

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**SENATE BILL 639
Agriculture, Energy, and Environment Committee Substitute Adopted 4/30/25
Judiciary Committee Substitute Adopted 5/6/25
Finance Committee Substitute Adopted 5/7/25**

Short Title: North Carolina Farm Act of 2025. (Public)

Sponsors:

Referred to:

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THIS
STATE.

The General Assembly of North Carolina enacts:

AGRICULTURAL WATER PLAN UPDATE

SECTION 1.(a) The Department of Agriculture and Consumer Services shall update the Strategic Plan for Protecting Agricultural Water Resources in North Carolina established in S.L. 2010-149 to include all of the following:

- (1) Water infrastructure needs to increase access and long-term storage capacity.
- (2) Water conservation and reuse practices.
- (3) Cost-share assistance needed to incentivize (i) construction of water infrastructure to increase access and long-term storage capacity and (ii) implementation of water conservation and reuse practices.
- (4) Methods to identify best management practices for temporary water storage and retention to mitigate downstream flooding.
- (5) Methods to identify best management practices to reduce the impact of flooding on agricultural lands.
- (6) Methods to design incentive programs to compensate landowners that participate in flood mitigation programs.

SECTION 1.(b) The Department of Agriculture and Consumer Services shall report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources by October 1, 2026, on the development of the plan and any legislative changes needed to implement the plan.

FERAL SWINE WORKING GROUP

SECTION 2.(a) There is authorized and housed administratively within the Wildlife Resources Commission the Feral Swine Working Group. The Working Group shall consist of 10 members, as follows:

- (1) The Executive Director of the North Carolina Wildlife Resources Commission or the Executive Director's designee, who shall serve as cochair.
- (2) The Commissioner of Agriculture or the Commissioner's designee, who shall serve as cochair.



- (3) The Forest Supervisor of the United States Forest Service or the Forest Supervisor's designee.
- (4) The State Director of the Wildlife Services Division of the Animal and Plant Health Inspection Service of the United States Department of Agriculture or the State Director's designee.
- (5) A representative of the North Carolina Pork Council.
- (6) A representative of the North Carolina Veterinary Medical Association.
- (7) A representative of the North Carolina Cattlemen's Association.
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.
- (9) A representative of the North Carolina Wildlife Federation.
- (10) A representative of the North Carolina Forestry Association.

SECTION 2.(b) The Feral Swine Working Group shall develop a statewide plan to control feral swine damage on private and public lands. The Feral Swine Working Group shall act in an advisory capacity to the Wildlife Resources Commission. In developing the plan, the Working Group shall do all of the following:

- (1) Orient the plan primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through feral swine control, management, and eradication.
- (2) Develop a system for sharing data and information as well as documenting all activities associated with feral swine damage control efforts, so as to facilitate evaluation of efforts.
- (3) Provide educational activities as a part of the program, such as printed materials, on-site instructions, and local workshops.
- (4) Provide for the hiring of personnel necessary to implement feral swine damage control activities, administer the program, and set salaries of personnel.

SECTION 2.(c) No later than January 1 of each year, the Working Group shall issue a report to the Wildlife Resources Commission, the Senate and House Appropriations Subcommittees on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the results of the program during the preceding year.

SECTION 2.(d) The Wildlife Resources Commission shall implement the plan and may enter a cooperative agreement with the Wildlife Services Division of the Animal and Plant Health Inspection Service, the United States Department of Agriculture, the North Carolina Department of Agriculture and Consumer Services, and other relevant agencies or organizations to accomplish the plan.

ALLOW DENIAL OF SPECIAL USE PERMITS FOR NEGATIVE IMPACT ON AGRICULTURAL PRODUCTION

SECTION 4. G.S. 160D-705(c) reads as rewritten:

"(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. A board of adjustment, planning board, or governing board may deny a special use permit for a property that (i) is owned by a business entity and (ii) the business entity has owned the property for less than three years, on the basis that the proposed land use will have a negative impact on agricultural production within the local government's jurisdiction; provided, however, that such authority shall not apply where the primary purpose of the proposed land use is the construction of buildings or structures subject to the North Carolina Residential Code. Conditions and safeguards imposed under this

subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

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REPEAL VIOLATION POINTS SYSTEM APPLICABLE TO SWINE FARMS

SECTION 5. G.S. 143-215.6E is repealed.

SWINE FARM SITING ACT TECHNICAL CORRECTION

SECTION 6.(a) G.S. 106-803(a2) reads as rewritten:

"(a2) No component of a liquid animal waste management system for which a permit is required under ~~Part 1 or 1A~~ Part 1A of Article 21 of Chapter 143 of the General Statutes, other than a land application site, shall be constructed on land that is located within the 100-year floodplain."

