

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 719  
SENATE BILL 244

1 AN ACT RELATING TO THE COMPULSORY INSPECTION OF MEAT, MEAT  
2 PRODUCTS, AND MEAT BY-PRODUCTS.

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** Chapter 106 of the General Statutes is amended by adding a new Article  
7 immediately following Article 49B to be designated as Article 49C and to read as follows:

8 "ARTICLE 49C

9 "**G.S. 106-549.28. Short Title.** This Article shall be known and may be cited as the  
10 Compulsory Meat Inspection Act.

11 "**G.S. 106-549.29. Purpose.** This Article relates to the public health, safety and welfare, and  
12 provides for: the establishment of a meat inspection service, the inspection of meat and meat  
13 food products and the condemnation and destruction for food purposes of diseased, unsound or  
14 otherwise unfit meat or meat products, the prevention of misbranding and adulteration, the  
15 issuance of licenses, the adoption of regulations for the administration of the Article and  
16 penalties for violations of the Article. The cost of administering the provisions of this Article  
17 shall be paid for by the State out of appropriated State funds.

18 "**G.S. 106-549.30. Enforcing Official.** This Article shall be administered by the  
19 Commissioner of Agriculture of the State of North Carolina, hereinafter referred to as the  
20 'Commissioner'.

21 "**G.S. 106-549.31. Definitions.** The following words, terms and phrases shall be construed for  
22 the purpose of this Article as follows:

23 'Commissioner' means Commissioner of Agriculture of North Carolina.

24 'State Supervisor' means a qualified, licensed veterinarian employed by the North Carolina  
25 Department of Agriculture and appointed by the Commissioner.

26 'Assistant State Supervisor' means a qualified, licensed veterinarian employed by the North  
27 Carolina Department of Agriculture to assist the State Supervisor.

28 'Veterinary Inspector' means a qualified veterinarian approved and designated by the State  
29 Supervisor employed by the North Carolina Department of Agriculture to inspect and supervise  
30 the inspection of meat, meat products, and meat by-products in an official plant.

31 'Qualified Veterinarian' means a graduate of a school of veterinary medicine approved by  
32 the American Veterinary Medical Association or the United States Department of Agriculture.

33 'Meat Inspector' means a qualified person employed by the North Carolina Department of  
34 Agriculture, approved and designated for the purposes of inspecting meat, meat products, and  
35 meat by-products under the supervision of a veterinary inspector in an official plant.

36 'Producer' means a person, firm or corporation growing livestock for human consumption,  
37 on his farm or farms controlled by him.

38 'Person' means any individual, partnership, association, business trust, corporation, or any  
39 organized group of persons, whether incorporated or not, and every officer or authorized  
40 representative thereof.

41 'Slaughtering Establishment' means any person, firm or corporation slaughtering cattle,  
42 sheep, swine, goats or rabbits or processing meat, meat products, and meat by-products for sale  
43 for human consumption, or any person, firm or corporation operating a slaughter house or any

1 meat packer, or any non-exempt producer, or any two or more such persons, firms or  
2 corporations acting in combination.

3 'Retailer' means any person, firm or corporation selling or offering for sale meat, meat  
4 products, or meat by-products on its own premises to the consumer.

5 'Official Plant' means a single plant comprised of one or more buildings or parts thereof,  
6 including equipment, premises, facilities and methods of operation which have been inspected  
7 and approved by the State Supervisor or his authorized representative as suitable and adequate  
8 for slaughtering animals, processing meat, meat products, and meat byproducts, in accordance  
9 with this Article and the rules and regulations promulgated thereunder.

10 'Identity' means to apply official identification on the carcasses, primal parts, packages or  
11 containers thereof, with the inspection symbol 'North Carolina Inspected and Passed' or  
12 approved abbreviation thereof. The inspection symbol shall further identify each official plant  
13 by a designated number.

14 'Official Identification' means a symbol such as a stamp, label, seal, or other device  
15 approved by the Commissioner, affixed to any carcasses, parts of carcasses, meat, meat  
16 by-products and meat food products that have been inspected and passed for wholesomeness.

