

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 467
PROPOSED COMMITTEE SUBSTITUTE S467-PCS85216-RF-46

Short Title: Recover Pets/Relieve Overcrowding at Shelters.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE
OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF
ANIMALS FROM SHELTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-192 reads as rewritten:

"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

(a) The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer may scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(a1) Before an animal may be sold or put to death, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in cases in which the animal is found by the operator of the shelter to be unadoptable due to injury or



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1 defects of health or temperament. An animal that is seriously ill or injured may be euthanized if
2 the manager of the animal shelter determines, in writing, that it is appropriate to do so.

3 (a2) A person who comes to an animal shelter attempting to locate a lost pet is entitled to
4 view every animal held at the shelter, subject to rules providing for such viewing during at least
5 four hours a day, three days a week.

6 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
7 this section which shall include the date of impoundment, the length of impoundment, the
8 method of disposal of the animal and the name of the person or institution to whom any animal
9 has been released.

10 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
11 provisions of subsection (a) of this section concerning the holding of animals for at least 72
12 hours and the permissible means of disposition of animals after expiration of that holding
13 period also apply to all of the following:

14 (1) Animals other than livestock, in addition to dogs and cats, that appear to be
15 pet animals.

16 (2) Dogs and cats that are wearing rabies tags but are taken into custody for
17 violation of statutes or ordinances not related to rabies control, such as
18 ordinances requiring the leashing or restraining of dogs and cats.

19 (3) Animals surrendered to an animal shelter by the owners of the animals,
20 unless an owner provides to the shelter the following:

21 a. Some proof of ownership of the animal, and

22 b. Signs a writing consenting to the disposition of the animal, in a
23 manner authorized by this section, before the expiration of the
24 72-hour holding period or of a longer period established by ordinance
25 or local rule to which the shelter is subject.

26 (c) If an animal not wearing tags, or other mode of identification indicating its owner, is
27 delivered to an animal shelter by (i) a person who has found and captured the animal, or (ii) by
28 an approved rescue organization that received the animal from a person who found and
29 captured the animal, then the shelter may, in writing, appoint the finder or approved rescue
30 organization to be the agent of the shelter. For purposes of this subsection, the term "approved
31 rescue organization" means a nonprofit corporation or association that cares for stray animals
32 that has been favorably assessed by the operator of the animal shelter through the application of
33 written standards.

34 (1) The finder or approved rescue organization shall hold the animal for the
35 72-hour holding period provided for in subsection (a) of this section or such
36 longer holding period that may be applicable to the shelter by ordinance or
37 local rule.

38 (2) After the expiration of that holding period, the shelter may:

39 a. Transfer the animal by adoption to the person or organization that
40 has held it as agent, or

41 b. Extend the period of time the finder or rescue organization holds the
42 animal as agent of the shelter.

43 (3) A shelter may terminate an agency created under this subsection at any time
44 by directing the finder or rescue organization to deliver the animal to the
45 shelter.

46 (4) The city, county, or organization operating the animal shelter, as principal in
47 the agency relationship, shall not be liable to reimburse the agent for the
48 costs of care of the animal and shall not be liable to the owner of the animal
49 for harm to the animal caused by the agent, absent a written contract
50 providing otherwise.

1 (d) During the 72-hour or longer holding period established under subsection (a) of this
2 section, an animal shelter may place an animal it is holding in foster care.

3 (e) If an animal shelter transfers physical possession of an animal under subsection (c)
4 or (d) of this section, so that the animal is no longer on the animal shelter premises, at least one
5 photograph which depicts the head and face of the animal shall (i) be displayed at the shelter in
6 a conspicuous location that is available to the general public during hours of operation, and (ii)
7 remain posted for the 72-hour or longer holding period established under subsection (a) of this
8 section."

9 **SECTION 2.** G.S. 130A-184(1) reads as rewritten:

10 "(1) "Animal Control Officer" means a city or county employee designated as
11 dog warden, animal control officer, animal control official or other
12 designations that may be used whose responsibility includes animal control.
13 The term "Animal Control Officer" also includes agents of a private
14 organization that is operating an animal shelter under contract with a city or
15 county whenever those agents are performing animal control functions at the
16 shelter."

17 **SECTION 3.** This act becomes effective January 1, 2010.