SECTION 6.(b) G.S. 106-805 reads as rewritten:

"§ 106-805. Written notice of swine farms.

Any person who intends to construct a swine farm whose animal waste management system is subject to a permit under ~~Part 1 or 1A~~ Part 1A of Article 21 of Chapter 143 of the General Statutes shall, after completing a site evaluation and before the farm site is modified, notify all adjoining property owners; all property owners who own property located across a public road, street, or highway from the swine farm; the county or counties in which the farm site is located; and the local health department or departments having jurisdiction over the farm site of that person's intent to construct the swine farm. This notice shall be by certified mail sent to the address on record at the property tax office in the county in which the land is located. Notice to a county shall be sent to the county manager or, if there is no county manager, to the chair of the board of county commissioners. Notice to a local health department shall be sent to the local health director. The written notice shall include all of the following:

- (1) The name and address of the person intending to construct a swine farm.
- (2) The type of swine farm and the design capacity of the animal waste management system.
- (3) The name and address of the technical specialist preparing the waste management plan.
- (4) The address of the local Soil and Water Conservation District office.
- (5) Information informing the adjoining property owners and the property owners who own property located across a public road, street, or highway from the swine farm that they may submit written comments to the Division of Water Resources, Department of Environmental Quality."

AMEND ELIGIBILITY CRITERIA FOR ANIMAL WASTE FERTILIZER CONVERSION COST-SHARE PROGRAM

SECTION 7. Section 10.4(e) of S.L. 2023-134 reads as rewritten:

"SECTION 10.4.(e) Definitions. – The following definitions apply in this section:

- (1) Eligible entity. – Any person who owns or operates an anaerobic lagoon or other liquid animal waste management system treating animal waste from a livestock operation that generates sludge suitable for conversion into fertilizer ~~products~~ products, or any person converting sludge from an anaerobic lagoon or other liquid animal waste management system treating animal waste from a livestock operation into fertilizer products.

- (2) Eligible project. – Costs associated with the site engineering, permitting, acquisition, or installation of sludge collection and processing equipment needed for production of fertilizers and other soil additives meeting applicable State and federal requirements for use in agricultural operations.
- (3) Foundation. – The NC Foundation for Soil and Water Conservation, Inc., a nonprofit corporation.
- (4) Livestock. – Cattle, sheep, swine, goats, farmed cervids, or bison.
- (5) Person. – Any individual, trust, estate, partnership, receiver, association, company, limited liability company, corporation, or other entity or group.
- (6) Program. – The Animal Waste Fertilizer Conversion Cost-Share Program created by this section."

CLARIFY SPECIES SUSCEPTIBLE TO CHRONIC WASTING DISEASE

SECTION 8. G.S. 106-549.97 reads as rewritten:

"§ 106-549.97. Regulation by Department of Agriculture and Consumer Services of farmed cervids produced and sold for commercial purposes; definitions.

(a) Repealed by Session Laws 2015-263, s. 14(a), effective September 30, 2015.

(a1) The following definitions apply in this Article:

- (1) Commission. – The North Carolina Wildlife Resources Commission.
- (2) Department. – The North Carolina Department of Agriculture and Consumer Services.
- (3) Farmed Cervid. – Any cervid, as defined by the USDA Standards, that is susceptible to Chronic Wasting Disease, or any other member of the Cervidae family that is not susceptible to Chronic Wasting Disease, that is held in captivity and produced, bought, or sold for commercial purposes. Cervids that are susceptible to Chronic Wasting Disease are those set forth in 9 C.F.R. § 55.1. With regard to cervids that are susceptible to Chronic Wasting Disease, the term "farmed cervid" shall only include any cervid that was bred in captivity and has been continuously maintained within a herd that is enrolled in and complies with a USDA-approved Herd Certification Program. Any animal registered or tagged in any licensed captive cervid facility existing within the State as of July 1, 2015, is deemed to be a farmed cervid.
- (4) Non-Farmed Cervid. – All animals in the family Cervidae other than farmed cervids.
- (5) USDA. – The United States Department of Agriculture.
- (6) USDA Standards. – The United States Department of Agriculture's Chronic Wasting Disease Program Standards, May 2014 edition, and subsequent updates.

