

SECTION .0300 – ENFORCEMENT

02 NCAC 52L .0301 LICENSE OR PERMIT REVOCATION, FORFEITURE, AND DEPOPULATION

(a) The Veterinary Division may take one or more of the following actions based on the nature of the violation against any person for failure to comply with the requirements of G.S. 106-549.97, 9 C.F.R. Part 55, 9 C.F.R. Part 81, the USDA Standards, or this Subchapter:

- (1) issue warnings;
- (2) revoke any license or permit issued under this Subchapter;
- (3) cancel the enrollment in the Herd Certification Program; or
- (4) reduce the status of a herd in accordance with 02 NCAC 52L .0401(g).

(b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this Rule and may order any farmed cervid brought into this State illegally be quarantined, tested for CWD, or terminated, or any combination thereof.

(c) Violations of this Subchapter include the following circumstances or conditions:

- (1) providing inaccurate or false information to the Veterinary Division;
- (2) failing to comply with animal identification requirements;
- (3) failing to comply with facility enclosure and maintenance requirements;
- (4) failing to comply with monitoring or record-keeping requirements;
- (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;
- (6) failing to report the death, escape, or disappearance, of any farmed cervid; or
- (7) failing to submit deceased farmed cervid for CWD testing.

(d) The Veterinary Division may revoke a farmed cervid license or temporary exhibit permit, or both, under any of the following circumstances or conditions:

- (1) the farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0111;
- (2) the farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0111; or
- (3) the farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid without a permit in accordance with 02 NCAC 52L .0113.

(e) Disposition of Farmed Cervid.

- (1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in one or more of the following manners:
 - (A) sell or otherwise transfer ownership and possession of any farmed cervid;
 - (B) export out of state any farmed cervid; or
 - (C) terminate any remaining farmed cervid.
- (2) In the event the Veterinary Division directed the disposition of any farmed cervid and the owner refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be paid by the owner.
- (3) The release of any farmed cervid to the wild by any person is prohibited.

(f) Disposal of Dead Farmed Cervids.

- (1) Licensees shall be responsible for the disposal of any dead farmed cervid carcass in accordance with applicable laws and regulations and the costs associated with disposal.
- (2) The carcass of farmed cervids that have been designated by the Department as CWD-positive, exposed, or suspect shall be disposed of in accordance with the USDA Standards, Part B (7) Carcass Disposal, and using one of options provided under the USDA Standards.
- (3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive, exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018;
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