

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 150  
Second Edition Engrossed 3/7/91

Short Title: Raising Fallow Deer.

(Public)

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Sponsors: Senators Speed; Ballance, Sands, and Murphy.

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Referred to: Agriculture, Marine Resources, and Wildlife.

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February 20, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW FOR THE PRODUCTION AND SALE OF FALLOW DEER.  
3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 106 of the General Statutes of North Carolina is amended  
5 to add a new Article to read:

6 **“ARTICLE 49H.**

7 **“PRODUCTION AND SALE OF FALLOW DEER.**

8 **“§ 106-549.97. Regulation of fallow deer by Department of Agriculture; certain**  
9 **authority of North Carolina Wildlife Resources Commission not affected.**

10 (a) The Department of Agriculture shall regulate the production and sale of  
11 fallow deer for food purposes. The Board of Agriculture shall adopt rules for the  
12 production and sale of fallow deer for food purposes in such a manner as to provide for  
13 close supervision of any person, firm, or corporation producing and selling fallow deer  
14 for food purposes.

15 As used in this section, ‘fallow deer’ (**Dama dama spp.**) means a small European  
16 deer raised commercially for production and sale for food purposes.

17 (b) The North Carolina Wildlife Resources Commission shall regulate the  
18 possession and transportation of live fallow deer and may adopt rules to prevent the  
19 release or escape of fallow deer upon finding that it is necessary to protect live fallow  
20 deer or to prevent damage to the native deer population or its habitat.”

21 **“§ 106-549.98. Inspection fees.**

22 The Commissioner is authorized to establish an hourly rate to be paid by the owner,  
23 proprietor, or operator of each slaughtering, meat-canning, salting, packing, rendering,

1 or similar establishment for the purpose of defraying the expenses incurred in the  
2 inspection of fallow deer as required by Article 49B of Chapter 106 of the General  
3 Statutes."

4 Sec. 2. G.S. 113-129(1b) is rewritten to read:

5 "(1b) Big Game. —~~Deer, bear, Bear, wild boar, and—wild turkey; turkey,~~  
6 and deer, not to include fallow deer raised for production and sale  
7 under G.S. 106-549.97."

8 Sec. 3. G.S. 113-129(7c) is rewritten to read:

9 "(7c) Game Animals. — Bear, ~~deer,~~ fox, rabbit, squirrel, and—wild bear;  
10 boar, and deer, not to include fallow deer raised for production and  
11 sale under G.S. 106-549.97; bobcat, opossum, and raccoon except  
12 when trapped in accordance with provisions relating to fur-bearing  
13 animals."

14 Sec. 4. G.S. 106-549.15(14) reads as rewritten:

15 "(14) 'Meat food product' means any product capable of use as human  
16 food which is made wholly or in part from any meat or other  
17 portion of the carcass of any cattle, sheep, swine, ~~or goats,~~ goats, or  
18 fallow deer, excepting products which contain meat or other  
19 portions of such carcasses only in a relatively small proportion or  
20 historically have not been considered by consumers as products of  
21 the meat food industry, and which are exempted from definition as  
22 a meat food product by the Board under such conditions as it may  
23 prescribe to assure that the meat or other portions of such carcasses  
24 contained in such product are not adulterated and that such  
25 products are not represented as meat food products. This term as  
26 applied to food products of equines shall have a meaning  
27 comparable to that provided in this subdivision with respect to  
28 cattle, sheep, swine, and goats."

29 Sec. 5. G.S. 106-549.15(22) reads as rewritten:

30 "(22) 'Renderer' means any person, firm, or corporation engaged in the  
31 business of rendering carcasses, or parts or products of the  
32 carcasses, of cattle, sheep, swine, goats, fallow deer, horses, mules,  
33 or other equines, except rendering conducted under inspection  
34 under this Article."

35 Sec. 6. G.S. 106-549.17 reads as rewritten:

36 "**§ 106-549.17. Inspection of animals before slaughter; humane methods of**  
37 **slaughtering.**

38 (a) For the purpose of preventing the use in intrastate commerce, as hereinafter  
39 provided, of meat and meat food products which are adulterated, the Commissioner  
40 shall cause to be made, by inspectors appointed for that purpose, an examination and  
41 inspection of all cattle, sheep, swine, goats, fallow deer, horses, mules, and other  
42 equines before they shall be allowed to enter into any slaughtering, packing, meat-  
43 canning, rendering, or similar establishment in this State in which slaughtering and  
44 preparation of meat and meat food products of such animals are conducted for intrastate

1 commerce; and all cattle, sheep, swine, goats, fallow deer, horses, mules, and other  
2 equines found on such inspection to show symptoms of disease shall be set apart and  
3 slaughtered separately from all other cattle, sheep, swine, goats, fallow deer, horses,  
4 mules, or other equines, and when so slaughtered, the carcasses of said cattle, sheep,  
5 swine, goats, fallow deer, horses, mules, or other equines shall be subject to a careful  
6 examination and inspection, all as provided by the rules and regulations to be  
7 prescribed by the Board as herein provided for.

