

North Carolina State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 2. 15A N.C. Admin. Code 18A.0614
 - b. Shellfish
 - i. Date Labels
 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 2. 15A N.C. Admin. Code 18A.0614
- II. Alcohol
 - a. None
- III. Drugs
 - a. Recreational
 - i. Salvia
 1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 2. NC ST § 14-401.23
 - b. Tobacco
 - i. Fire Safety Standards
 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 2. N.C. Gen. Stat. Ann. § 58-92-15
 3. N.C. Gen. Stat. Ann. § 58-92-20
 4. N.C. Gen. Stat. Ann. § 58-92-25
- IV. Fishing
 - a. Ocean Fishing: Commercial and Sport
 - i. License or Permit Requirements
 1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
 2. N.C.G.S.A. § 113-169.5

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1. These laws regulate the storage, transportation, or manufacture of bedding, mattresses, or other similar materials offered for sale.
2. 2 N.C. Admin. Code 61.0105
- v. Damaged Goods
 1. These regulations impose restrictions on the sale of bedding or other similar items that have been damaged or otherwise contain damaged materials. Some require the manufacturer remake or pay for the return of products not made to satisfaction.
 2. 2 N.C. Admin. Code 61.0105
- VII. Live Animal Imports
 - a. Aquaculture
 - i. Bait
 1. These laws regulate what species of fish can be sold as bait. They are intended to prevent the introduction of invasive species of fish and known fish diseases that may be transmitted through the sale and use of fish as bait.
 2. 15A N.C.A.C. 31.0104
 - ii. Invasive Aquatic Fish
 1. These laws regulate the importation of invasive aquatic fish into the state. They are intended to protect native populations and prevent damage to the ecosystem.
 2. 15A NCAC 2G.0602
 - b. Birds
 - i. Avian Influenza and Newcastle Disease
 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 2. 2 NCAC 52B.0603
 3. 2 NCAC 52C.0603
 - c. Cattle and Bison
 - i. Anthrax
 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax.

However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

2. 2 NCAC 52B.0201
 3. 2 NCAC 52B.0202
 4. <http://www.ncagr.gov/vet/vetdis.htm>
- ii. Brucellosis
1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
 2. 2 NCAC 52A.0103
- iii. Bovine Tuberculosis
1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
 2. 2 NCAC 52B.0201
 3. 2 NCAC 52C.0603
 4. 2 NCAC 52A.0101
- iv. Rabies
1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
 2. 2 NCAC 52B.0201
 3. 2 NCAC 52B.0202
 4. <http://www.ncagr.gov/vet/vetdis.htm>
- v. Cattle Fever Tick
1. These laws impose restrictions on the importation of cattle from areas where cattle fever tick infestations have been known to occur as well as cows that may have been exposed to other animals or

areas where the disease was present. Animals infected with cattle fever experience high fever, loss of red blood cells, enlarged organs, and ultimately, death. States impose these regulations to protect local cows, deer, horses, and other animals from the disease.

2. 2 NCAC 52B.0205

d. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. 15A NCAC 10B.0101

e. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. 2 NCAC 48A.0246

ii. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.

2. 2 NCAC 48A.0258

iii. Prohibition on Africanized Bees

1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.

2. 2 NCAC 48A.0259

3. 2 NCAC 48A.0257

iv. Disease Free Certification of Sale

1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.

2. 2 NCAC 48A.0263

v. Bee Transportation Requirements

1. These laws regulate the movement of bees into or through the state. Some require bees to be packaged or housed a certain way, impose temperature requirements, or require documentation to accompany them.
 2. 2 NCAC 48A.0246
- f. Horses
- i. Equine Infectious Anemia
 1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
 2. 2 NCAC 52B.0206
 3. 2 NCAC 52B.0406
- g. Sheep and Goats
- i. Scrapie
 1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
 2. 2 NCAC 52B.0209
- h. Swine
- i. Pseudorabies
 1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
 2. 2 NCAC 52B.0207
 - ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. 2 NCAC 52B.0201
3. 2 NCAC 52B.0202
4. <http://www.ncagr.gov/vet/vetdis.htm>

VIII. Companion Animals

a. None

IX. Products for Animals

a. Pet Food

i. Ingredients

1. These laws impose content requirements for pet food. Often they regulate the maximum or minimum amounts of crude protein, fat, fiber, and moisture that may go into a product. Others limit the types of ingredients that may be used, such as those regulations prohibiting the use of meat products that do not come from licensed processing plants subject to inspection.

2. 2 N.C. Admin. Code 9D.0102

ii. Nutritional Labeling

1. These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.

2. 2 N.C. Admin. Code 9D.0102

iii. Nutritional Claims

1. These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.

2. 2 N.C. Admin. Code 9D.0102

iv. Flavor Labeling

1. These regulations govern flavor designation and labeling on pet food packaging.

2. 2 N.C. Admin. Code 9D.0103

v. Requirements of Manufacturers

1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.

2. N.C. Gen. Stat. Ann. § 106-284.34

b. Commercial Feed

i. Content Requirements for Commercial Feed

1. These laws regulate the content of commercial feed to ensure that it meets nutritional requirements and is free of harmful materials and biological residues. They are intended to ensure that commercial feed is wholesome and safe for the animals that consume it.

2. N.C.G.S.A. § 106-549.84

c. Prohibited Foods

i. Feed Garbage to Swine

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1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
 2. 2 NCAC 52B.0207
- X. Dead Animals and Animal Parts
- a. None
- XI. Invasive Pests, Plants, and Disease
- a. Oak, Aspen, and Other Species of Tree
 - i. Gypsy Moth
 1. These regulations declare gypsy moths to be a pest. They are intended to supplement federal standards and provide for additional quarantines on plant imports or further prohibit the importation of regulated articles in order to contain the moths’ spread. Gypsy moths affect hundreds of different plant species and cause the defoliation of millions of acres annually. These regulations seek to protect local plant populations.
 2. 2 NCAC 48A.1502
 - b. Sweet Potatoes
 - i. Sweet Potato Weevils
 1. These laws impose quarantines or other import conditions on the interstate movement of sweet potatoes or other host materials. They are intended to protect local crops from the pests that render infested crops bitter, odiferous, and inedible.
 2. 2 NCAC 48A.0903
 - c. Cotton
 - i. Boll Weevil and Pink Bollworm
 1. The boll weevil and pink bollworm are both insects that feed on cotton buds and seeds and led to the devastation of the cotton industry in the 1920’s. These laws are intended to supplement federal regulations. They impose quarantines, restrict movement of products, and establish programs to treat all infected cotton with pesticides.
 2. NC ST § 106-65.78
 - d. Various Other Plants
 - i. Fire Ants
 1. Fire ants cause damage to both agricultural crops and nursery stock. They spread through soil, manure, on the roots of nursery stock, and on earth-moving equipment, principally in the South. These laws require inspections, certifications, and quarantines of

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- soil, nursery stock, equipment, etc. to prevent the spread of this disease.
 - 2. 2 NCAC 48A.0702
- e. Produce Generally
 - i. Fruit Flies
 - 1. Most of these laws require a certification of inspection or treatment for fruit flies prior to importing produce into the state for sale. They apply to various species of fruit fly and are intended to limit the spread of these insects.
 - 2. Ga. Comp. R. & Regs. 40-4-7-.06
 - f. Noxious Weeds
 - 1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 - 2. 2 NCAC 48A.1702
 - g. Noxious Weed Seeds
 - 1. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.
 - 2. 2 NCAC 48C.0102
- XII. Procurement
 - a. Agricultural Goods
 - 1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 - 2. N.C.G.S.A. § 143-59
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. None