(a2) The Department of Agriculture and Consumer Services shall regulate the production, sale, possession, and transportation, including importation and exportation, of farmed cervids. The Department shall have sole authority with regard to farmed cervids, including administration of the North Carolina Captive Cervid Herd Certification Program. The Department shall allow the sale of farmed cervids, whether alive or dead, whole or in part, including, but not limited to, the sale of antlers, antler velvet, hides, or meat from captive populations of farmed cervids. The Department shall follow the USDA Standards and the provisions set forth in 9 C.F.R. Part 55 and 9 C.F.R. Part 81 in the implementation of this Article with regard to cervids susceptible to Chronic Wasting Disease. The Department may adopt rules to implement this Article, including, but not limited to, requirements for captivity licenses, captivity permits, transportation permits, importation permits, and exportation permits. The Department may issue new captivity licenses or permits for farmed cervid facilities that will hold cervids susceptible to Chronic Wasting Disease only if Chronic Wasting Disease-susceptible source animals are from a certified herd in

accordance with USDA Standards from an existing licensed facility. Nothing in this section shall limit the Department's ability to issue new captivity licenses and permits for farmed cervid facilities that will hold cervids that are not susceptible to Chronic Wasting Disease. Any cervid that is not susceptible to Chronic Wasting Disease as set forth in 9 C.F.R. § 55.1 may be imported into the State to any licensed captive cervid facility. The Department shall not issue an importation permit for any farmed cervid from a Chronic Wasting Disease-positive, exposed, or suspect farmed cervid facility. Until such time as the USDA has adopted an approved method of testing for Chronic Wasting Disease in living cervids, cervids susceptible to Chronic Wasting Disease shall not be imported into North Carolina.

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MODIFY REQUIREMENTS FOR COMPOSTING OF EQUINE AND BOVINE MORTALITY

SECTION 9.(a) Definitions. – For purposes of this section, "Disposal Systems Rule" means 15A NCAC 02T .0113 (Permitting By Regulation).

SECTION 9.(b) Disposal Systems Rule. – Until the effective date of the revised permanent rules that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Disposal Systems Rule as provided in subsection (c) of this section.

SECTION 9.(c) Implementation. – Notwithstanding any provision of Subchapter 02T of Title 15A of the North Carolina Administrative Code, and in addition to all disposal systems permitted by regulation pursuant to subsection (a) of the Disposal Systems Rule on the date this section becomes effective, the Environmental Management Commission shall also deem a disposal system to be permitted pursuant to G.S. 143-215.1(b) and not require individual permits or coverage under a general permit if the disposal system meets all of the following criteria:

- (1) The disposal system is used for equine or bovine composting.
- (2) The disposal system does not result in any violations of surface water or groundwater standards.
- (3) The disposal system does not directly discharge to surface waters.
- (4) The construction and operation of facilities, if any are included in the disposal system, are approved by the North Carolina Department of Agriculture and Consumer Services.
- (5) The disposal system is approved by the State Veterinarian pursuant to G.S. 106-403.
- (6) In the event of an imminent threat of a contagious animal disease, any emergency measure or procedure related to composting of animal mortality pursuant to G.S. 106-399.4(a) is authorized.

SECTION 9.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Disposal Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the amendment to the Disposal Systems Rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 9.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

ALLOW EXCUSED SCHOOL ABSENCES FOR EQUESTRIAN COMPETITIONS AND OTHER AGRICULTURAL EVENTS

SECTION 10. G.S. 115C-379 reads as rewritten:**"§ 115C-379. Method of enforcement.**

(a) It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

(b) In addition to any excused absences authorized pursuant to subsection (a) of this section, the rules shall require school principals to authorize the following excused absences:

- (1) Religious observance. – A minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parent or legal guardian.
- (2) Military leave. – A minimum of two excused absences each academic year, if all of the following conditions are met:
 - a. The student's parent or legal guardian is an active duty member of the uniformed services, as defined by Article 29B of this Chapter, the Interstate Compact on Educational Opportunity for Military Children.
 - b. The student's parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.
 - c. The student is not identified by the local school administrative unit as at risk of academic failure because of unexcused absences.
- (3) Equestrian and agricultural events. – A minimum of two excused absences each academic year for participation in equestrian sporting events, livestock shows, or similar agricultural events.

The rules may require that the student's parent or legal guardian give the principal written notice of the request for an excused absence a reasonable time prior to the religious ~~observance or military leave.~~ observance, military leave, or equestrian and agricultural event. The student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance or military leave.

(c) It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

ADD NEW HANOVER AND PENDER TO HIGH HAZARD COUNTIES FOR OPEN BURNING**SECTION 11.** G.S. 106-942 reads as rewritten:**"§ 106-942. High hazard counties; permits required; standards.**

(a) The provisions of this section apply only to the counties of Beaufort, Bladen, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Duplin, Gates, Hyde, Jones, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington which are classified as high hazard counties in accordance with G.S. 106-940.

