

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 751
Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/22/03

Short Title: Civil Penalties/Food, Drug and Cosmetics.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO
IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA
FOOD, DRUG AND COSMETIC ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12 of Chapter 106 of the General Statutes is amended
by adding a new section to read:

"§ 106-124.1. Civil penalties.

(a) The Commissioner may assess a civil penalty of not more than two thousand dollars (\$2,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation. No penalty shall be assessed unless the person has been given written notice of the violation and has been given a reasonable period of time in which to correct the violation; provided that a person shall not be entitled to a period of time to correct a violation before a penalty is assessed when the violation is likely to cause physical injury or illness.

(b) Training and management practices implemented for the purpose of complying with this Article shall be a mitigating factor in the assessment of a civil penalty.

(c) The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 2. This act is effective when it becomes law and applies to violations of Article 12 of Chapter 106 of the General Statutes occurring on or after that date.