17 'Meat' means the edible part of the muscle of cattle, sheep, swine, goats, or rabbits which is  
18 skeletal or which is found in the tongue, in a diaphragm, in the heart or in the esophagus, with  
19 or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve,  
20 and blood vessels which normally accompany the muscle tissue, and which are not separated  
21 from it in the process of dressing. It does not include the muscle found in the lips, snout, or  
22 ears.

23 'Meat By-Product' means any edible part other than meat which has been derived from one  
24 or more cattle, sheep, swine, goats or rabbits.

25 'Meat Food Product' means any article of food, or any article intended for or capable of  
26 being used as food for human consumption which is derived or prepared, in whole or in  
27 substantial and definite part, from any permitted portion of any cattle, sheep, swine, goat or  
28 rabbit, except such articles as organic-therapeutic substance, meat juice, meat extract, and the  
29 like, which are only for medicinal purposes and are advertised only to the medical profession;  
30 provided, that the Commissioner shall have the authority to prescribe a definition and identity  
31 for any food or class of food in which optional ingredients are permitted.

32 'Inter-County' means across county boundary lines.

33 'Intra-County' means confined to one county; not crossing county lines.

34 **"G.S. 106-549.32. Compulsory Inspection; Duties and Powers of Commissioner.** In order  
35 to provide consumers with a healthy and wholesome product and to properly regulate,  
36 supervise and promote the meat packing industry, it shall be the duty of the Commissioner to  
37 promote, regulate, and supervise a system of inspection of all slaughter houses, packing houses,  
38 abattoirs, meat processors, and any other establishments processing meat and meat products in  
39 North Carolina. The Commissioner shall have supervision over all such establishments and he,  
40 or his authorized agent, is empowered and directed at all times to visit any establishment, place  
41 or premise where animals are slaughtered or prepared for food purposes.

42 **"G.S. 106-549.33. Rules and Regulations.** The Board of Agriculture shall, from time to time,  
43 provide rules and regulations necessary for the efficient execution of the provisions of this  
44 Article, and all inspections and examinations made under this Act shall be made in such a  
45 manner as described in the rules and regulations provided by said board, not inconsistent with  
46 the provisions of this Article; provided, however, that in promulgating such rules and  
47 regulations, said board shall give full consideration to the rules governing meat inspection of  
48 the United States Department of Agriculture.

49 **"G.S. 106-549.34. Exemptions; Intra-County Slaughtering Establishments; Individuals or**  
50 **Producers; Cured Hams, Shoulders and Bacon; Federal Inspection.** (1) Any slaughtering  
51 establishment whose commercial operations do not extend beyond the county boundary lines,

1 shall be exempt from the provisions of this Article; provided, however, when it appears to the  
2 Commissioner that any intra-county slaughtering establishment operations are a detriment to  
3 the public health, such an establishment may be brought within the provisions of this Article.

4 "(2) Any producer or individual who shall slaughter animals principally for his  
5 own domestic use or for that of his immediate family, or any individual who  
6 shall have animals slaughtered principally for himself for his own domestic  
7 use or that of his immediate family by an intra-county slaughtering  
8 establishment shall be exempt from the inter-county restrictions, and such  
9 slaughtering by an intra-county establishment shall not constitute  
10 inter-county operations within the provisions of this Article.

11 "(3) The sale of country or country style cured hams, shoulders and bacon shall  
12 be exempt from the general provisions of the Compulsory Meat Inspection  
13 Law; provided, that the storing, handling and curing of such meat complies  
14 with the rules and regulations adopted by the Board of Agriculture.

15 "(4) Any person or firm operating and licensed under the inspection program of  
16 the United States Department of Agriculture shall be exempt from the  
17 provisions of this Article.

18 "(5) Curb Markets operated under the sponsorship of Home Demonstration Clubs  
19 are exempt from the provisions of this Article.