(b) It is unlawful for any person to willfully start or cause to be started any fire in any woodland under the protection of the Department or within 500 feet of any such woodland without first having obtained a permit from the Department. Permits for starting fires may be obtained from forest rangers or other agents authorized by the forest ranger to issue such permits

in the county in which the fire is to be started. Such permits shall be issued by the ranger or other agent unless permits for the area in question have been prohibited or cancelled in accordance with G.S. 106-944 or G.S. 106-946.

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ALLOW PESTICIDE BOARD TO ADJUST ANNUAL ASSESSMENT FOR REGISTERED PESTICIDES

SECTION 12. G.S. 143-442 reads as rewritten:

"§ 143-442. Registration.

(a) Every pesticide prior to being distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the office of the Board, and such registration shall be renewed annually before January 1 for the ensuing calendar year. Beginning in 1988, the Board may by rule adopt a system of staggered three-year registrations. The applicant for registration shall file with the Board a statement that includes all of the following:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant.
- (2) The name of the pesticide.
- (3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it including directions for use.
- (4) If requested by the Board, a full description of the tests made and the results thereof upon which the claims are based.
- (5) In the case of renewal of registration, a statement with respect to information which is different from that furnished when the pesticide was last registered.
- (6) Repealed by Session Laws 2011-239, s. 1, effective June 23, 2011, and applicable to applications for registration or renewals of registration filed on or after that date.
- (7) Any other information needed by the Board to determine the amount of annual assessment payable by the applicant.

(b) The applicant shall pay an annual registration fee of one hundred fifty dollars (\$150.00) plus an additional annual assessment for each brand or grade of pesticide registered. The annual assessment shall be ~~fifty dollars (\$50.00) if the applicant's gross sales of the pesticide in this State for the preceding 12 months for the period ending September 30th were more than five thousand dollars (\$5,000.00) and twenty five dollars (\$25.00) if gross sales were less than five thousand dollars (\$5,000.00).~~ set by the Board, not to exceed one hundred twenty-five dollars (\$125.00). An additional two hundred dollars (\$200.00) delinquent registration penalty shall be assessed against the registrant for each brand or grade of pesticide which is marketed in North Carolina prior to registration as required by this Article. In the case of multi-year registration, the annual fee and additional assessment for each year shall be paid at the time of the initial registration. The Board shall give a pro rata refund of the registration fee and additional assessment to the registrant in the event that registration is canceled by the Board or by the United States Environmental Protection Agency.

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LIQUID PETROLEUM GAS ENFORCEMENT AUTHORITY

SECTION 13. G.S. 119-57 reads as rewritten:

"§ 119-57. Administration of Article; rules and regulations given force and effect of law; law; powers.

(a) It shall be the duty of the ~~Commissioner~~ Commissioner, or agents of the Commissioner, to administer all the provisions of this Article and all the rules and regulations made and promulgated under this Article; to conduct inspections of liquefied petroleum gas

containers and installations; to investigate for violations of this Article and the rules and regulations adopted pursuant to the provisions thereof, and to prosecute violations of this Article or of such rules and regulations adopted pursuant to the provisions thereof.

(b) When necessary for the enforcement of this Chapter or rules adopted pursuant to this Chapter, the Commissioner or the Commissioner's authorized agents shall have the authority to do all of the following:

- (1) Access the premises and records of any place where liquefied petroleum products are stored for the purpose of conducting an inspection or examining any documentation related to the transport, sale, safety, and storage of liquefied petroleum gases.
- (2) Issue stop-sale, hold, and removal orders for any equipment used to dispense, store, or transport liquefied petroleum gases that is found in violation of the provisions of this Chapter or rules adopted pursuant to this Chapter.
- (3) Recall a vehicle used for the delivery of liquefied petroleum gas back to its original point of dispatch for inspection upon receipt of a consumer complaint."

PUBLIC WEIGHMASTER MODERNIZATION

SECTION 14.(a) G.S. 81A-52 reads as rewritten:

"§ 81A-52. License.

