

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 875
SENATE BILL 422

1 AN ACT RELATING TO THE COMPULSORY INSPECTION OF POULTRY AND
2 POULTRY 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 49C and to read as follows:

8 "Article 49D

9 "COMPULSORY POULTRY INSPECTION LAW

10 "**G.S. 106-549.49. Short Title.** This Article shall be known, and may be cited as the
11 Compulsory Poultry Inspection Act.

12 "**G.S. 106-549.50. Purpose.** This Article relates to the public health, safety, and welfare and
13 provides for: The establishment of a poultry inspection service, the inspection of poultry and
14 poultry products and the condemnation and destruction for food purposes of diseased, unsound,
15 or otherwise unfit poultry or poultry products, the prevention of misbranding and alteration, the
16 issuance of licenses, the adoption of regulations for the administration of the Article, and
17 penalties for violation of the Article. The cost of administering the provisions of this Article
18 shall be paid for by the State out of appropriated State funds.

19 "**G.S. 106-549.51. Enforcing Official.** This Article shall be administered by the
20 Commissioner of Agriculture of the State of North Carolina hereinafter referred to as
21 'Commissioner'.

22 "**G.S. 106-549.52. Definitions.** The following words, terms, and phrases shall be construed for
23 the purpose of this Article as follows:

24 (a) 'Commissioner' means Commissioner of Agriculture of North Carolina.

25 (b) 'Board' means the North Carolina Board of Agriculture.

26 (c) 'Poultry' means any kind of domesticated bird, including, but not limited to,
27 chickens, turkeys, ducks, pigeons, geese and guineas.

28 (d) 'Poultry Products' means any giblets or edible part of dressed poultry other than
29 eviscerated poultry or any article of food for human consumption which is prepared in part
30 from any edible portion of dressed poultry or from any product derived wholly from such
31 edible portion.

32 (e) 'Ready-to-cook poultry' means any dressed poultry from which the protruding pin
33 feathers, vestigial feathers, (hair or down, as the case may be), head, shank, crop, oil glands,
34 trachea, esophagus, entrails, reproductive organs, and lungs have been removed, and, with or
35 without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry
36 also means any cut up or disjointed portion of poultry.

37 (f) 'Official plant' means one or more buildings or parts thereof comprising a single
38 plant with the facilities and methods of operation therein having been approved by the
39 Commissioner as suitable and adequate for processing poultry in accordance with the rules and
40 regulations of the Board.

41 (g) 'Person' means any individual, partnership, association, business trust, corporation
42 or any organized group of persons, whether incorporated or not.

1 (h) 'Inspector' means any person who is licensed to inspect and certify the condition and
2 wholesomeness of poultry and poultry products in accordance with the provisions of this
3 Article or the rules and regulations promulgated hereunder.

4 **"G.S. 106-549.53. Compulsory Inspections; Duties and Powers of Commissioner.** In order
5 to provide consumers with a healthy and wholesome product and to properly regulate,
6 supervise, and promote the poultry processing industry, it shall be the duty of the
7 Commissioner to promote, regulate and supervise a system of inspection of all poultry
8 processing establishments, poultry slaughtering houses, and any other establishments which
9 may slaughter, process or dress poultry or poultry products in North Carolina. The
10 Commissioner shall have supervision over all such establishments, and he or his authorized
11 agent is empowered and directed at all times to visit any establishment, place or premise where
12 poultry is slaughtered, processed or dressed for food purposes.

13 **"G.S. 106-549.54. Rules and Regulations.** The Board of Agriculture shall, from time to time,
14 provide rules and regulations necessary for the efficient execution of the provisions of this
15 Article, and all inspections and examinations made under this Act shall be made in such a
16 manner as described in the rules and regulations provided by said Board, not inconsistent with
17 the provisions of this Article; provided, however, that in promulgating such rules and
18 regulations, said Board shall give full consideration to the rules governing poultry inspection of
19 the United States Department of Agriculture.

