

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1063  
Committee Substitute Favorable 4/30/09  
PROPOSED COMMITTEE SUBSTITUTE H1063-PCS80449-SQ-42

Short Title: Update Rabies Laws.

(Public)

Sponsors:

Referred to:

April 6, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS  
3 FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL  
4 ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW  
5 STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES  
6 AFTER BITING A HUMAN.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 130A-184 reads as rewritten:

9 **"§ 130A-184. Definitions.**

10 The following definitions shall apply throughout this Part:

- 11 (1) 'Animal Control Officer' means a city or county employee designated as dog  
12 warden, animal control officer, animal control official or other designations  
13 that may be used whose responsibility includes animal control.
- 14 (2) 'Cat' means a domestic ~~feline~~ feline of the genus and species *Felis catus*.
- 15 (3) 'Certified rabies vaccinator' means a person appointed and certified to  
16 administer rabies vaccine to animals in accordance with this Part.
- 17 (4) 'Dog' means a domestic ~~canine~~ canine of the genus, species, and subspecies  
18 *Canis lupus familiaris*.
- 19 (4a) 'Feral' means any animal that is born in the wild and is not socialized; is the  
20 offspring of a dog, cat, or ferret that is owned or born in the wild and is not  
21 socialized; or is a formerly owned dog, cat, or ferret that has been abandoned  
22 and is no longer socialized.
- 23 (4b) 'Ferret' means a domestic mammal of the genus, species, and subspecies  
24 *Mustela putorius furo*.
- 25 (5) 'Rabies vaccine' means an animal rabies vaccine licensed by the United  
26 States Department of Agriculture and approved for use in this State by the  
27 Commission.
- 28 (6) 'State Public Health Veterinarian' means a person appointed by the Secretary  
29 to direct the State public health veterinary program.
- 30 (6a) 'Stray' means any animal that is (i) beyond the limits of confinement or lost  
31 and (ii) not wearing any tags, microchips, tattoos, or other methods of  
32 identification.



\* H 1 0 6 3 - P C S 8 0 4 4 9 - S Q - 4 2 \*

1 (7) 'Vaccination' means the administration of rabies vaccine by a licensed  
2 ~~veterinarian~~-veterinarian, by a registered veterinary technician under the  
3 direct supervision of a licensed veterinarian, or by a certified rabies  
4 vaccinator."

5 SECTION 2. G.S. 130A-185 reads as rewritten:

6 "**§ 130A-185. Vaccination of all ~~dogs and cats~~ dogs, cats, and ferrets.**

7 (a) The owner of every ~~dog and cat~~ dog, cat, and ferret over four months of age shall  
8 have the animal vaccinated against rabies. The time or times of vaccination shall be established  
9 by the Commission. Rabies vaccine shall be administered only by a licensed ~~veterinarian~~  
10 veterinarian, by a registered veterinary technician under the direct supervision of a licensed  
11 veterinarian, or by a certified rabies vaccinator.

12 ...."

13 SECTION 3. G.S. 130A-187 reads as rewritten:

14 "**§ 130A-187. County rabies vaccination clinics.**

15 The local health director shall organize or assist other county departments to organize at  
16 least one countywide rabies vaccination clinic per year for the purpose of vaccinating ~~dogs and~~  
17 ~~eats~~-dogs, cats, and ferrets. Public notice of the time and place of rabies vaccination clinics  
18 shall be published in a newspaper having general circulation within the area."

19 SECTION 4. G.S. 130A-188 reads as rewritten:

20 "**§ 130A-188. Fee for vaccination at county rabies vaccination clinics.**

21 The county board of commissioners is authorized to establish a fee to be charged at the  
22 county rabies vaccination clinics. The fee ~~shall~~may include an administrative charge ~~not to~~  
23 ~~exceed four dollars (\$4.00) per vaccination~~, and a charge for the actual cost of the vaccine, the  
24 vaccination certificate, and the rabies vaccination tag."

25 SECTION 5. G.S. 130A-189 reads as rewritten:

26 "**§ 130A-189. Rabies vaccination certificates.**

27 A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a  
28 ~~dog or cat~~ dog, cat, or ferret shall complete a ~~three copy~~ rabies vaccination certificate. The  
29 Commission shall adopt rules establishing the specific information required to be included on  
30 the certificate. ~~The~~An original rabies vaccination certificate shall be given to the owner of each  
31 ~~dog or cat~~ dog, cat, or ferret that receives rabies vaccine. ~~One~~A copy of the rabies vaccination  
32 certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. ~~The~~  
33 ~~other~~ A copy shall also be given to the county agency responsible for animal control, provided  
34 the information given to the county agency shall not be used for commercial purposes."