All public weighmasters shall be licensed. Any person not less than 18 years of age who wishes to be a public weighmaster shall apply to the Department on a form provided by the Department. A person operating as a public weighmaster outside of this State shall include with the person's application for licensure in this State a copy of the most recent weighing device inspection report performed by the person's local or state weights and measures officials within the 12-month period immediately preceding the date of application. The Board may adopt rules for determining the qualifications of the applicant for a license. Public weighmasters shall be licensed for a period of one year beginning the ~~first day of July and ending on the thirtieth day of June,~~ day the application is processed, and a fee of ~~nineteen dollars (\$19.00) twenty-five dollars (\$25.00)~~ shall be paid for each person licensed at the time of the filing of the application."

SECTION 14.(b) G.S. 81A-54 reads as rewritten:

"§ 81A-54. Official seal of the public weighmaster.

(a) ~~It shall be the duty of every public weighmaster to obtain from the Department an official seal for the sum of six dollars (\$6.00), inscribed with the following words: that contains the following information:~~

- (1) ~~"North Carolina Public Weighmaster" and any other design or legend the Commissioner considers necessary. Weighmaster."~~
- (2) The weighmaster's name.
- (3) The assigned weighmaster license number.
- (4) The expiration date of the weighmaster license.

(b) The seal shall be stamped or impressed on every certificate issued pursuant to this Article. When an electronic stamp is used, the weighmaster's signature shall be captured using either of the following:

- (1) Software that requires the user to sign in prior to adding the electronic signature to the certificate.
- (2) An electronic signature pad that captures the signature live and then transfers it to the certificate.

(c) The weighers of tobacco in leaf tobacco warehouses may use, instead of the seal, their signatures in ink or other indelible substance posted in a conspicuous and accessible place in the warehouse. All seals remain the property of the State and shall be returned to the Commissioner upon termination of duties as a public weighmaster."

**DIRECT AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION TO
STUDY LOW-HANGING COMMUNICATION LINES AND THE SALE AND
DISPENSING OF RAW MILK**

SECTION 15.(a) The Agriculture and Forestry Awareness Study Commission shall collect information on communication lines that fall below the minimum height requirement and create a public safety hazard, particularly to agricultural operations. In conducting the study, the Commission shall seek input from the Office of Broadband Infrastructure of the Department of Information Technology, telecommunications companies, agricultural trade associations, commodity organizations, electric cooperatives, electric utility companies, third-party contractors, and any other stakeholders the Commission deems necessary. The Commission shall report its findings, including any recommendations or proposed legislation, prior to the convening of the 2026 Regular Session of the General Assembly.

SECTION 15.(b) The Agriculture and Forestry Awareness Study Commission, shall study the advisability of allowing the dispensing of raw milk via herd share arrangements and the retail sale of raw milk and raw milk products. In conducting the study, the Commission shall seek input from the Department of Agriculture and Consumer Services, dairy farmers, raw milk advocates, and any other stakeholders the Commission deems necessary. The Commission shall report its findings, including any recommendations or proposed legislation, prior to the convening of the 2026 Regular Session of the General Assembly.

REDUCE PENALTY FOR CERTAIN SHELLFISH AQUACULTURE VIOLATIONS

SECTION 16.(a) G.S. 113-187 reads as rewritten:

"§ 113-187. Penalties for violations of Subchapter and rules.

(a) Any person who participates in a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in an operation in connection with which any vessel is used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(b) Any owner of a vessel who knowingly permits it to be used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(c) Any person in charge of a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in charge of any vessel used in violation of any provision of this Subchapter and its implementing rules is guilty of a Class A1 misdemeanor.

(d) Any person in charge of a commercial fishing operation conducted in violation of the following provisions of this Subchapter or the following rules of the Marine Fisheries Commission; and any person in charge of any vessel used in violation of the following provisions of the Subchapter or the following rules, shall be guilty of a Class A1 misdemeanor. The violations of the statute or the rules for which the penalty is mandatory are:

- (1) Taking or attempting to take, possess, sell, or offer for sale any oysters, mussels, or clams taken from areas closed by statute, rule, or proclamation because of suspected pollution.
- (2) Taking or attempting to take or have in possession aboard a vessel, shrimp taken by the use of a trawl net, in areas not opened to shrimping, pulled by a vessel not showing lights required by G.S. 75A-6 after sunset and before sunrise.
- (3) Using a trawl net in any coastal fishing waters closed by proclamation or rule to trawl nets.
- (4) Violating the provisions of a special permit or gear license issued by the Department.

(5) Using or attempting to use any trawl net, long haul seine, swipe net, mechanical methods for oyster or clam harvest or dredge in designated primary nursery areas.

(e) Any person who takes menhaden or Atlantic thread herring by the use of a purse seine net deployed by a mother ship and one or more runner boats in coastal fishing waters is guilty of a Class A1 misdemeanor.