8 (b) For the purpose of preventing the inhumane slaughtering of livestock, the  
9 Commissioner shall cause to be made, by inspectors appointed for that purpose, an  
10 examination and inspection of the method by which cattle, sheep, swine, goats, fallow  
11 deer, horses, mules, and other equines are slaughtered and handled in connection with  
12 slaughter in the slaughtering establishments inspected under this law. The  
13 Commissioner may refuse to provide inspection to a new slaughtering establishment or  
14 may cause inspection to be temporarily suspended at a slaughtering establishment if the  
15 Commissioner finds that any cattle, sheep, swine, goats, fallow deer, horses, mules, or  
16 other equines have been slaughtered or handled in connection with slaughter at such  
17 establishment by any method not in accordance with subsection (c) of this section until  
18 the establishment furnishes assurances satisfactory to the Commissioner that all  
19 slaughtering and handling in connection with slaughter of livestock shall be in  
20 accordance with such a method.

21 (c) Either of the following two methods of slaughtering of livestock and handling  
22 of livestock in connection with slaughter are found to be humane:

- 23 (1) In the case of cattle, calves, fallow deer, horses, mules, sheep,  
24 swine, and other livestock, all animals are rendered insensible to  
25 pain by a single blow or gunshot or an electrical, chemical, or other  
26 means that is rapid and effective, before being shackled, hoisted,  
27 thrown, cast, or cut; or
- 28 (2) By slaughtering in accordance with the ritual requirements of the  
29 Jewish faith or any other religious faith that prescribes a method of  
30 slaughter whereby the animal suffers loss of consciousness by  
31 anemia of the brain caused by the simultaneous and instantaneous  
32 severance of the carotid arteries with a sharp instrument and  
33 handling in connection with such slaughtering."

34 Sec. 7. G.S. 106-549.18 reads as rewritten:

35 **"§ 106-549.18. Inspection; stamping carcass.**

36 For the purposes hereinbefore set forth the Commissioner shall cause to be made by  
37 inspectors appointed for that purpose, as hereinafter provided, a post mortem  
38 examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine,  
39 goats, fallow deer, horses, mules, and other equines, capable of use as human food, to  
40 be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar  
41 establishment in this State in which such articles are prepared for intrastate commerce;  
42 and the carcasses and parts thereof of all such animals found to be not adulterated shall  
43 be marked, stamped, tagged, or labeled, as 'Inspected and Passed'; and said inspectors  
44 shall label, mark, stamp, or ~~tax-tag~~ tag as 'Inspected and Condemned,' all carcasses and

1 parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus  
2 inspected and condemned shall be destroyed for food purposes by the said establishment  
3 in the presence of an inspector, and the Commissioner or his authorized representative  
4 may remove inspectors from any such establishment which fails to so destroy any such  
5 condemned carcass or part thereof, and said inspectors, after said first inspection shall,  
6 when they deem it necessary, reinspect said carcasses or parts thereof to determine  
7 whether since the first inspection the same have become adulterated and if any carcass  
8 or any part thereof shall, upon examination and inspection subsequent to the first  
9 examination and inspection, be found to be adulterated, it shall be destroyed for food  
10 purposes by the said establishment in the presence of an inspector, and the  
11 Commissioner or his authorized representative may remove inspectors from any  
12 establishment which fails to [do] so destroy any such condemned carcass or part  
13 thereof."

