

SENATE BILL NO. 2109

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to create and enact a new section to chapter 36-24 of the North Dakota
2 Century Code, relating to continuing education requirements for meat inspection; to amend and
3 reenact sections 36-24-16, 36-24-19, and 36-24-26 of the North Dakota Century Code, relating
4 to meat inspection; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 36-24 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Continuing education requirements.** Upon the first anniversary of the issuance of a
9 license under this chapter to a person, and each two years thereafter, each person licensed
10 shall provide to the commissioner evidence, on forms prescribed by the commissioner, that the
11 person's designated representative has undergone a minimum of four hours of continuing
12 education to learn about meat slaughtering or processing sanitation requirements, safety
13 improvements, or operational efficiency. Any person renewing an expired license shall provide
14 evidence to the commissioner that the person's designated representative has undergone a
15 minimum of four hours of approved continuing education within the preceding two years, before
16 the license will be renewed. The commissioner must preapprove continuing education courses.
17 The commissioner, the commissioner's authorized agent, or other persons approved by the
18 commissioner may conduct continuing education courses. The commissioner may give credit
19 to designated representatives for teaching approved courses.

20 **SECTION 2. AMENDMENT.** Section 36-24-16 of the 1999 Supplement to the North
21 Dakota Century Code is amended and reenacted as follows:

22 **36-24-16. ~~Registration of business~~ License required - Fees.**

23 1. A person may not, unless the person first obtains a license from the commissioner,
24 engage in intrastate business as a meat broker, renderer, or animal food

- 1 manufacturer; a wholesaler of animal carcasses, carcass parts or products of
2 carcasses, intended for human food or other purposes; a public warehouse
3 operator storing carcasses or parts of carcasses of animals in or for intrastate
4 commerce; or a buyer, seller, or transporter of dead, dying, disabled, or diseased
5 animals, or parts of the carcasses of animals that died other than by slaughter;
6 ~~unless the person first provides the commissioner with the person's name, the~~
7 ~~address of each place of business under which the person conducts business, and~~
8 ~~all trade names under which the person conducts business.~~ Licenses expire on
9 June thirtieth annually. The commissioner may refuse to renew or may suspend,
10 revoke, or place on probationary status any license issued under this chapter upon
11 proof that the licensee has failed to meet the continuing education requirements.
12 2. An applicant for licensure under this chapter must file a written application on a
13 form prescribed by the commissioner and must include the applicable license fee.
14 3. The annual license fee for:
15 a. A slaughtering establishment is one hundred dollars.
16 b. A meat processing establishment is one hundred dollars.
17 c. A custom exempt plant is fifty dollars.

18 **SECTION 3. AMENDMENT.** Section 36-24-19 of the 1999 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **36-24-19. Refusal or withdrawal of inspection.**

- 21 1. For the length of time the commissioner considers necessary to carry out the
22 purposes of this chapter, the commissioner may refuse to provide, or withdraw,
23 inspection services from an establishment if, after an opportunity for a hearing, the
24 commissioner determines that the recipient or potential recipient is unfit to engage
25 in any business requiring inspection under this chapter because the recipient,
26 potential recipient, or anyone responsibly connected with the recipient or potential
27 recipient has been convicted of:
28 a. An offense determined by the commissioner to have a direct bearing on the
29 person's ability to serve the public in a business requiring inspection under
30 this chapter, or the commissioner determines the person is not sufficiently
31 rehabilitated under section 12.1-33-02.1;

- 1 b. More than one violation of a law based on the acquisition, handling, or
2 distributing of unwholesome, mislabeled, or deceptively packaged food; or
3 c. Fraud in connection with transactions involving food.
- 4 2. For the purpose of this section anyone responsibly connected with a business
5 means an individual who is a partner, officer, director, holder, or owner of ten
6 percent or more of its voting stock or an employee in a managerial or executive
7 capacity.

8 **SECTION 4. AMENDMENT.** Section 36-24-26 of the 1999 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **36-24-26. General penalty.** ~~Violation~~ Except as otherwise provided herein, any person
11 who violates any provision of this chapter or a rule adopted under this chapter is guilty of a
12 class A misdemeanor. If such violation involves intent to defraud, or any distribution or
13 attempted distribution of an article that is adulterated, such person is guilty of a class B felony.
14 A person is not guilty of a class B felony for receiving for transportation any article or animal in
15 violation of this chapter if such receipt was made in good faith, unless such person refuses to
16 furnish on request of a representative of the commissioner the name and address of the person
17 from whom the person received such article or animal, and copies of all documents, if any,
18 pertaining to the delivery of the article or animal to that person. The commissioner is not
19 required to report for prosecution or for the institution of injunctive proceedings a minor violation
20 of this chapter if the commissioner believes that the public interest will be adequately served by
21 a suitable written warning.