20 **"G.S. 106-549.35. Office of State Supervisor; Veterinary Inspectors; Meat Inspectors.**

21 There is created the office of State Supervisor. The Commissioner of Agriculture shall appoint  
22 a qualified veterinarian to fill this office, who shall have had experience in meat inspection  
23 work in slaughtering establishments. The duties of the State Supervisor shall be to supervise the  
24 Compulsory Meat Inspection Program, enforce and efficiently carry out the provisions of this  
25 Article and the rules and regulations of the Board of Agriculture so as to assure the public that  
26 only pure and wholesome meats are offered for sale. The Commissioner may appoint an  
27 Assistant State Supervisor, veterinary inspectors and meat inspectors who shall be responsible  
28 to the State Supervisor and who shall conduct ante mortem and post mortem inspections,  
29 enforce sanitary requirements, perform other duties necessary to conduct proper meat  
30 inspection and carry out the provisions of this Article and the rules and regulations adopted  
31 thereunder. The salaries of the above named personnel shall be fixed in accordance with the  
32 State Personnel Act.

33 **"G.S. 106-549.36. Application for Inspections; Licenses.** Effective July 1, 1962, before a  
34 person shall engage in slaughtering meat food animals or manufacturing or processing meat  
35 food products, or by-products on an inter-county basis in this State, he shall first apply to the  
36 Commissioner for the inauguration of inspection service in the establishment where such meat  
37 or meat food animals are to be slaughtered or meat food products processed or manufactured.  
38 Such application shall be in writing, addressed to the Department of Agriculture, on blank  
39 forms which shall be furnished by said Department of Agriculture. In such application for  
40 inspection the applicant shall agree to comply with the provisions of this Article, and the rules  
41 and regulations adopted hereunder and to maintain said establishment in a clean and sanitary  
42 manner. Upon receipt of said application, the Commissioner or his authorized agent shall cause  
43 to be made an inspection of said establishment, and if found clean and sanitary, and if properly  
44 constructed, maintained and equipped to conduct its business in accordance with this Article,  
45 and the rules and regulations adopted hereunder, the Commissioner or his authorized agent  
46 shall inaugurate inspection services therein and shall give to such establishment an official  
47 number, to be used to mark meat in this establishment, as provided in this Article.

48 "Such establishment shall thereafter be known as 'Official Plant No. \_\_\_\_\_', and it  
49 shall be illegal for any other plant to use the official number of the said plant.

1 "Upon the effective date of this Act, any person qualifying for meat inspection services may  
2 make application to the Commissioner, and said service shall be inaugurated as soon as  
3 practicable.

4 **"G.S. 106-549.37. Suspension or Revocation of State Meat Inspection.** If any condition  
5 exists in any establishment which may affect adversely the wholesomeness of meat products  
6 prepared or processed at such establishments, the Commissioner may immediately suspend  
7 State meat inspection until the condition is remedied. The Commissioner may revoke State  
8 meat inspection from any establishment on ten days' notice to the operator thereof, if such  
9 operator, after having received written notice of such noncompliance, repeatedly and  
10 persistently fails to comply with the rules and regulations promulgated by the Commissioner or  
11 any provisions of this Article.

12 **"G.S. 106-549.38. Procedure for Revocation or Suspension; Hearings; Appeals.** In all  
13 proceedings for revocation, suspension or denial of a license, the licensee or applicant shall be  
14 given an opportunity to be heard and may be represented by counsel. The Commissioner shall  
15 give the licensee twenty days' notice in writing and such notice shall specify the charges or  
16 reasons for revocation, suspension or denial. The notice shall also state the date, time and place  
17 where such hearing is to be held. Such hearing shall be held at the Department of Agriculture,  
18 Raleigh, N.C., unless a different location be agreed upon.

19 "The Commissioner may issue subpoenas to compel the attendance of witnesses, and/or the  
20 production of books, papers, records, and/or documents anywhere in the State. Subpoenae  
21 shall be served in the same manner as in civil cases in the Superior Court. Witnesses shall  
22 testify under oath, which may be administered by the Commissioner. Testimony shall be taken  
23 in person or by deposition under such rules and regulations as the Board of Agriculture may  
24 prescribe. The Commissioner shall hear and determine the charges, make findings and  
25 conclusions upon the evidence produced, and file them in his office, and serve upon the  
26 accused a copy of such findings and conclusions.