20 **"G.S. 106-549.55. Exemptions; Intra-County Slaughtering; Processing or Dressing
21 Establishment; Individuals or Producers; Federal Inspection.**

22 (1) Any poultry slaughtering or processing establishment, whose commercial
23 operations do not extend beyond the county boundary lines, shall be exempt
24 from the provisions of this Article; provided, however, when it appears to
25 the Commissioner that any intra-county poultry slaughtering or dressing
26 establishment operations are being handled or carried out in such volume as
27 to affect, burden, or obstruct the movement of inspected poultry products in
28 inter-county trade, or when it appears that such intra-county establishment is
29 a detriment to the public health, such establishment may be brought within
30 the provisions of this Article.

31 (2) Any producer or individual who shall slaughter, process or dress poultry,
32 principally for his own domestic use or for that of his immediate family, or
33 any individual who shall have poultry slaughtered or dressed principally for
34 himself for his own domestic use or for that of his immediate family by an
35 intra-county poultry processing establishment, shall be exempt from the
36 inter-county restrictions, and such slaughtering by an intra-county
37 establishment shall not constitute inter-county operations within the
38 provisions of this Article.

39 (3) Any person or firm operating and licensed under the inspection program of
40 the United States Department of Agriculture shall be exempt from the
41 provisions of this Article.

42 (4) Curb markets operated under the sponsorship of Home Demonstration Clubs
43 are exempt from the provisions of this Article.

44 **"G.S. 106-549.56. Office of State Supervisor; Veterinary Inspectors; Poultry Inspectors.**
45 There is created the office of State Supervisor. The Commissioner of Agriculture shall appoint
46 a qualified veterinarian to fill this office, who shall have had experience in poultry inspection
47 work in slaughtering establishments. The duties of the State Supervisor shall be to supervise the
48 Compulsory Poultry Inspection Program, enforce and efficiently carry out the provisions of this
49 Article and the rules and regulations of the Board so as to assure the public that only pure and
50 wholesome poultry is offered for sale. The Commissioner may appoint an Assistant State
51 Supervisor, veterinary inspectors and poultry inspectors who shall be responsible to the State

1 Supervisor and who shall conduct ante mortem and post-mortem inspections, enforce sanitary
2 requirements, perform other duties necessary to conduct proper poultry inspection and carry out
3 the provisions of this Article and the rules and regulations adopted hereunder. The salaries of
4 the above-named personnel shall be fixed in accordance with the State Personnel Act.

5 **"G.S. 106-549.57. Application for Inspection; Licenses.** Effective on the first day of July,
6 1962, before a person shall engage in slaughtering, processing, or dressing poultry or poultry
7 products on an inter-county basis in this State, he shall first apply to the Commissioner for the
8 inauguration of inspection service in the establishment where such poultry or poultry products
9 are to be slaughtered, processed or dressed. Such application shall be in writing, addressed to
10 the Department of Agriculture on blank forms which shall be furnished by said Department of
11 Agriculture. In such application for inspection, the applicant shall agree to comply with the
12 provisions of this Article and the rules and regulations adopted hereunder, and to maintain said
13 establishment in a clean and sanitary manner. Upon receipt of said application, the
14 Commissioner or his authorized agent shall cause to be made an inspection of said
15 establishment and if found clean and sanitary and if properly constructed, maintained and
16 equipped to conduct its business in accordance with this Article and the rules and regulations
17 adopted hereunder, the Commissioner or his authorized agent shall inaugurate inspection
18 services therein and shall give to such an establishment an official number, to be used to mark
19 or tag poultry and poultry products in this establishment, as provided in this Article.

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

22 "On and after January 1, 1962, any person qualifying for poultry inspection services may
23 make application to the Commissioner and said service shall be inaugurated as soon as is
24 reasonably possible.

25 **"G.S. 106-549.58. Suspension or Revocation of State Poultry Inspection.** If any condition
26 exists in any establishment which may affect adversely the wholesomeness of poultry or
27 poultry products prepared or processed at such establishments, the Commissioner may
28 immediately suspend State poultry inspection until the condition is remedied. The
29 Commissioner may revoke State poultry inspection from any establishment on twenty days'
30 notice to the operator thereof, if such operator, after having received written notice of such non-
31 compliance, repeatedly and persistently fails to comply with the rules and regulations
32 promulgated by the Board or any provisions of this Article.

