

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 599*
PROPOSED COMMITTEE SUBSTITUTE S599-PCS35259-RIF-32

Short Title: Rendering Act Amendments.

(Public)

Sponsors:

Referred to:

April 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND
3 OPERATIONS AND TO BRING THE COLLECTION OF WASTE KITCHEN GREASE
4 WITHIN THE PURVIEW OF THE ACT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 14A of Chapter 106 of the General Statutes reads as
7 rewritten:

8 "Article 14A.

9 "Licensing and Regulation of Rendering ~~Plants and Plants~~, Rendering ~~Operations~~.Operations,
10 and Waste Kitchen Grease Collection.

11 "§ 106-168.1. Definitions.

12 For the purposes of this Article, unless the context or subject matter otherwise clearly
13 requires, requires:

14 (1) "Collector" means any person, as defined in this section, who collects raw
15 material or waste kitchen grease for the purpose of selling the same to any
16 renderer or other person for further processing. "Collector" does not include
17 restaurants or other food establishments that generate kitchen grease.

18 (1a) "Farmer" means any person actively engaged in agriculture as defined in
19 G.S. 106-581.1. "Farmer" does not include a person who cultivates a garden
20 solely for personal use.

21 ...

22 (6) "Waste kitchen grease" means animal fats or vegetable oils that have been
23 used, and will not be reused, for cooking in a food establishment. "Waste
24 kitchen grease" does not include grease septage as defined in
25 G.S. 130A-290.

26 "§ 106-168.2. License required.

27 No person shall engage in rendering operations or act as a collector of waste kitchen grease
28 unless such person shall hold a valid license to do so issued as hereinafter provided.

29 "§ 106-168.3. Exemptions.

30 Nothing in this Article shall apply to the premises or the rendering operations on the
31 premises of any establishment operating under a numbered permit from the North Carolina
32 Department of Agriculture and Consumer Services as provided by the North Carolina Meat
33 Inspection Act, or under United States government ~~inspection~~.inspection; provided, however,



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1 no person shall be exempt from the requirements of this Article when acting as a collector of
2 waste kitchen grease.

3 **"§ 106-168.4. Application for rendering license.**

4 Application for license shall be made to the Commissioner of Agriculture, hereinafter
5 called the "Commissioner," on forms provided by ~~him~~the Commissioner. The application shall
6 set forth the name and residence of the applicant, ~~his~~the applicant's present or proposed place
7 of business, the particular method which ~~he~~the applicant intends to employ or employs in the
8 processing of raw material, and such other information as the Commissioner may ~~require,~~
9 ~~except that the Commissioner shall not require the submission of blueprints, plans, or~~
10 ~~specifications of the existing plant or equipment of any person owning and operating a~~
11 ~~rendering plant in North Carolina on January 1, 1953.~~require. The applicant shall pay a fee of
12 ~~fifty dollars (\$50.00)~~one hundred dollars (\$100.00) with each application, ~~which said fee shall~~
13 ~~be the only charge made in connection with licensure.~~application and a renewal fee of one
14 hundred dollars (\$100.00) annually after meeting the renewal requirements of this Article.

15 **"§ 106-168.5. Duties of Commissioner upon receipt of application; the application for a**
16 **rendering license; inspection committee.**

17 Upon receipt of the ~~application,~~application for a rendering license, the Commissioner shall
18 promptly cause the rendering plant and equipment, or the plans, specifications, and selected
19 site, of the applicant to be inspected by an inspection committee hereinafter called the
20 "committee," which shall be composed of three members: One member who shall be
21 designated by the Commissioner of Agriculture and who shall be an employee of the
22 Department of Agriculture and Consumer Services, one member who shall be designated by the
23 Secretary of Health and Human Services and who shall be an employee of the Department of
24 Health and Human Services, and one member who shall be designated by the ~~director~~board of
25 directors of the North Carolina ~~Division of the Southeastern~~ Renderers Association, and who
26 shall be a person having practical knowledge of rendering operations. Each member may be
27 designated and relieved from time to time at the discretion of the designating authority. No
28 State employee designated as a member of the committee shall receive any additional
29 compensation therefor and no compensation shall be paid by the State to any other member.

30 **"§ 106-168.6. Inspection by committee; certificate of specific findings.**

31 ...

32 **"§ 106-168.7. Issuance of rendering license.**

33 Upon receipt of the certificate of compliance from the committee, the Commissioner shall
34 issue a rendering license to the applicant to conduct rendering operations as specified in the
35 application. A license shall be valid ~~until revoked for cause as hereinafter provided.~~for one year
36 and shall be renewed upon submission of a certification under oath of compliance with the
37 requirements of this Article for licensure and payment of the annual renewal fee.

38 **"§ 106-168.8. Minimum standards for conducting rendering operations.**

39 The following minimum standards shall be required for all rendering operations subject to
40 the provisions of this Article:

41 ...

- 42 (8) Proof of general liability insurance of one million dollars (\$1,000,000) shall
43 be made in a manner satisfactory to the Commissioner.

44 **"§ 106-168.9. Transportation by licensee.**

45 Any person holding a rendering license under the provisions of this Article, or acting as a
46 collector as herein defined, may haul and transport raw ~~material,~~material or waste kitchen
47 grease, except such material or waste kitchen grease as may be specifically prohibited by law or
48 by the rules and regulations promulgated by the Commissioner, when such transporting and
49 hauling is done in accordance with the provisions of this Article.