14 Sec. 8. G.S. 106-549.19 reads as rewritten:

15 **"§ 106-549.19. Application of Article; place of inspection.**

16 The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle,  
17 sheep, swine, goats, fallow deer, horses, mules, and other equines or the meat or meat  
18 products thereof, capable of use as human food, which may be brought into any  
19 slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where  
20 inspection under this Article is maintained, and such examination and inspection shall  
21 be had before the said carcasses or parts thereof shall be allowed to enter into any  
22 department wherein the same are to be treated and prepared for meat food products;  
23 and the foregoing provisions shall also apply to all such products which, after having  
24 been issued from any such slaughtering, meat-canning, salting, packing, rendering, or  
25 similar establishment, shall be returned to the same or to any similar establishment  
26 where such inspection is maintained. The Commissioner or his authorized  
27 representative may limit the entry of carcasses, part of carcasses, meat and meat food  
28 products, and other materials into any establishment at which inspection under this  
29 Article is maintained, under such conditions as he may prescribe to assure that allowing  
30 the entry of such articles into such inspected establishments will be consistent with the  
31 purposes of this and the subsequent Article."

32 Sec. 9. G.S. 106-549.22 reads as rewritten:

33 **"§ 106-549.22. Rules and regulations of Board.**

34 The Commissioner or his authorized representative shall cause to be made, by  
35 experts in sanitation, or by other competent inspectors, such inspection of all  
36 slaughtering, meat-canning, salting, packing, rendering, or similar establishments in  
37 which cattle, sheep, swine, goats, fallow deer, horses, mules, and other equines are  
38 slaughtered and the meat and meat food products thereof are prepared for intrastate  
39 commerce as may be necessary to inform himself concerning the sanitary conditions of  
40 the same, and the Board shall prescribe the rules and regulations of sanitation under  
41 which such establishments shall be maintained; and where the sanitary conditions of any  
42 such establishment are such that the meat or meat food products are rendered  
43 adulterated, the Commissioner or his authorized representative shall refuse to allow said

1 meat or meat food products to be labeled, marked, stamped, or tagged as ‘North  
2 Carolina Department of Agriculture Inspected and Passed.’“

3 Sec. 10. G.S. 106-549.23 reads as rewritten:

4 **"§ 106-549.23. Prohibited slaughter, sale and transportation.**

5 No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats,  
6 fallow deer, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or  
7 meat food products of any such animals:

- 8 (1) Slaughter any of these animals or prepare any of these articles which  
9 are capable of use as human food, at any establishment preparing any  
10 such articles for intrastate commerce except in compliance with the  
11 requirements of this and the subsequent Article;
- 12 (2) Slaughter, or handle in connection with slaughter, any such animals in  
13 any manner not in accordance with G.S. 106-549.17(c) of this Article;
- 14 (3) Sell, transport, offer for sale or transportation, or receive for  
15 transportation, in intrastate commerce:
  - 16 a. Any of these articles which (i) are capable of use as human food  
17 and (ii) are adulterated or misbranded at the time of sale,  
18 transportation, offer for sale or transportation, or receipt for  
19 transportation; or
  - 20 b. Any articles required to be inspected under this Article unless  
21 they have been so inspected and passed; or
- 22 (4) Do, with respect to any of these articles which are capable of use as  
23 human food, any act while they are being transported in intrastate  
24 commerce or held for sale after such transportation, which is intended  
25 to cause or has the effect of causing the articles to be adulterated or  
26 misbranded."

27 Sec. 11. G.S. 106-549.25 reads as rewritten:

28 **"§ 106-549.25. Slaughter, sale and transportation of equine carcasses.**

29 No person, firm, or corporation shall sell, transport, offer for sale or transportation,  
30 or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or  
31 other equines or parts of such carcasses, or the meat or meat food products thereof,  
32 unless they are plainly and conspicuously marked or labeled or otherwise identified as  
33 required by regulations prescribed by the Board to show the kinds of animals from  
34 which they were derived. When required by the Commissioner or his authorized  
35 representative, with respect to establishments at which inspection is maintained under  
36 this Article, such animals and their carcasses, parts thereof, meat and meat food  
37 products shall be prepared in establishments separate from those in which cattle, sheep,  
38 swine, fallow deer, or goats are slaughtered or their carcasses, parts thereof, meats or  
39 meat food products are prepared."

40 Sec. 12. G.S. 106-549.26 reads as rewritten:

41 **"§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.**

42 The Commissioner or his authorized representative shall appoint from time to time  
43 inspectors to make examination and inspection of all cattle, sheep, swine, goats, fallow  
44 deer, horses, mules, and other equines the inspection of which is hereby provided for,

