

CHAPTER 4.1-19 EGGS AND POULTRY

4.1-19-01. Definitions.

As used in this chapter:

1. "Eggs" means eggs in the shell which are the product of a domesticated poultry.
2. "Poultry" means domesticated fowl bred for the primary purpose of producing eggs, meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, but excluding doves and pigeons.

4.1-19-02. Administration - Enforcement.

The agriculture commissioner shall administer and enforce this chapter.

4.1-19-03. Purposes - Duties.

The agriculture commissioner shall:

1. Promote improved poultry breeding practices and cooperate with the board of animal health in controlling and eradicating contagious or infectious diseases of poultry.
2. Act as the official state agency for North Dakota in cooperation with the veterinary services, animal plant health inspection service, and United States department of agriculture, for the purpose of furthering the objectives and supervising the state's participation in the national poultry improvement plan.
3. Act as the state agency to cooperate with the United States department of agriculture to provide federal-state grading service for poultry and poultry products offered for sale at the retail level, to supervise the federal-state poultry grading service, and to enforce regulations at the retail level as to identification by grade of all poultry sold.
4. Promote the welfare and improvement of the poultry industry and the marketing of poultry and poultry products within the state.
5. Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this chapter.

4.1-19-04. Licensing - Fees - Bonding.

A person must be licensed by the agriculture commissioner to engage in the business of poultry buyer, processor, packer, hatchery operator, or salesperson. Licenses issued under this chapter expire on July first and must be issued or renewed only upon payment to the commissioner of the license fee of five dollars for each business activity subject to licensing and the furnishing of the bond required by rules adopted by the agriculture commissioner. Engaging in a business activity subject to licensing under this chapter without a valid license or failure to pay any license fee or to furnish the required bond within ten days after it becomes due or required is a violation of this chapter.

4.1-19-05. Penalty.

1. Any person who violates any provision of this chapter or rule adopted under this chapter is guilty of a class A misdemeanor.
2. Any person who violates any provision of this chapter or rule adopted under this chapter may be subject to a civil penalty not to exceed one thousand dollars for each violation. This penalty may be adjudicated by the courts or by the agriculture commissioner through an administrative hearing conducted by an independent hearing officer pursuant to chapter 28-32.
3. The agriculture commissioner may maintain an appropriate civil action in the name of the state against any person violating this chapter or rule adopted under this chapter.
4. Any person who knowingly makes a false statement, representation, or certification in any application, record, report, or other document is guilty of a class A misdemeanor.
5. For purposes of this section, "person" means an individual, partnership, corporation, limited liability company, association, cooperative, or any business entity.

4.1-19-06. Egg dealers to be registered - Exemption.

1. All eggs sold or offered for sale other than to an end consumer in this state must be candled, labeled, and meet all other requirements as the commissioner deems necessary. All eggs sold or offered for sale to an end consumer are exempt from this requirement.
2. The agriculture commissioner may adopt appropriate rules under chapter 28-32 to provide for registration of egg dealers and standards for candling, grading, and inspecting eggs as to size, quality, purity, strength, holding requirements, transportation, labeling, and sanitation in conformity with United States department of agriculture regulations governing the grading and inspecting of eggs.