50 **"§ 106-168.10. Disposal of diseased animals.**

1 Any person holding a rendering license under the provisions of this Article is authorized to
2 kill diseased, sick, old or crippled animals on the premises of the owner upon his request;
3 provided that no animal known to have tuberculosis, Bang's disease, anthrax, or any other
4 disease for which quarantine may be imposed, shall be removed from any premises placed
5 under quarantine without permission of the State Veterinarian, or his authorized agent. The
6 licensee shall keep and make available to the Commissioner, upon request, such records as the
7 Commissioner may require with respect to the collection and disposal of dead animals.

8 **"§ 106-168.11. Authority of agents of rendering licensee.**

9 Authority granted to any person holding a valid rendering license under the provisions of
10 this Article shall extend also to the agents and employees of such person while acting within
11 the scope of their authority. All such agents and employees shall comply with the provisions of
12 this Article and rules and regulations not inconsistent therewith, and shall display evidence of
13 such employment or agency upon proper request at any time while so acting.

14 **"§ 106-168.12. Commissioner authorized to adopt rules and regulations.**

15 ...

16 **"§ 106-168.13. Effect of failure to comply.**

17 ...

18 **"§ 106-168.14. Collectors of raw material subject to certain provisions.**

19 Any ~~collector~~, collector of raw material, as defined in ~~this Article, G.S. 106-168.1~~, shall be
20 subject to the provisions of subdivision (5) and subdivision (6) of G.S. ~~106-168.8~~106-168.8
21 and the provisions of G.S. 106-168.9, and any rules and regulations adopted by the
22 Commissioner pursuant thereto.

23 **"§ 106-168.14A. Collectors of waste kitchen grease subject to certain provisions.**

24 (a) Any collector of waste kitchen grease shall submit an application for licensure to the
25 Commissioner not less than 30 days before conducting any such collection or transportation.
26 Licensure shall be for one year. The application shall be submitted in accordance with a
27 procedure established by the Commissioner for this purpose. The application shall include all
28 of the following:

29 (1) The applicant's name and address.

30 (2) A description of the operations to be performed by the applicant.

31 (3) The make, model, license number, and vehicle identification number of any
32 vehicle to be used for the transportation of waste kitchen grease.

33 (4) A nonrefundable application fee of one hundred dollars (\$100.00).

34 (b) The Commissioner shall issue each licensee a unique license number and a
35 certificate. The license shall be renewable annually January 1, when accompanied by a one
36 hundred dollar (\$100.00) licensing renewal fee and certification of compliance with the
37 provisions of this Article.

38 (c) Every licensee shall record, maintain for two years, and make available for
39 inspection by the Department all of the following information:

40 (1) The name and address of each location or person from which the registrant
41 obtained the waste kitchen grease for transportation.

42 (2) The quantity of material received from each location or person.

43 (3) The date on which the waste kitchen grease was obtained from each location
44 or person.

45 (4) The waste kitchen grease operation or other processor to whom the waste
46 kitchen grease was delivered.

47 (d) No person required to be licensed under this Article shall collect or transport waste
48 kitchen grease without all of the following:

49 (1) Having in his or her possession a copy of the license required by this Article
50 or other proof that the person is in compliance with the licensure
51 requirement of this Article.

- 1 (2) Conspicuously displaying the licensee's name and the license number in
2 letters not less than three inches high on any vehicle used for the
3 transportation of waste kitchen grease.
- 4 (e) It shall be a violation of this Article for a collector to do any of the following:
- 5 (1) Sell or offer for sale to any person unlicensed under this Article any waste
6 kitchen grease, knowing such unlicensed person would transport such waste
7 kitchen grease in violation of this Article.
- 8 (2) Steal, misappropriate, contaminate, or damage any waste kitchen grease
9 container or grease therein.
- 10 (3) Take or possess waste kitchen grease from a collector that is not licensed
11 under this section unless otherwise allowed under this Article, or knowingly
12 take possession of waste kitchen grease that has been stolen.
- 13 (4) Place a label on a waste kitchen grease container owned by another person in
14 order to assert ownership over the container.
- 15 (f) This section does not apply to a farmer who collects waste kitchen grease for a use
16 that is related to his or her farm.

17 **"§ 106-168.14B. Presumption of ownership.**

18 A container in which waste kitchen grease is deposited that bears a name on the container
19 shall be presumed to be owned by that person named on the container.

20 **"§ 106-168.15. Violation a misdemeanor.**

21 Any person conducting rendering operations or collecting raw material or waste kitchen
22 grease in violation of the provisions of this Article shall be guilty of a Class 1 misdemeanor.

23 **"§ 106-168.16. Civil penalties.**

24 The Commissioner may assess a civil penalty of not more than five thousand dollars
25 (\$5,000) against any person who violates a provision of this Article or any rule promulgated
26 thereunder. In determining the amount of the penalty, the Commissioner shall consider the
27 degree and extent of harm caused by the violation.

28 The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to
29 the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

30 **SECTION 2.** Article 16 of Chapter 14 of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 14-79.2. Larceny of waste kitchen grease.**

33 If any person shall take and carry away, or shall aid in taking or carrying away, any waste
34 kitchen grease container or the waste kitchen grease contained therein, which container bears a
35 notice that unauthorized removal is prohibited without written consent of the owner of the
36 container, that person shall be guilty of:

- 37 (1) A Class 1 misdemeanor if the value of the waste kitchen grease container, or
38 the container and the waste kitchen grease contained therein, is one thousand
39 dollars (\$1,000) or less.
- 40 (2) A Class H felony if the value of the waste kitchen grease container, or the
41 container and the waste kitchen grease contained therein, is more than one
42 thousand dollars (\$1,000)."

43 **SECTION 3.** This act becomes effective January 1, 2012, and applies to offenses
44 committed on or after that date.