(f) Notwithstanding subsection (a) or subdivision (d)(4) of this section, any person who operates a shellfish aquaculture operation who commits any of the following violations shall be punished as follows:

(1) For an improperly marked shellfish lease area, a first offense shall be punishable only by issuance of a warning ticket pursuant to G.S. 113-140. A second offense within one month of the issuance of a warning ticket shall be punishable as an infraction as provided in G.S. 14-3.1. A third offense within one month of the issuance of a warning ticket shall be punishable as a Class 3 misdemeanor.

(2) For operating under an expired aquaculture operation permit, if the violation occurs within one month of the expiration of the permit, the violation shall be punishable only by issuance of a warning ticket pursuant to G.S. 113-140.

(3) For operating under an expired shellfish lease agreement, if the violation occurs within one month of the expiration of the agreement, the violation shall be punishable only by issuance of a warning ticket pursuant to G.S. 113-140."

SECTION 16.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

DACS LAW ENFORCEMENT OFFICER JURISDICTION

SECTION 17. G.S. 106-900 reads as rewritten:

"§ 106-900. Powers of Department of Agriculture and Consumer Services law-enforcement officers.

(a) Authorization to Appoint. – The Commissioner is authorized to appoint as many Department of Agriculture and Consumer Services law enforcement officers as he or she deems ~~necessary to investigate and enforce any violation of the laws within the authority of the Department or which occur on Department property.~~ necessary. Such officers shall meet the requirements of Article 1 of Chapter 17C of the General Statutes and shall take the oath of office prescribed by Section 7 of Article VI of the North Carolina Constitution. Of these officers, the Commissioner may designate certain officers to also have the powers and the duties of a forest ranger enumerated in G.S. 106-898 and G.S. 106-899 and the power to enforce the forest laws. ~~A Department law enforcement officer may arrest, without warrant, any person or persons committing any crime in the officer's presence or who such officer has probable cause for believing has committed a crime in the officer's presence and bring such person or persons forthwith before a district court or other officer having jurisdiction. Department law enforcement officers shall also have authority to obtain and serve warrants including warrants for violation of any duly promulgated rule of the Department.~~

(b) Territorial Jurisdiction. – A Department law enforcement officer is a State officer with jurisdiction throughout the State, and beyond its boundaries to the extent provided by law, in enforcing all matters within his or her respective subject matter jurisdiction as set forth in this section.

(c) Subject Matter Jurisdiction. – After taking the oath described in subsection (a) of this section, a Department law enforcement officer shall have the authority to arrest and take other investigatory and enforcement actions for any criminal offense meeting any of the following criteria:

- (1) Occurring, encountered, or otherwise discovered on the premises of, or elsewhere when the conduct relates to, property owned by, leased to, or managed by the Department.
- (2) Provided for under this Chapter, including the forest laws as set forth in G.S. 106-897.
- (3) Provided for in any duly adopted rule of the Department.
- (4) Encountered or otherwise discovered while investigating or enforcing matters for the Department or encountered or otherwise discovered while investigating or enforcing the provisions of this Chapter, including the forest laws as set forth in G.S. 106-897 and any duly adopted rule of the Department.
- (5) Encountered or otherwise discovered while carrying out any duty or function assigned to the Department by law.
- (6) Occurring in a Department law enforcement officer's presence.
- (7) Occurring outside of a Department law enforcement officer's presence as provided in G.S. 15A-401(b), and for other offenses evincing a flouting of their authority as enforcement officers or constituting a threat to public peace and order which would tend to subvert the authority of the State if ignored. In particular, Department law enforcement officers are authorized to arrest for violations of G.S. 14-223, 14-225, 14-269, and 14-277.
- (8) When assisting another law enforcement agency.
- (d) Authority. – Department law enforcement officers have authority as peace officers to do all of the following:
- (1) Execute criminal process.
- (2) Obtain and serve warrants, including arrest warrants, search warrants, orders for arrest, criminal summonses, citations, subpoenas, and warrants for violation of any duly adopted rule of the Department, and all other process connected with any cases within their subject matter jurisdiction.
- (3) Respond to and take enforcement action for any crime of violence or breach of the peace.
- (4) Any additional duties as may from time to time be directed by the Commissioner when needed for security purposes at a public event or to protect persons or property because of a disaster or state of emergency.
- (e) Primary Responsibilities. – The primary law enforcement responsibility of a Department law enforcement officer is the enforcement of this Chapter, including the forest laws as set forth in G.S. 106-897 and any duly adopted rule of the Department.
- (f) Service of Orders. – Department law enforcement officers have the authority to serve and execute notices, orders, or demands issued by the Commissioner, the Department, or the Board of Agriculture relating to any administrative proceeding. While serving and executing such notices, orders, or demands, Department law enforcement officers shall have all of the power and authority possessed by law enforcement officers when executing an arrest warrant.
- (g) Temporary Stops. – Department law enforcement officers are authorized to stop temporarily any persons they reasonably believe to be engaging in any activity regulated by the Department to determine whether the activity is being conducted in compliance with the law, including license and permitting requirements. Department law enforcement officers are also authorized to see that the provisions of Chapter 20 of the General Statutes are enforced within their jurisdiction and shall have the power to arrest on sight or upon warrant any motor vehicle upon the highways of the State for the purpose of determining whether the motor vehicle is being operated in violation of any of the provisions of Chapter 20 of the General Statutes. If the person stopped is in a motor vehicle being driven at the time and the Department law enforcement officer is also in a motor vehicle, the Department law enforcement officer shall sound a siren or activate

