prepared."

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

13 "**§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.**

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

1 Class I felony and shall, upon conviction thereof, be summarily discharged from office
2 and may be punished by a fine not less than five hundred dollars (\$500.00) nor more than
3 ten thousand dollars (\$10,000)."

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

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

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

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

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

33 "**§ 106-549.28. Regulation of storage of meat.**

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

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