33 **"G.S. 106-549.59. Procedure for Revocation or Suspension; Hearings; Appeals.** In all
34 proceedings for revocation, suspension or denial of the license, the licensee or applicant shall
35 be given an opportunity to be heard and may be represented by counsel. The Commissioner
36 shall give the licensee twenty days' notice in writing and such notice shall specify the charges
37 or reasons for revocation, suspension or denial. The notice shall also state the date, time and
38 place where such hearing is to be held. Such hearing shall be held at the Department of
39 Agriculture, Raleigh, N.C., unless a different location be agreed upon.

40 "The Commissioner may issue subpoenas to compel the attendance of witnesses, and/or the
41 production of books, papers, records, and/or documents anywhere in the State. Subpoenas shall
42 be served in the same manner as in civil cases in the Superior Court. Witnesses shall testify
43 under oath, which may be administered by the Commissioner. Testimony shall be taken in
44 person or by deposition under such rules and regulations as the Commissioner may prescribe.
45 The Commissioner shall hear and determine the charges, make findings and conclusions upon
46 the evidence produced, and file them in his office, and serve upon the accused a copy of such
47 findings and conclusions.

48 "The revocation or suspension of a license shall be in writing signed by the Commissioner,
49 stating the grounds upon which such order is based, and the aggrieved person shall have the
50 right to appeal from such an order within twenty days after a copy thereof is served upon him to
51 the Superior Court of the county in which the appellant's establishment is located or to the

1 Superior Court of Wake County. Trial on such appeal shall be de novo; provided, however, that
2 if the parties so agree, it may be confined to a review of the record made at the hearing by the
3 Commissioner.

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

6 **"G.S. 106-549.60. Plant Construction and Equipment.** For the purpose of inspection and
7 qualifying poultry slaughter houses, poultry processing plants, and any other establishment
8 processing or dressing poultry, or poultry products for licenses, the Board shall have authority
9 to adopt the necessary sanitary and poultry inspection rules and regulations pertaining to the
10 construction, equipment, and facilities of poultry slaughter houses, poultry processing plants,
11 and any other establishment dressing or handling poultry or poultry products. Said rules and
12 regulations shall, so far as practical, be in conformity with the Poultry Inspection Division,
13 Agricultural Marketing Service, United States Department of Agriculture Poultry Inspection
14 Rules and Regulations.

15 **"G.S. 106-549.61. Ante Mortem Inspection.** The Commissioner, or his authorized agent,
16 shall require and provide for an ante mortem examination and inspection by inspectors of all
17 poultry before it is allowed in any State-inspected establishment in which such poultry is to be
18 slaughtered, and the meat thereof is to be sold and used within the State. Such ante mortem
19 inspection shall be made on the day of slaughter. All poultry, which on such ante mortem
20 inspection is found to show symptoms of disease, or in abnormal condition, shall be set apart
21 and final disposition of such poultry shall be made by the State Supervisor or his agent. The
22 State Supervisor or his agent shall dispose of such poultry in conformity with the rules and
23 regulations of the Board whether such poultry is released for slaughter, held as suspected of
24 disease, or condemned.

25 **"G.S. 106-549.62. Post-Mortem Inspection.** The Commissioner, or his authorized agent, shall
26 require and provide post-mortem inspection of all poultry slaughtered for food purposes on the
27 day of the slaughter in every establishment having poultry inspection in the State. The head,
28 viscera, and other parts and blood used in the preparation of food or food products shall be
29 inspected at the time of the evisceration and retained in such a manner as to preserve their
30 identity until after the post-mortem examination has been completed. All carcasses and parts
31 thereof showing signs of disease shall have final inspection by the State Supervisor or his agent
32 and disposed of in conformity with the rules and regulations adopted by the Board.

33 **"G.S. 106-549.63. Designation of Times of Inspection.** Whenever the Commissioner, or his
34 authorized agent, shall deem it necessary in order to furnish proper, efficient and economical
35 inspection of establishments and the proper inspection of poultry, the Commissioner, or his
36 authorized agent, may designate days and hours for the slaughter of poultry and the preparation,
37 processing, or dressing of poultry at such establishments. The Commissioner, or his agent, in
38 making such designation of days and hours, shall give consideration to the recommendations of
39 the various establishments throughout the State, and the existing practices and methods used at
40 said establishments, fixing the time for slaughter of poultry and the preparation, processing, or
41 dressing of poultry thereof.

