

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SENATE BILL 751
RATIFIED BILL**

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 adopted pursuant to this Article. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

(b) Prior to assessing a civil penalty, the Commissioner shall give the person written notice of the violation and a reasonable period of time in which to correct the violation. However, the Commissioner shall not be required to give a person time to correct a violation before assessing a penalty if the Commissioner determines the violation is likely to cause future physical injury or illness.

(c) The Commissioner shall consider the training and management practices implemented by the person for the purpose of complying with this Article as a mitigating factor when determining the amount of the civil penalty.

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

SECTION 2. This act becomes effective December 1, 2003, and applies to violations of Article 12 of Chapter 106 of the General Statutes occurring on or after that date.

In the General Assembly read three times and ratified this the 18th day of July, 2003.

Beverly E. Perdue
President of the Senate

Richard T. Morgan
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2003