35 SECTION 6. G.S. 130A-190(a) reads as rewritten:

36 "(a) Issuance. – A licensed veterinarian or a certified rabies vaccinator who administers  
37 rabies vaccine to a ~~dog or cat~~ dog, cat, or ferret shall issue a rabies vaccination tag to the owner  
38 of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the  
39 words "North Carolina" or the initials "N.C." and the words "rabies vaccine." ~~Dogs and~~  
40 ~~eats~~Dogs, cats, and ferrets shall wear rabies vaccination tags at all times. However, cats and  
41 ferrets may be exempted from wearing the tags by local ordinance."

42 SECTION 7. G.S. 130A-192 reads as rewritten:

43 "**§ 130A-192. ~~Dogs and cats~~ Dogs, cats, and ferrets not wearing required rabies**  
44 **vaccination tags.**

45 The Animal Control Officer shall canvass the county to determine if there are any ~~dogs or~~  
46 ~~eats~~dogs, cats, or ferrets not wearing the required rabies vaccination tag. If a ~~dog or cat~~ dog, cat,  
47 or ferret is found not wearing the required tag, the Animal Control Officer shall check to see if  
48 the owner's identification can be found on the animal. If the animal is wearing an owner  
49 identification tag, or if the Animal Control Officer otherwise knows who the owner is, the  
50 Animal Control Officer shall notify the owner in writing to have the animal vaccinated against  
51 rabies and to produce the required rabies vaccination certificate to the Animal Control Officer

1 within three days of the notification. If the animal is not wearing an owner identification tag  
2 and the Animal Control Officer does not otherwise know who the owner is, the Animal Control  
3 Officer may impound the animal. The duration of the impoundment of these animals shall be  
4 established by the county board of commissioners, but the duration shall not be less than 72  
5 hours. During the impoundment period, the Animal Control Officer shall make a reasonable  
6 effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the  
7 impoundment period, the animal shall be disposed of in one of the following manners: returned  
8 to the owner; adopted as a pet by a new owner; sold to institutions within this State registered  
9 by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as  
10 amended; or put to death by a procedure approved by the American Veterinary Medical  
11 Association, the Humane Society of the United States or of the American Humane Association.  
12 The Animal Control Officer shall maintain a record of all animals impounded under this section  
13 which shall include the date of impoundment, the length of impoundment, the method of  
14 disposal of the animal and the name of the person or institution to whom any animal has been  
15 released."

16 **SECTION 8.** G.S. 130A-193 reads as rewritten:

17 "**§ 130A-193. Vaccination and confinement of ~~dogs and cats~~dogs, cats, and ferrets**  
18 **brought into this State.**

19 (a) A ~~dog or cat~~dog, cat, or ferret brought into this State shall immediately be securely  
20 confined and shall be vaccinated against rabies within one week after entry. The animal shall  
21 remain confined for two weeks after vaccination.

22 (b) The provisions of subsection (a) shall not apply to:

23 (1) A ~~dog or cat~~dog, cat, or ferret brought into this State for exhibition purposes  
24 if the animal is confined and not permitted to run at large; or

25 (2) A ~~dog or cat~~dog, cat, or ferret brought into this State accompanied by a  
26 certificate issued by a licensed veterinarian showing that the ~~dog or cat~~dog,  
27 cat, or ferret is apparently free from and has not been exposed to rabies and  
28 that the ~~dog or cat has received rabies vaccine within the past year.~~dog, cat,  
29 or ferret is currently vaccinated against rabies."

30 **SECTION 9.** G.S. 130A-194 reads as rewritten:

31 "**§ 130A-194. Quarantine of districts infected with rabies.**

32 An area may be declared under quarantine against rabies by the local health director when  
33 the disease exists to the extent that the lives of persons are endangered. When quarantine is  
34 declared, each ~~dog and cat~~dog, cat, and ferret in the area shall be confined on the premises of  
35 the owner or in a veterinary hospital. However, ~~dogs or cats~~dog, cat, or ferret on a leash or  
36 under the control and in the sight of a responsible adult may be permitted to leave the premises  
37 of the owner or the veterinary hospital."