42 **"G.S. 106-549.64. Fee Required for Inspections Outside the Regular Working Hours;
43 Disposition of Monies.** The Commissioner, or his authorized agent, shall not be required to
44 furnish poultry inspection, as herein provided, for more than ten hours in any one day, or in
45 excess of forty hours in any one calendar week, or on Sundays or legal holidays, except on
46 payment to the Department by the operator of an establishment under inspection of an hourly
47 fee for each hour of State poultry inspection furnished over ten hours in any one day or in
48 excess of forty hours in any calendar week or on Sundays and legal holidays. The
49 Commissioner shall establish an hourly rate for such overtime at an amount sufficient to defray
50 the cost of such inspection.

1 "All fees received by the Department under this inspection shall be deposited in the General
2 Fund in the State Treasury, credited to the Department of Agriculture account, and
3 continuously appropriated to said Department for the purpose of administration and
4 enforcement of this Article.

5 **"G.S. 106-549.65. Labelling and Marking.** The Commissioner shall design inspection stamps
6 or tags and assign establishment numbers to all poultry slaughtering establishments, poultry
7 processing and dressing plants, and any other establishments handling poultry or poultry
8 products, which have been approved and granted State poultry inspection service by the
9 Commissioner, and the stamps or tags shall contain the words 'North Carolina Inspected and
10 Passed', or words of similar import. The carcasses of all poultry slaughtered, together with the
11 usual cuts thereof, and such poultry or products in loose form, encased, packaged, or canned, as
12 may be designated by the Commissioner, shall be legally marked or branded with an edible ink,
13 or otherwise identified with the assigned stamp or tag and identification number of the
14 slaughter house or processing and dressing plant or other establishment handling poultry,
15 poultry products, all in accordance with the rules and regulations adopted by the Board. Such
16 inspection legend shall be applied under the supervision of poultry inspection personnel.

17 "The inspection stamp or tag shall be designed so as not to be in conflict with inspection
18 stamps of the United States Department of Agriculture.

19 **"G.S. 106-549.66. Transportation of Inspected Poultry and Poultry Products.** No person
20 shall transport inter-county, for the purpose of sale, any poultry, or poultry product, which is
21 not properly labelled or marked as 'North Carolina Inspected and Passed', or 'U.S. Inspected
22 and Passed'. Carcasses, parts of carcasses, and poultry products inspected and passed for
23 wholesomeness by the North Carolina Department of Agriculture, may be transported, stored
24 and sold at any place within the State of North Carolina, including any political subdivision
25 thereof; provided, however, such products following removal from the plant of origin found to
26 be unwholesome and unfit for human food during transportation, storage or at any subsequent
27 time may be condemned as unwholesome and unfit for human food and disposed of as inedible
28 products in accordance with the rules and regulations adopted by the Board.

29 **"G.S. 106-549.67. Re-Inspection.** All poultry and poultry products in channels of trade,
30 whether fresh, frozen, or otherwise prepared, even though previously inspected and passed,
31 shall be subject to re-inspection under this Article, and the rules and regulations adopted by the
32 Board as often as may be necessary in order to ascertain whether such food is sound, healthful,
33 wholesome, and fit for human food. No food shall contain any dye, chemical or preservative or
34 other substance which impairs its wholesomeness or which is not approved by the
35 Commissioner or his authorized agent.

36 **"G.S. 106-549.68. Effect of Article.** The provisions of this Article shall be applied in such a
37 manner as to maintain the support and cooperation of all State and local agencies dealing with
38 poultry, poultry diseases, and human diseases, and in no way shall this Article restrict the
39 authority given to the State Board of Health or any other agency under the General Statutes of
40 North Carolina.

41 **"G.S. 106-549.69. Penalties.** Any person who shall violate any of the provisions of this Article
42 or the rules and regulations adopted hereunder shall be guilty of a misdemeanor and may be
43 fined or imprisoned, or both, in the discretion of the Court."

44 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

45 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

46 In the General Assembly read three times and ratified, this the 16th day of June,
47 1961.