27 "The revocation or suspension of a license shall be in writing signed by the Commissioner  
28 or the Assistant Commissioner, stating the grounds upon which such order is based, and the  
29 aggrieved person shall have the right to appeal from such an order within twenty days after a  
30 copy thereof is served upon him to the Superior Court of the County in which the appellant's  
31 establishment is located, or to the Superior Court of Wake County. Trial on such appeal shall  
32 be de novo; provided, however, that if the parties so agree, it may be confined to a review of  
33 the record made at the hearing by the Commissioner.

34 "An appeal shall lie to the Supreme Court from the judgment of the Superior Court, as  
35 provided in all other civil cases.

36 **"G.S. 106-549.39. Plant Construction and Equipment.** For the purpose of inspection and  
37 qualifying slaughter houses, packing houses, abattoirs, meat processing plants and any other  
38 establishments manufacturing meat food, meat food by-products and meat products for  
39 licenses, the Board of Agriculture shall have authority to adopt the necessary sanitary and meat  
40 inspection rules and regulations, pertaining to the construction, equipment and facilities of  
41 slaughter houses, packing houses, abattoirs, meat processing plants, and any other  
42 establishments handling meat food or meat food by-products. Said rules and regulations shall,  
43 so far as practical be in conformity with the meat inspection division, agricultural research  
44 service, United States Department of Agriculture meat inspection rules and regulations.

45 **"G.S. 106-549.40. Ante Mortem Inspection.** The Commissioner, or his authorized agents,  
46 shall require and provide for an ante mortem examination and inspection by inspectors of all  
47 meat food animals before they are allowed to enter any State-inspected establishment in which  
48 such meat food animals are to be slaughtered and the meat thereof is to be sold and used within  
49 the State. Such ante mortem inspection shall be made on the day of slaughter. All meat food  
50 animals which on such ante mortem inspection are found to show symptoms of disease or in  
51 abnormal condition shall be set apart and final disposition of such animals shall be made by the

1 veterinary inspector. The veterinary inspector shall dispose of such animals in conformity with  
2 the rules and regulations of the State Board of Agriculture whether such animals are released  
3 for slaughter, held as suspects or condemned.

4 **"G.S. 106-549.41. Post Mortem Inspection.** The Commissioner, or his authorized agent, shall  
5 require and provide post mortem inspection of all animals slaughtered for food purposes on the  
6 day of the slaughter in any and all establishments in the State of North Carolina. The head,  
7 tongue, tail, thymus glands, viscera, and other parts and blood used in the preparation of meat  
8 food, meat food products or by-products, or medicinal products, shall be inspected at the time  
9 of evisceration and retained in such a manner as to preserve their identity until after the post  
10 mortem examination has been completed. All carcasses and parts thereof showing signs of  
11 disease shall have final inspection by the veterinary inspector and disposed of in conformity  
12 with the rules and regulations adopted by the Board of Agriculture.

13 **"G.S. 106-549.42. Designation of Times of Inspection.** Whenever the Commissioner, or his  
14 authorized agents, shall deem it necessary in order to furnish proper, efficient, and economical  
15 inspection of establishments and the proper inspection of meat food animals or meat, the  
16 Commissioner or his authorized agent may designate days and hours for the slaughter of meat  
17 food animals and the preparation of processing of meat at such establishments. The  
18 Commissioner or his agent, in making such designation of days and hours, shall give  
19 consideration to the recommendations of the various establishments throughout the State and  
20 the existing practices and methods used at said establishments, fixing the time for slaughter of  
21 meat food animals and the preparation or processing of meat thereof.

22 **"G.S. 106-549.43. Fee Required for Inspections Outside Regular Working Hours;  
23 Disposition of Monies.** The Commissioner, or his agents, shall not be required to furnish meat  
24 inspection, as herein provided, for more than eight hours in any one day, or in excess of forty  
25 hours in any one calendar week, or on Sundays or legal holidays except on payment to the  
26 Department by the operator of an establishment under inspection of an hourly fee for each hour  
27 of State meat inspection furnished over eight hours in any one day or in excess of forty hours in  
28 any calendar week or on Sundays and legal holidays. The Commissioner shall establish an  
29 hourly rate for such overtime at an amount sufficient to defray the cost of such inspection.

