

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 626

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/9/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S626-PCS75371-SU-46

Short Title: Recodify Animal Shelter Law.

(Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST
3 OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL
4 SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO
5 PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART
6 OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE
7 REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER
8 PROGRAM.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 19A-23 is amended by redesignating subdivision (5a) as
11 subdivision (5c) and by adding two new subdivisions to read:

12 "(5a) "Approved foster care provider" means an individual, nonprofit corporation,
13 or association that cares for stray animals that has been favorably assessed
14 by the operator of the animal shelter through the application of written
15 standards.

16 (5b) "Approved rescue organization" means a nonprofit corporation or
17 association that cares for stray animals that has been favorably assessed by
18 the operator of the animal shelter through the application of written
19 standards."

20 **SECTION 2.** Chapter 19A of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of**
23 **animals in animal shelters; disposition of animals.**

24 (a) Except as otherwise provided in this section, all animals received by an animal
25 shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72
26 hours, or for any longer minimum period established by a board of county commissioners, prior
27 to being euthanized or otherwise disposed of.

28 (b) Before an animal may be euthanized or otherwise disposed of, it shall be made
29 available for adoption under procedures that enable members of the public to inspect the
30 animal, except in the following cases:

31 (1) The animal has been found by the operator of the shelter to be unadoptable
32 due to injury or defects of health or temperament.

33 (2) The animal is seriously ill or injured, in which case the animal may be
34 euthanized before the expiration of the minimum holding period if the



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1 manager of the animal shelter determines, in writing, that it is appropriate to
2 do so. The writing shall include the reason for the determination.

3 (3) The animal is being held as evidence in a pending criminal case.

4 (c) Except as otherwise provided in this subsection, a person who comes to an animal
5 shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject
6 to rules providing for such viewing during at least four hours a day, three days a week. If the
7 shelter is housing animals that must be kept apart from the general public for health reasons,
8 public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter
9 shall make reasonable arrangements that allow pet owners to determine whether their lost pets
10 are among those animals.

11 (d) During the minimum holding period, an animal shelter may place an animal it is
12 holding into foster care by transferring possession of the animal to an approved foster care
13 provider, an approved rescue organization, or the person who found the animal. If an animal
14 shelter transfers possession of an animal under this subsection, at least one photograph
15 depicting the head and face of the animal shall be displayed at the shelter in a conspicuous
16 location that is available to the general public during hours of operation, and that photograph
17 shall remain posted until the animal is disposed of as provided in subsection (f) of this section.

18 (e) If a shelter places an animal in foster care, the shelter may, in writing, appoint the
19 person or organization possessing the animal to be an agent of the shelter. After the expiration
20 of the minimum holding period, the shelter may (i) direct the agent possessing the animal to
21 return it to the shelter, (ii) allow the agent to adopt the animal consistent with the shelter's
22 adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of
23 the shelter. A shelter may terminate an agency created under this subsection at any time by
24 directing the agent to deliver the animal to the shelter. The local government or organization
25 operating the shelter, as principal in the agency relationship, shall not be liable to reimburse the
26 agent for the costs of care of the animal and shall not be liable to the owner of the animal for
27 harm to the animal caused by the agent, absent a written contract providing otherwise.

28 (f) An animal that is surrendered to an animal shelter by the animal's owner and not
29 reclaimed by that owner during the minimum holding period may be disposed of in one of the
30 following manners:

31 (1) Returned to the owner.

32 (2) Adopted as a pet by a new owner.

33 (3) Euthanized by a procedure approved by rules adopted by the Department of
34 Agriculture and Consumer Services or, in the absence of such rules, by a
35 procedure approved by the American Veterinary Medical Association, the
36 Humane Society of the United States, or the American Humane Association.

37 (g) An animal that is surrendered to an animal shelter by the animal's owner may be
38 disposed of before the expiration of the minimum holding period in a manner authorized under
39 subsection (f) of this section if the owner provides to the shelter (i) some proof of ownership of
40 the animal and (ii) a signed written consent to the disposition of the animal before the
41 expiration of the minimum holding period.

42 (h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in
43 writing whether the dog has bitten any individual within the 10 days preceding the date of
44 surrender.

45 (i) An animal shelter shall require every person to whom an animal is released to
46 present one of the following valid forms of government-issued photographic identification: (i) a
47 drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military
48 identification card, or (iv) a passport. Upon presentation of the required photographic
49 identification, the shelter shall document the name of the person, the type of photographic
50 identification presented by the person, and the photographic identification number.

1 (j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall
2 retain those records for a period of at least three years from the date of impoundment, and shall
3 make those records available for inspection during regular inspections pursuant to this Article
4 or upon the request of a representative of the Animal Welfare Section. These records shall
5 contain, at a minimum:

6 (1) The date of impoundment.

7 (2) The length of impoundment.

8 (3) The disposition of each animal, including the name and address of any
9 person to whom the animal is released, any institution that person represents,
10 and the identifying information required under subsection (i) of this section.

11 (4) Other information required by rules adopted by the Board of Agriculture."

12 **SECTION 3.** G.S. 130A-192 reads as rewritten:

13 **"§ 130A-192. Animals not wearing required rabies vaccination tags.**

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

37 (a1) ~~Before an animal may be put to death, it shall be made available for adoption under~~
38 ~~procedures that enable members of the public to inspect the animal, except in cases in which~~
39 ~~the animal is found by the operator of the shelter to be unadoptable due to injury or defects of~~
40 ~~health or temperament. An animal that is seriously ill or injured may be euthanized if the~~
41 ~~manager of the animal shelter determines, in writing, that it is appropriate to do so. Nothing in~~
42 ~~this subsection shall supercede (i) any rules adopted by the Board of Agriculture which specify~~
43 ~~the number of animals allowed for kennel space in animal shelters, or (ii) the duration of~~
44 ~~impoundment established by the county board of commissioners, or the 72-hour holding period,~~
45 ~~as provided in subsection (a) of this section. as provided in G.S. 19A-32.1.~~

46 (a2) ~~Except as otherwise provided in this subsection, a person who comes to an animal~~
47 ~~shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject~~
48 ~~to rules providing for such viewing during at least four hours a day, three days a week. If the~~
49 ~~shelter is housing animals that must be kept apart from the general public for health reasons,~~
50 ~~public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter~~

1 shall make reasonable arrangements that allow pet owners to determine whether their lost pets
2 are among those animals.

