

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 464
SENATE BILL 385

1 AN ACT REWRITING ARTICLE 49 OF CHAPTER 106 OF THE GENERAL STATUTES
2 RELATING TO NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS
3 AND THE REGULATION OF HATCHERIES, CHICK AND HATCHING EGG
4 DEALERS.

5
6 The General Assembly of North Carolina do enact:

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8 **Section 1.** Article 49 of Chapter 106 of the General Statutes is rewritten in its
9 entirety to read as follows:

10 ARTICLE 49

11 "POULTRY; HATCHERIES; CHICK DEALERS

12 **"G.S. 106-539. National poultry and turkey improvement plans.** In order to promote the
13 poultry industry of the State, the North Carolina Department of Agriculture is hereby
14 authorized to cooperate with the United States Department of Agriculture in the operation of
15 the National Poultry and Turkey Improvement Plans.

16 **"G.S. 106-540. Rules and regulations.** After public hearing following 30 days public notice,
17 the North Carolina Board of Agriculture is hereby authorized to make such regulations as may
18 be necessary to accomplish the following:

- 19 "1. Carry out the provisions of the National Poultry and Turkey Improvement
20 Plans.
- 21 "2. Set up minimum standards for the operation of hatcheries.
- 22 "3. Regulate hatching egg dealers, chick dealers, poult dealers, and jobbers.
- 23 "4. Regulate the shipping into this State of baby chicks, turkey poults and
24 hatching eggs.
- 25 "5. Facilitate the control and eradication of contagious and infectious diseases of
26 poultry.

27 **"G.S. 106-541. Definitions.** For the purpose of this Act, a hatchery shall be defined as any
28 establishment that operates hatchery equipment for the production of baby chicks or poults. A
29 hatching egg dealer, chick dealer or jobber shall mean any person, firm or corporation that buys
30 hatching eggs, baby chicks or turkey poults and sells or offers them for sale. The term 'mixed
31 chicks' or 'assorted chicks' shall mean chicks produced from eggs from purebred females of a
32 distinct breed mated to a purebred male of a distinct breed.

33 **"G.S. 106-542. Hatcheries, chick dealers and others to obtain permit to operate.** No
34 person, firm or corporation shall operate a hatchery and no chick or hatching egg dealer or
35 jobber shall operate within this State without first obtaining a permit from the Department of
36 Agriculture to so operate. Said permit may be cancelled by the Department of Agriculture for
37 violation of this Act or the Regulations promulgated thereunder by the Board of Agriculture.
38 Any person who is refused a permit or whose permit is revoked may appeal within thirty (30)
39 days of such refusal or revocation to the superior court of the county wherein the hatchery is or
40 is sought to be located.

41 **"G.S. 106-543. Requirements of national poultry and turkey improvement plans must be**
42 **met.** All baby chicks, turkey poults and hatching eggs produced, sold or offered for sale shall
43 originate in flocks that meet the requirements of the National Poultry and Turkey Improvement

Plans as administered by the North Carolina Department of Agriculture and the regulations issued by authority of this Act for the control of pullorum disease and other infectious diseases provided that nothing in this Act shall require any hatchery to adopt the National Poultry Improvement Plan or National Turkey Improvement Plan.

"G.S. 106-544. Shipments from out of State. All baby chicks, turkey poults and hatching eggs shipped or otherwise brought into this State shall originate in flocks that meet the minimum requirements of pullorum and typhoid disease control provided for in this Act and the regulations issued by authority of this Act, and shall be accompanied by a certificate approved by the official State Agency or the livestock sanitary officials of the State of origin certifying same.

"G.S. 106-545. False advertising. No hatchery, hatchery dealer, chick dealer or jobber shall use false or misleading advertising in the sale of their products.

"G.S. 106-546. Notice describing grade of chicks to be posted. All hatcheries, chick dealers or jobbers offering chicks for sale to the public shall post in a conspicuous manner in their place of business a poster furnished by the North Carolina Department of Agriculture describing the grade of chicks approved by the North Carolina Department of Agriculture.

"G.S. 106-547. Records to be kept. Every hatchery, hatching egg dealer, chick dealer or jobber shall keep such records of operation as the regulations of the Department of Agriculture may require for the proper inspection of said hatchery, dealer or jobber.

"G.S. 106-548. Fees. For the purpose of carrying out the provisions of this Act and the regulations issued thereunder, the Department of Agriculture is authorized to collect annually from every hatchery a fee not to exceed ten dollars (\$10.00) where the egg capacity is not more than fifty thousand eggs and twenty dollars (\$20.00) where the egg capacity is fifty thousand to one hundred thousand eggs, and thirty dollars (\$30.00) where the egg capacity is over one hundred thousand, provided the fee for hatcheries with egg capacity not exceeding 1,000 eggs may be waived at the discretion of the Commissioner of Agriculture. Chick dealers and jobbers shall pay a fee of three dollars (\$3.00) annually, said fees to be used for the enforcement of this Act. The North Carolina Board of Agriculture is authorized to establish fee schedules not in excess of the actual cost thereof for pullorum and other disease testing, and the performance of services such as culling and selecting by department personnel. When the State Veterinarian receives information or has reason to believe that pullorum disease or fowl typhoid exists in any poultry or that they have been exposed to one of these diseases, he shall promptly cause said poultry to be quarantined on the premises where located. Said poultry or hatching eggs shall not be removed from the premises where quarantined until quarantine has been released by the State Veterinarian or his authorized representative. A permit to move such infected or exposed poultry to immediate slaughter, or to another premise under quarantine, may be issued by the State Veterinarian or his authorized representative. The Board of Agriculture is empowered to make regulations under which compulsory testing of poultry for pullorum disease or fowl typhoid may be required.

"G.S. 106-549. Violation a misdemeanor. Any person, firm or corporation who shall wilfully violate any provision of this Act or any Rule or Regulation duly established by authority of this Act, shall be guilty of a misdemeanor and shall be fined not in excess of five hundred dollars (\$500.00) or imprisoned not in excess of six months, or both fined and imprisoned, in the discretion of the court."

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

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1969.