



2023-2024 General Assembly

HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 25: Commissioner of Agriculture/Supply Chain Powers

Committee:
Introduced by:
Analysis of: Sec. 25 of S.L. 2023-137

Date: December 11, 2023
Prepared by: Kyle Evans
Staff Attorney

OVERVIEW: *Section 25 of S.L. 2023-137, notwithstanding any other provision of law, authorizes the Commissioner of Agriculture (Commissioner) to develop and implement any emergency measures and procedures needed to mitigate an imminent threat to or a disruption of the agricultural supply chain or food supply chain with respect to poultry due to a lack of capacity at rendering facilities or landfills when the Commissioner determines that such a threat exists and convenes a meeting of the Board of Agriculture and the Board votes to concur with the Commissioner's determination. Any emergency measures implemented pursuant to this power are deemed permitted pursuant to G.S. 143-215.1(b) and G.S. 130A-294 and do not require the Department of Environmental Quality to issue individual permits. No further permitting will be required for composting, and composting conducted pursuant to this emergency authorization will be supervised by Commissioner-determined subject matter experts. The Commissioner is required to record the responses from the Board and release the response along with any emergency orders issued by the Commissioner. Emergency measures and procedures developed and implemented pursuant to this authority are exempt from the Administrative Procedure Act, and no emergency measure or procedures can last for more than 90 days, except that the Commissioner can renew any measure or procedure once for an additional 90 days.*

This section also grants the Commissioner the same authority for supply chain disruptions with respect to livestock, except that the Commissioner also needs to submit any emergency measures or procedures relating to the composting of livestock to the Governor for approval before it could be implemented.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Chris Saunders, LAD, substantially contributed to this summary.

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