

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

U

D

BILL DRAFT 2015-MHz-176 [v.3] (04/11)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/13/2016 11:36:29 AM

Short Title: DACS Enforcement Authority/Bedding.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ENFORCEMENT AUTHORITY ASSOCIATED WITH THE
3 PROGRAM GOVERNING BEDDING IMPROPERLY MADE, SANITIZED, OR TAGGED,
4 AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 106-65.106 reads as rewritten:

7 "**§ 106-65.105. Enforcement by the Department of Agriculture and Consumer Services.**

8 (a) General authority. – The Department of Agriculture and Consumer Services shall
9 enforce the provisions of this Article and the rules adopted by the Board of Agriculture.

10 (b) Embargo. – The Commissioner of Agriculture may prohibit sale and place an "off sale"
11 tag on any bedding which is not made, sanitized, or tagged as required by this Article and the rules
12 of the Board of Agriculture. The bedding shall not be sold or otherwise removed until the violation
13 is remedied and the Commissioner of Agriculture has reinspected it and removed the "off sale"
14 tag.

15 (c) Recordkeeping. – A person supplying material to a bedding manufacturer shall furnish
16 an itemized invoice of all furnished material. Each material entering into willowed or other
17 mixtures shall be shown on the invoice. The bedding manufacturer shall keep the invoice on file
18 for one year subject to inspection by the Department of Agriculture and Consumer Services.

19 (d) Right to seize and sample. – When the Commissioner of Agriculture has reason to
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 the filling, and, if
22 unable after this examination to determine if the filling is of the kind stated on the tag, shall have
23 the authority to examine purchase or other records necessary to determine definitely the kind of
24 material used in the bedding. The Commissioner of Agriculture shall have authority to seize and
25 hold for evidence any records and any bedding or bedding material which in the opinion of the
26 Commissioner of Agriculture is made, possessed or offered for sale in violation of this Article or
27 the rules of the Board of Agriculture. The Commissioner of Agriculture shall have authority to
28 take a sample of any bedding or bedding material for the purpose of examination or for evidence.

29 (e) Right of entry. – The Commissioner of Agriculture shall have the right of entry upon
30 the premises of any place where entry is necessary to enforce the provisions of this Article or the
31 rules adopted by the Board of Agriculture. If consent for entry is not obtained, an administrative
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 Article, or the rules
34 implementing this Article adopted by the Board of Agriculture, the Commissioner may institute an



* 2 0 1 5 - M H Z - 1 7 6 - V - 3 *

1 action for injunctive relief, irrespective of all other remedies at law, in the superior court of the
2 county where the violation occurred or where a defendant resides."

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