CHAPTER 4-13.2
POULTRY DIVISION

4-13.2-01. Definitions.

As used in this chapter, "poultry" means chickens, turkeys, domestic geese, and domestic ducks.

4-13.2-02. Administration.

Within the department of agriculture there must be a poultry division.

4-13.2-03. Purposes - Duties.

The agriculture commissioner may adopt rules pursuant to chapter 28-32 to effectuate the purposes of this chapter, and the agriculture commissioner, or the commissioner's designee, shall enforce this chapter. The agriculture commissioner shall:

1. Work toward improving poultry breeding and cooperate with the board of animal health in controlling and eradicating communicable diseases of poultry.
2. Act as the official state agency for North Dakota in cooperation with the bureau of animal industry, 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 generally the welfare and improvement of the poultry industry and the marketing of poultry and poultry products within the state through such means and in such manner as may be deemed by the commissioner conducive to such improvement.
5. Enforce the licensing and bonding requirements provided by this chapter.
6. Administer chapter 4.1-12, at the advice of the North Dakota turkey federation.

4-13.2-04. Poultry advisory board - How constituted.

Repealed by S.L. 1997, ch. 67, § 3.

4-13.2-05. Licensing - Fees - Bonding.

No person may engage in the business of poultry buyer, processor, packer, hatchery operator, baby chick jobber, or salesman, without first securing from the North Dakota department of agriculture a license to engage therein. All such licenses expire on the first day of July of each year, and must be issued or renewed only upon payment to the department of the license fees set forth herein together with the furnishing of such bond as may be required by rules and regulations promulgated by the agriculture commissioner. The annual license fee for each foregoing operation is five dollars. Failure to pay any license fee or to furnish the required bond within ten days after the same becomes due or required constitutes a violation of this chapter.

4-13.2-06. 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 subject to the penalties provided in this chapter.
5. For purposes of this section, "person" means an individual, partnership, corporation, limited liability company, association, cooperative, or any business entity.