

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 713
HOUSE BILL 1075

AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO REGULATE THE
PRODUCTION, SALE, USE AND DISTRIBUTION OF BIOLOGICAL ORGANISMS.

The General Assembly of North Carolina enacts:

Section 1. Purpose. The purpose of this act is to regulate the production, sale, use and distribution of biological organisms that may have an adverse effect on the environment.

Sec. 2. Short title. This act shall be known as the "North Carolina Biological Organism Act".

Sec. 3. Definitions. For the purposes of this act, unless the context clearly requires otherwise:

- (1) The term "Biological Organism" means any plant, lower animal, virus or disease causal agent intended for release into the environment; or, an organism which affects the environment by its presence or absence.
- (2) The term "Division of Entomology" means the Division of the Department of Agriculture so named.
- (3) The term "Commissioner" means the Commissioner of Agriculture of North Carolina or his designated agent or agents.
- (4) The term "Board" means North Carolina Board of Agriculture.

Sec. 4. Authority of the Board to adopt regulations. The Board of Agriculture is hereby authorized to adopt regulations to implement and carry out the purposes of this act so as to protect the environment from detrimental importation, rearing, sale, and/or release of insects, parasites, predators and other biological organisms in North Carolina, and to protect organisms that are beneficial to man and/or his environment. No viable biological organism shall be brought into North Carolina, reared, collected, propagated or offered for sale or released except under such conditions as are prescribed by regulations adopted under the provisions of this act.

Sec. 5. Commissioner of Agriculture to enforce act. It shall be the duty of the Commissioner to exercise the powers and duties imposed upon him by this act and such regulations as shall be adopted under these provisions for the purpose of protecting the environment from adverse effects of biological organisms released into the environment of North Carolina and to protect beneficial biological organisms in the State. The Board is hereby authorized to cause importation, collection, release, destruction and propagation of beneficial organisms when such action is deemed to be in the best interest of North Carolina and its environment. The Board is authorized to promote and/or regulate businesses, persons or agencies engaged in the importation, collection, rearing, sales, release, or use of biological organisms. The Board is authorized to establish standards of positive identification, purity of culture or colony, freedom from disease and hyperparasites of biological organisms and to establish standards of competence and responsibility for the private practitioner engaged in the propagation, use, distribution, release or sale of biological organisms.

The Commissioner is hereby authorized to cause or cooperate in management or mitigation programs to be conducted against such plant, environmental, or nuisance pests as can be controlled in an economically, ecologically, and biologically sound manner. The Board is authorized to cause use of pesticides, parasites, predators, pheromones, genetic material, and

other control techniques which are consistent with the pesticide, environmental and other laws applicable in the State of North Carolina.

The Commissioner shall have authority to designate such employees of the North Carolina Department of Agriculture and/or to enter into cooperative agreements with other governmental agencies as may be needed to carry out the duties and exercise the powers provided by this act. Persons collaborating with the Division of Entomology may also be designated by the Commissioner as agents for the purpose of this act.

Sec. 6. Severability. (a) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be enforced independently without any invalid provision or application and to this end the provisions of this act are declared to be severable.

(b) The provisions of this act shall in no way abrogate the authority as defined in other Articles of the General Statutes of the State of North Carolina as previously enacted. The Commissioner is hereby authorized to enter into memoranda of understanding with other State and federal agencies and individuals concerning biological organisms or pest mitigation programs when such action is desirable to ensure cooperation and prevent conflicts of interest.

Sec. 7. Criminal penalties; violation of law or regulations. If anyone shall interfere with or attempt to interfere with the Commissioner or any of his agents, while engaged in the performance of his duties under this act, or shall violate any provision of this act or any regulation of the Board of Agriculture adopted pursuant to this act, he shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or imprisoned for not less than 10 nor more than 30 days, for each offense. Each day's violation shall constitute a separate offense.

Sec. 8. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.