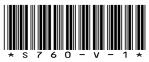
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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SENATE BILL 760

	Short Title: DACS Enforcement Authority/Bedding.	(Public)
	Sponsors: Senators Bingham and Wade (Primary Sponsors).	
	Referred to: Agriculture/Environment/Natural Resources	
	April 27, 2016	
1	A BILL TO BE ENTITLED	
2	AN ACT TO PROVIDE ENFORCEMENT AUTHORITY ASSOCIAT	ED WITH THE
3	PROGRAM GOVERNING BEDDING IMPROPERLY MADE, SANITIZI	ED, OR TAGGED,
4	AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMIS	SION.
5	The General Assembly of North Carolina enacts:	
6	SECTION 1. G.S. 106-65.105 reads as rewritten:	
7	"§ 106-65.105. Enforcement by the Department of Agriculture and Consum	
8	(a) <u>General Authority. – The Department of Agriculture and Consum</u>	
9	enforce the provisions of this Article and the rules adopted by the Board of Agri	
10	(b) <u>Embargo. –</u> The Commissioner of Agriculture may prohibit sale and	1
11	tag on any bedding which is not made, sanitized, or tagged as required by this A	
12 13	of the Board of Agriculture. The bedding shall not be sold or otherwise removed is remedied and the Commissioner of Agriculture has reinspected it and reme	
13 14		oved the off sale
15	tag. (c) <u>Record Keeping. – A person supplying material to a bedding record Keeping.</u>	manufacturer shall
16	furnish an itemized invoice of all furnished material. Each material entering into	
17	mixtures shall be shown on the invoice. The bedding manufacturer shall keep	
18	for one year subject to inspection by the Department of Agriculture and Consun	
19	(d) <u>Right to Seize and Sample. – When the Commissioner of Agricu</u>	
20	believe that bedding is not tagged or filled as required by this Article, the	Commissioner of
21	Agriculture shall have authority to open a seam of the bedding to examine	
22	unable after this examination to determine if the filling is of the kind stated on	
23	the authority to examine purchase or other records necessary to determine det	-
24	material used in the bedding. The Commissioner of Agriculture shall have aut	•
25	hold for evidence any records and any bedding or bedding material which in	
26	Commissioner of Agriculture is made, possessed or offered for sale in violatio	
27	the rules of the Board of Agriculture. The Commissioner of Agriculture shal	•
28	take a sample of any bedding or bedding material for the purpose of examination	
29 30	(e) <u>Right of Entry. –</u> The Commissioner of Agriculture shall have the the premises of any place where entry is necessary to enforce the provisions of	
30 31	rules adopted by the Board of Agriculture. If consent for entry is not obtained	
32	search and inspection warrant shall be obtained pursuant to G.S. 15-27.2.	
33	(f) Injunction. – If a person shall violate any provision of this A	rticle or the rules
34	implementing this Article adopted by the Board of Agriculture, the Commission	
35	action for injunctive relief, irrespective of all other remedies at law, in the su	
36	county where the violation occurred or where a defendant resides."	



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General Assembly Of North Carolina

SECTION 2. This act becomes effective December 1, 2016, and applies to violations
of Article 4H of Chapter 106 of the General Statutes committed on or after that date.