1 and of all carcasses and parts thereof, and of all meats and meat food products thereof,  
2 and of the sanitary conditions of all establishments in which such meat and meat food  
3 products hereinbefore described are prepared; and said inspectors shall refuse to stamp,  
4 mark, tag or label any carcass or any part thereof, or meat food product therefrom,  
5 prepared in any establishment hereinbefore mentioned, until the same shall have  
6 actually been inspected and found to be not adulterated; and shall perform such other  
7 duties as are provided by this and the subsequent Article and by the rules and  
8 regulations to be prescribed by said Board and said Board shall, from time to time,  
9 make such rules and regulations as are necessary for the efficient execution of the  
10 provisions of this and the subsequent Article, and all inspections and examinations  
11 made under this Article shall be such and made in such manner as described in the rules  
12 and regulations prescribed by said Board not inconsistent with the provisions of this  
13 Article and as directed by the Commissioner or his authorized representative. Any  
14 person, firm, or corporation, or any agent or employee of any person, firm, or  
15 corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, or any  
16 other officer or employee of this State authorized to perform any of the duties  
17 prescribed by this and the subsequent Article or by the rules and regulations of the  
18 Board or by the Commissioner or his authorized representative any money or other  
19 thing of value, with intent to influence said inspector, or other officer or employee of  
20 this State in the discharge of any duty herein provided for, shall be deemed guilty of a  
21 felony and, upon conviction thereof, shall be punished by a fine not less than five  
22 hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) and by  
23 imprisonment for not less than one year nor more than three years; and any inspector, or  
24 other officer or employee of this State authorized to perform any of the duties  
25 prescribed by this Article who shall accept any money, gift, or other thing of value from  
26 any person, firm, or corporation, or officers, agents, or employees thereof, given with  
27 intent to influence his official action, or who shall receive or accept from any person,  
28 firm, or corporation engaged in intrastate commerce any gift, money, or other thing of  
29 value given with any purpose or intent whatsoever, shall be deemed guilty of a felony  
30 and shall, upon conviction thereof, be summarily discharged from office and shall be  
31 punished by a fine not less than five hundred dollars (\$500.00) nor more than ten  
32 thousand dollars (\$10,000) and by imprisonment for not less than one year nor more  
33 than three years."

34 Sec. 13. G.S. 106-549.27(a) reads as rewritten:

35 "(a) The provisions of this Article requiring inspection of the slaughter of animals  
36 and the preparation of the carcasses, parts thereof, meat and meat food products at  
37 establishments conducting such operations shall not

- 38 (1) Apply to the slaughtering by any person of animals of his own raising,  
39 and the preparation by him and ~~transportation~~ transportation in intrastate  
40 commerce of the carcasses, parts thereof, meat and meat food products  
41 of such animals exclusively for use by him and members of his  
42 household and his nonpaying guests and employees; nor
- 43 (2) To the custom slaughter by any person, firm, or corporation of cattle,  
44 sheep, ~~swine or swine~~, fallow deer, or goats delivered by the owner

1           thereof for such slaughter, and the preparation by such slaughterer and  
2           transportation in intrastate commerce of the carcasses, parts thereof,  
3           meat and meat food products of such animals, exclusively for use, in  
4           the household of such owner, by him, and members of his household  
5           and his nonpaying guests and employees: Provided, that all carcasses,  
6           parts thereof, meat and meat food products derived from custom  
7           slaughter shall be identified as required by the Commissioner, during  
8           all phases of slaughtering, chilling, cooling, freezing, packing, meat  
9           canning, rendering, preparation, storage and transportation; provided  
10          further, that the custom slaughterer does not engage in the business of  
11          buying or selling any carcasses, parts thereof, meat or meat food  
12          products of any cattle, sheep, swine, ~~goats or goats~~, fallow deer, or  
13          equines, capable of use as human food, unless the carcasses, parts  
14          thereof, meat or meat food products have been inspected and passed  
15          and are identified as having been inspected and passed by the  
16          Commissioner or the United States Department of Agriculture."

17           Sec. 14. G.S. 106-549.28 reads as rewritten:

18    **"§ 106-549.28. Regulation of storage of meat.**

19           The Board may by regulations prescribe conditions under which carcasses, parts of  
20          carcasses, meat, and meat food products of cattle, sheep, swine, goats, fallow deer,  
21          horses, mules, or other equines, capable of use as human food, shall be stored or  
22          otherwise handled by any person, firm, or corporation engaged in the business of  
23          buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such  
24          articles, whenever the Board deems such action necessary to assure that such articles  
25          will not be adulterated or misbranded when delivered to the consumer. Willful violation  
26          of any such regulation is a misdemeanor and punishable by a fine of not over five  
27          hundred dollars (\$500.00) and imprisonment for not over six months or both fine and  
28          imprisonment."

29           Sec. 15. This act is effective upon ratification.