

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS65350-LR-188A (5/16)

Short Title: Poultry Worker Protection/Funds. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE HEALTH OF EMPLOYEES OF POULTRY  
PROCESSING PLANTS BY AUTHORIZING THE STATE HEALTH DIRECTOR  
TO INSPECT THE PLANTS AND APPROPRIATING FUNDS FOR THAT  
PURPOSE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 16 of Chapter 95 of the General Statutes is amended by  
adding a new section to read:

**"§ 95-136.2. Inspection of poultry processing plants.**

(a) The following definitions apply in this section:

(1) Large processing plant. – An entity that processes poultry and  
employs more than 500 employees in this State.

(2) Licensed medical professional. – Any one of the following persons  
licensed to practice in this State:

a. A physician.

b. A registered nurse, licensed practical nurse, or nurse  
practitioner acting under the supervision of a physician licensed  
to practice medicine in this State.

c. A physician's assistant acting under the supervision of a  
physician licensed to practice medicine in this State.

(3) Poultry processing plant. – An entity that processes poultry in this  
State.

(4) State Health Director. – The officer appointed pursuant to  
G.S. 130A-3 or that officer's designee.

(b) Without abrogating the authority of the Commissioner, the State Health  
Director is delegated the authority of the Commissioner to inspect poultry processing  
plants pursuant to this Article. The purpose of the inspection shall be to review and

1 investigate the medical evaluation, treatment, referral, record-keeping, reporting, and  
2 possible causes of injuries, illnesses, or deaths within the poultry processing plant. The  
3 State Health Director shall provide a written report to the Director of the Occupational  
4 Safety and Health Division containing the findings of the inspection, including any  
5 deficiencies found. The Director of Occupational Safety and Health Division shall  
6 review the report and shall take appropriate action to correct any deficiencies or  
7 violations.

8 (c) The State Health Director shall have all powers to inspect the poultry  
9 processing plant under G.S. 95-136, including but not limited to, full and immediate  
10 access to any part of the poultry processing plant, the ability to question privately any  
11 employer, owner, operator, agent, or employee, and full and immediate access to any  
12 and all records. If access is denied, an administrative search warrant shall be obtained  
13 pursuant to G.S. 15-27.2.

14 (d) The State Health Director shall be permitted to examine, review, and obtain a  
15 copy of all records, reports, or other materials maintained by the Department of Labor  
16 pursuant to this Article. The Commissioner or Director shall be permitted to examine,  
17 review, and obtain a copy of all records, reports, or other materials maintained by the  
18 State Health Director pursuant to this Article.

19 (e) In addition to complying with existing occupational safety and health  
20 recordkeeping requirements, poultry processing plants shall maintain a written log of all  
21 injuries and health concerns, including complaints of pain, whether or not the  
22 complaints reach any other threshold. The log shall include:

23 (1) The name of the employee.

24 (2) A description of the employee's injury or illness, the date that the  
25 symptom or symptoms were first noticed, and any action taken by the  
26 licensed medical professional or the plant management in response to  
27 the reported injury or illness.

28 (3) The outcome of any treatment or referral.

29 Employees are free to report, and the employer shall not discourage, threaten, or prevent  
30 employees from reporting, the information required by this section.

31 (f) Effective September 1, 2008, each large poultry processing plant shall  
32 employ or contract with one or more licensed medical professional who shall be  
33 available at the plant to provide the evaluation, treatment, and referral of employees  
34 who are injured or become ill during operating hours of that plant or as a result of work  
35 performed at that plant.

36 (g) The State Health Director shall make an annual report to the Governor, to the  
37 Speaker of the House of Representatives, to the President Pro-Tem of the Senate, and to  
38 the Commissioner of Labor on the findings of the inspection program, including any  
39 recommendations for additional legislation, regulation, or enforcement measures  
40 necessary to protect the health of workers in poultry processing plants."

41 **SECTION 2.** There is appropriated from the General Fund to the  
42 Department of Health and Human Services, State Health Director, the sum of three  
43 hundred fifty thousand dollars (\$350,000), in recurring funds, for the 2008-2009 fiscal  
44 year for the implementation of this act.

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**SECTION 3.** This act becomes effective July 1, 2008.