38 **SECTION 10.** G.S. 130A-195 reads as rewritten:

39 "**§ 130A-195. Destroying stray dogs and cats in quarantine districts.**

40 When quarantine has been declared and ~~dogs and cats~~dogs, cats, and ferrets continue to run  
41 uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after  
42 reasonable effort has been made to apprehend the animals, to destroy the uncontrolled ~~dogs and~~  
43 ~~cats~~dogs, cats, and ferrets and properly dispose of their bodies."

44 **SECTION 11.** G.S. 130A-196 reads as rewritten:

45 "**§ 130A-196. Confinement of all biting ~~dogs and cats~~dogs, cats, and ferrets; notice to**  
46 **local health director; reports by physicians; certain dogs exempt.**

47 When a person has been bitten by a ~~dog or cat~~dog, cat, or ferret, the person or parent,  
48 guardian or person standing in loco parentis of the person, and the person owning the animal or  
49 in control or possession of the animal shall notify the local health director immediately and  
50 give the name and address of the person bitten and the owner of the animal. All ~~dogs and cats~~  
51 dogs, cats, and ferrets that bite a person shall be immediately confined for 10 days in a place

1 designated by the local health director. However, in the event a stray or feral dog, cat, or ferret  
2 bites a person, the local agency responsible for animal control shall make a reasonable attempt  
3 to locate the owner of the animal. If the owner cannot be identified within 72 hours of the  
4 event, the local health director may authorize the animal be euthanized, and the head of the  
5 animal shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis.  
6 However, the local health director may authorize a dog trained and used by a law enforcement  
7 agency to be released from confinement to perform official duties upon submission of proof  
8 that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the  
9 circumstances of the particular case, the local health director may allow the owner to confine  
10 the animal on the owner's property. An owner who fails to confine ~~his~~an animal in accordance  
11 with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. If the  
12 owner or the person who controls or possesses a ~~dog or cat~~dog, cat, or ferret that has bitten a  
13 person refuses to confine the animal as required by this section, the local health director may  
14 order seizure of the animal and its confinement for 10 days at the expense of the owner. A  
15 physician who attends a person bitten by an animal known to be a potential carrier of rabies  
16 shall report within 24 hours to the local health director the name, age and sex of that person."

17 **SECTION 12.** G.S. 130A-197 reads as rewritten:

18 "**§ 130A-197. ~~Infected dogs and cats~~dogs, cats, and ferrets to be destroyed; protection of**  
19 **vaccinated dogs and cats~~dogs, cats, and ferrets.~~**

20 When the local health director reasonably suspects that a ~~dog or cat~~dog, cat, or ferret has  
21 been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably  
22 suspected of having rabies that is not available for laboratory diagnosis, the ~~dog or cat~~dog, cat,  
23 or ferret shall be considered to have been exposed to rabies. A ~~dog or cat~~dog, cat, or ferret  
24 exposed to rabies shall be destroyed immediately by its owner, the county Animal Control  
25 Officer or a peace officer unless the ~~dog or cat~~dog, cat, or ferret has been vaccinated against  
26 rabies in accordance with this Part and the rules of the Commission more than ~~three weeks~~28  
27 days prior to being exposed, and is given a booster dose of rabies vaccine within ~~three~~five days  
28 of the exposure. As an alternative to destruction, the ~~dog or cat~~dog, cat, or ferret may be  
29 quarantined at a facility approved by the local health director for a period up to six months, and  
30 under reasonable conditions imposed by the local health director."

31 **SECTION 13.** G.S. 130A-198 reads as rewritten:

32 "**§ 130A-198. Confinement.**

33 A person who owns or has possession of an animal which is suspected of having rabies  
34 shall immediately notify the local health director or county Animal Control Officer and shall  
35 securely confine the animal in a place designated by the local health director. ~~Dogs and~~  
36 ~~eats~~Dogs, cats, and ferrets shall be confined for a period of 10 days. Other animals may be  
37 destroyed at the discretion of the State Public Health Veterinarian."

38 **SECTION 14.** G.S. 130A-199 reads as rewritten:

39 "**§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of**  
40 **Public Health.**

41 An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its  
42 head sent to the State Laboratory of Public Health. The heads of all ~~dogs and cats~~dogs, cats,  
43 and ferrets that die during the 10-day confinement period required by G.S. 130A-196, shall be  
44 immediately sent to the State Laboratory of Public Health for rabies diagnosis."

45 **SECTION 15.** This act becomes effective October 1, 2009.