

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

1

SENATE BILL 541

Short Title: OSHA/Define Agricultural Operation. (Public)

Sponsors: Senators East; Brock, Brown, Jackson, Meredith, and Rouzer.

Referred to: Agriculture/Environment/Natural Resources.

April 12, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE THE TERM "AGRICULTURAL OPERATION" TO CLARIFY THE
3 SCOPE OF THE EXEMPTION FROM THE OCCUPATIONAL HEALTH AND SAFETY
4 ACT GENERAL INDUSTRY STANDARD PERTAINING TO THOSE OPERATIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 95-131 is amended by adding a new subsection to read:

7 "(h) The exemption of agricultural operations from the general industry standard
8 provided by 29 C.F.R. § 1928.1 shall apply to all businesses engaged in agriculture as that term
9 is defined by G.S. 106-581.1."

10 **SECTION 2.** G.S. 106-581.1(6) reads as rewritten:

11 "**§ 106-581.1. Agriculture defined.**

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

14 ...
15 (6) When performed on the farm, "agriculture", "agricultural", and "farming"
16 also include the marketing and selling of agricultural products, agritourism,
17 the storage and use of materials for agricultural purposes, packing, treating,
18 processing, sorting, storage, and other activities performed to add value to
19 crops, livestock, and agricultural ~~items~~-items, when the items are produced
20 on the farm, farm or are similar to commodities produced on the farm and
21 are either purchased by or consigned to the farm owner or operator for use
22 on the farm or for the purpose of fulfilling contracts for the sale and
23 purchase of commodities produced on the farm, and similar activities
24 incident to the operation of a farm."

25 **SECTION 3.** This act is effective when it becomes law.