a special light, bell, horn, or exhaust whistle approved for law enforcement vehicles under G.S. 20-125(b)."

INCREASE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE FOR LARCENY OF CROPS

SECTION 18.(a) G.S. 14-78 reads as rewritten:

"§ 14-78. Larceny of ungathered crops.

(a) ~~If~~ It is unlawful for any person shall to steal or feloniously take and carry away any maize, corn, wheat, rice or other grain, or any cotton, tobacco, potatoes, peanuts, pulse, fruit, vegetable or other product cultivated for food or market, growing, standing or remaining ungathered in any field or ~~ground, that person is guilty of a Class H felony.~~ ground.

(b) A violation of this section is punishable as follows:

(1) For a first offense under this section, the person is guilty of a Class H felony, punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to any other punishment prescribed for the offense.

(2) For a second or subsequent offense under this section, the person is guilty of a Class G felony, punishable by a fine of not less than five hundred dollars (\$500.00) in addition to any other punishment prescribed for the offense."

SECTION 18.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

LIMIT LIABILITY FOR FIFRA-COMPLIANT LABELING

SECTION 19.(a) G.S. 99B-5 is amended by adding a new subsection to read:

"(d) Notwithstanding subsection (a) of this section, the duty of a manufacturer or seller of a pesticide to warn a consumer or the public about the risks associated with the pesticide shall be presumed to be satisfied if the pesticide bears the label approved by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136 et seq.) and the pesticide is registered with the Pesticide Board pursuant to G.S. 143-442. This presumption may be rebutted only by a showing that the weight of the scientific evidence does not support the scientific basis on which the required warning is premised and that the manufacturer or seller knew or should have known at the time the pesticide was sold that the required warning was not supported by the weight of scientific evidence. At a minimum, evidence to rebut the presumption shall be academically peer reviewed, published in a recognized academic journal, capable of replication, and reflected by a reliable application of scientific principles and methods to the risks associated with the use of the product."

SECTION 19.(b) This section is effective when it becomes law and applies to actions filed on or after that date.

REPEAL THE SALE OF RAW MILK FOR NONHUMAN CONSUMPTION

SECTION 20.1.(a) G.S. 106-266.35 reads as rewritten:

"§ 106-266.35. Sale or dispensing of milk.

(a) Except as provided in subsection (d) of this section:

(1) Only milk that is Grade "A" pasteurized milk may be sold or dispensed directly to consumers for human consumption.

(2) Raw milk and raw milk products shall be sold or dispensed only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency.

(b) ~~The Board of Agriculture may adopt rules to provide exceptions for dispensing raw milk and raw milk products for nonhuman consumption. Any raw milk or raw milk product dispensed as animal feed shall include on its label the statement "NOT FOR HUMAN CONSUMPTION" in letters at least one-half inch in height. Any raw milk or raw milk product~~

dispensed as animal feed shall also include on its label the statement "IT IS NOT LEGAL TO SELL RAW MILK FOR HUMAN CONSUMPTION IN NORTH CAROLINA." This labeling requirement does not apply to raw milk or raw milk products dispensed for personal use or consumption to the independent or partial owner of a cow, goat, or other lactating animal.

(c) As used in this section, the term "sale" or "sold" means any transaction that involves the transfer or dispensing of milk and milk products or the right to acquire milk and milk products through barter or contractual arrangement or in exchange for any other form of compensation. The term "sale" or "sold" does not include the transfer or dispensing of raw milk or raw milk products to, or the right to acquire raw milk or raw milk products by, the independent or partial owner of a cow, goat, or other lactating animal.