30 "All fees received by the Department under this Section shall be deposited in the general  
31 fund in the State Treasury, credited to the Department of Agriculture account, and continuously  
32 appropriated to the Department for the purpose of administration and enforcement of this  
33 Article.

34 **"G.S. 106-549.44. Labeling and Marking.** The Commissioner shall provide meat inspection  
35 stamps and assign establishment numbers to all slaughtering establishments, packing houses,  
36 abattoirs, meat processing plants, and any other establishments handling meat, meat by-  
37 products, or meat food by-products, which have been approved and granted State meat  
38 inspection service by the Commissioner, and the stamps shall contain the words 'North Carolina  
39 Inspected and Passed', or words of similar import. The carcasses of all livestock slaughtered,  
40 together with the usual wholesale cuts thereof, and such meat and/or meat products in loose  
41 form, encased, packaged, or canned as may be designated by the Commissioner, shall be  
42 legibly marked or branded with an edible ink, or otherwise identified with the assigned stamp  
43 and identification number of the slaughter house, packing house, abattoir, meat processing  
44 plant, or other establishment handling meat, meat products, and meat food by-products, all in  
45 accordance with the rules and regulations adopted by the Commissioner. Such inspection  
46 legend shall be applied under the supervision of meat inspection personnel.

47 "The inspection stamp shall be designed by the Board of Agriculture so as not to be in  
48 conflict with inspection stamps of the United States Department of Agriculture.

49 **"G.S. 106-549.45. Transportation of Inspected Meat and Meat Byproducts.** No person  
50 shall transport inter-county, for the purpose of sale, any meat, meat by-product, or meat food  
51 product which is not properly labeled or marked as 'N.C. Inspected and Passed' or 'U.S.

1 Inspected and Passed'. Carcasses, parts of carcasses, meat, meat by-products, and meat food  
2 products, inspected and passed for wholesomeness by the North Carolina Department of  
3 Agriculture, may be transported, stored and sold at any place within the State of North  
4 Carolina, including any political subdivision thereof; provided, however, such products  
5 following removal from the plant of origin found to be unwholesome and unfit for human food  
6 during transportation, storage, or at any subsequent time, may be condemned as unwholesome  
7 and unfit for human food and disposed of as inedible products in accordance with the rules and  
8 regulations adopted by the Board of Agriculture.

9 **"G.S. 106-549.46. Reinspection.** All meat, meat products or by-products in channels of trade,  
10 whether fresh, frozen, cured or otherwise prepared, even though previously inspected and  
11 passed, shall be subject to reinspection under this Article and the rules and regulations as often  
12 as may be necessary in order to ascertain whether such food is sound, healthful, wholesome,  
13 and fit for human food. No meat product of any kind containing muscle tissue of pork, which is  
14 customarily eaten without cooking, shall be prepared for human consumption unless subjected  
15 to a temperature sufficient to destroy all live trichinae. No food shall contain any dye, chemical  
16 preservative or other substance which impairs its wholesomeness or which is not approved by  
17 the Commissioner or his authorized agent.

18 **"G.S. 106-549.47. Effect of Article.** The provisions of this Article shall be applied in such a  
19 manner as to maintain the support and cooperation of all State and local agencies dealing with  
20 animals, animal diseases and human diseases, and in no way shall this Article restrict the  
21 authority given to the State Board of Health or any other agency under the General Statutes of  
22 North Carolina.

23 **"G.S. 106-549.48. Penalties.** Any person who shall violate any of the provisions of this  
24 Article, or the rules and regulations adopted hereunder, shall be guilty of a misdemeanor and  
25 may be fined or imprisoned or both, in the discretion of the court."

26 **Sec. 2.** If any provision of this Act or the application thereof to any person or  
27 circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
28 the Act which can be given effect without the invalid provision or application, and to this end  
29 the provisions of this Act are declared to be severable.

30 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

31 **Sec. 4.** This Act shall be in full force and effect on and after November 1, 1961.

32 In the General Assembly read three times and ratified, this the 13th day of June,  
33 1961.