(d) Nothing in this section shall prohibit the dispensing of raw milk or raw milk products for personal use or consumption to, or the acquisition of raw milk or raw milk products for personal use or consumption by, an independent or partial owner of a cow, goat, or other lactating animal."

SECTION 20.1.(b) This section becomes effective July 1, 2025.

ADD CERTAIN COMPOSTING FACILITIES TO THE DEFINITION OF "AGRICULTURE"

SECTION 21. G.S. 106-581.1 reads as rewritten:

"§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

...

(8) The production, processing, storage, use, and sale of compost for agricultural, residential, or commercial purposes by a permitted Small or Large Type 1, Type 2, or Type 3 composting facility as defined in rules adopted by the Environmental Management Commission. For the purposes of this section, compost means a product made from organic plant, animal, or food waste and created through controlled aerobic, biological decomposition of biodegradable materials that, when subject to mesophilic and thermophilic temperatures, stabilizes the carbon content, reduces the viability of pathogens and vector attraction, and when added to soils is beneficial to plant growth.

PROPANE ASSESSMENT AMENDMENTS

SECTION 21.1.(a) G.S. 119-63.4 reads as rewritten:

"§ 119-63.4. Referendum.

...

(c) The amount of the proposed assessment shall be stated on the referendum ballot. The amount may not exceed the maximum allowable rate of three-tenths of one cent (\$0.003) for each gallon of propane sold in this State by distributors to dealers.

...

(f) A proposed assessment shall become effective if more than seventy-five percent (75%) of the eligible votes cast by dealers in the referendum are cast in favor of the assessment and if more than seventy-five percent (75%) of the eligible votes cast by distributors in the referendum are cast in favor of the assessment. If the assessment is approved by the referendum, then the Foundation shall notify the Department and the Alliance of the amount of the assessment and the effective date of the assessment. The Department shall notify all distributors and dealers of the assessment."

SECTION 21.1.(b) G.S. 119-63.6(a) reads as rewritten:

"(a) The Foundation shall use the funds to promote the common good, welfare, and advancement of the propane industry, including, but not limited to, the following activities and programs: education, training, safety compliance, equipment replacement for low-income customers, marketing, advertising, promotion, workforce development, and customer rebates to encourage energy-efficient appliance and equipment purchases by residential, commercial, or agricultural consumers. The Foundation shall consult with the Alliance regarding its proposed use of the funds. In addition, the Foundation shall consult with agricultural industry trade associations and other organizations representing agricultural consumers of propane to ensure that some programs and activities benefit the agriculture industry."

SECTION 21.1.(c) Subsection (a) of this section becomes effective January 1, 2026, and applies to referenda conducted on or after that date. The remainder of this section is effective when it becomes law.

PUV BUSINESS ENTITY TEST CHANGES

SECTION 21.5.(a) G.S. 105-277.2(4)b. reads as rewritten:

"b. A business entity that meets all of the following conditions:

- ~~1. Its principal business is farming agricultural land, horticultural land, or forestland. When determining whether an applicant under G.S. 105-277.4 has as its principal business farming agricultural land, horticultural land, or forestland, the assessor shall presume the applicant's principal business to be farming agricultural land, horticultural land, or forestland if the applicant has been approved by another county for present use value taxation for a qualifying property located within the other county; provided, however, the presumption afforded the applicant may be rebutted by the assessor and shall have no bearing on the determination of whether the individual parcel of land meets one or more of the classes defined in G.S. 105-277.3(a). If the assessor is able to rebut the presumption, this shall not invalidate the determination that the applicant's principal business is farming agricultural land, horticultural land, or forestland in the other county.~~
2. All of its members are, directly or indirectly, individuals who are actively engaged in farming agricultural land, horticultural land, or forestland or a relative of one of the individuals who is actively engaged. Under this condition, "actively engaged" means the members make significant contributions of capital, land, or equipment to the farming operation, and includes leasing land or farm equipment. An individual is indirectly a member of a business entity that owns the land if the individual is a member of a business entity or a beneficiary of a trust that is part of the ownership structure of the business entity that owns the land.
3. It is not a corporation whose shares are publicly traded, and none of its members are corporations whose shares are publicly traded.
4. If it leases the land, all of its members are individuals and are relatives. ~~Under this condition, "principal business" and "actively engaged" include leasing."~~

SECTION 21.5.(b) This section is effective for taxes imposed for taxable years beginning on or after January 1, 2027.

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 22.(a) If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.

SECTION 22.(b) Except as otherwise provided, this act is effective when it becomes law.