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

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

11 (1) ~~Dogs and cats that are wearing rabies tags but are taken into custody for
12 violation of statutes or ordinances not related to rabies control, such as
13 ordinances requiring the leashing or restraining of dogs and cats.~~

14 (2) ~~Dogs and cats surrendered to an animal shelter by the owners of the animals,
15 unless an owner provides to the shelter the following:~~

16 a. ~~Some proof of ownership of the animal, and~~

17 b. ~~A signed written consent to the disposition of the animal, in a manner
18 authorized by this section, before the expiration of the 72-hour
19 holding period or of a longer period established by ordinance or local
20 rule to which the shelter is subject.~~

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

29 (1) ~~If the animal is a dog or cat, the finder or approved rescue organization shall
30 hold the animal for the 72-hour holding period provided for in subsection (a)
31 of this section or such longer holding period that may be applicable to the
32 shelter by ordinance or local rule. If the animal is not a dog or cat, then the
33 holding period shall be by agreement between the animal shelter and the
34 person or organization receiving the animal.~~

35 (2) ~~After the expiration of the applicable holding period, the shelter may:~~

36 a. ~~Transfer the animal by adoption to the person or organization that
37 has held it as agent, or~~

38 b. ~~Extend the period of time the finder or rescue organization holds the
39 animal as agent of the shelter.~~

40 (3) ~~A shelter may terminate an agency created under this subsection at any time
41 by directing the finder or rescue organization to deliver the animal to the
42 shelter.~~

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

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

50 (e) ~~If an animal shelter transfers physical possession of a dog or cat under subsection
51 (c) or (d) of this section, so that the animal is no longer on the animal shelter premises, at least~~

1 one photograph which depicts the head and face of the animal shall (i) be displayed at the
2 shelter in a conspicuous location that is available to the general public during hours of
3 operation, and (ii) remain posted for the 72-hour or longer holding period established under
4 subsection (a) of this section."

5 SECTION 4. G.S. 19A-64 reads as rewritten:

6 "§ 19A-64. Distributions to counties and cities from Spay/Neuter Account.

7 (a) Reimbursable Costs. – Counties and cities eligible for distributions from the
8 Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter surgical
9 procedure for a dog or cat owned by a low-income person as defined in G.S. 19A-63(b).
10 Reimbursable costs shall include anesthesia, medication, and veterinary services. Counties and
11 cities shall not be reimbursed for the administrative costs of providing reduced-cost spay/neuter
12 services or capital expenditures for facilities and equipment associated with the provision of
13 such services. The reimbursement amount for each surgical procedure for a female dog or cat
14 shall be no more than one hundred fifty percent (150%) of the average reimbursement allowed
15 for surgical procedures for female dogs and cats by the Spay/Neuter Program during the prior
16 calendar year. The reimbursement amount for each surgical procedure for a male dog or cat
17 shall be no more than one hundred fifty percent (150%) of the average reimbursement allowed
18 for surgical procedures for male dogs and cats by the Spay/Neuter Program during the prior
19 calendar year.

20 (b) Application. – A county or city eligible for reimbursement of spaying and neutering
21 costs from the Spay/Neuter Account shall apply to the Department of Agriculture and
22 Consumer Services by the last day of January, April, July, and October of each year to receive
23 a distribution from the Account for that quarter. The application shall be submitted in the form
24 required by the Department and shall include an itemized listing of the costs for which
25 reimbursement is sought.

26 (c) Distribution. – The Department shall make payments from the Spay/Neuter Account
27 to eligible counties and cities who have made timely application for reimbursement within 30
28 days of the closing date for receipt of applications for that quarter. In the event that total
29 requests for reimbursement exceed the amounts available in the Spay/Neuter Account for
30 distribution, the monies available will be distributed as follows:

31 (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account
32 shall be reserved for reimbursement for eligible applicants within
33 development tier one areas as defined in G.S. 143B-437.08. The remaining
34 fifty percent (50%) of the funds shall be used to fund reimbursement
35 requests from eligible applicants in development tier two and three areas as
36 defined in G.S. 143B-437.08.

37 (2) Among the eligible counties and cities in development tier one areas,
38 reimbursement shall be made to each eligible county or city ~~pursuant to rules~~
39 ~~adopted by the Department in the proportion that the rate of spays and~~
40 ~~neuters per one thousand persons in that city or county compares to the total~~
41 rate of spays and neuters per one thousand persons within the total tier one
42 area. Population data shall be obtained from the most recent decennial
43 census.

44 (3) Among the eligible counties and cities in development tier two and three
45 areas, reimbursement shall be made to each eligible county or city ~~pursuant~~
46 ~~to rules adopted by the Department in the proportion that the rate of spays~~
47 ~~and neuters per one thousand persons in that city or county compares to the~~
48 total rate of spays and neuters per one thousand persons within the total tier
49 two and three area. Population data shall be obtained from the most recent
50 decennial census.

- 1 (4) Should funds remain available from the fifty percent (50%) of the
2 Spay/Neuter Account designated for development tier one areas after
3 reimbursement of all claims by eligible applicants in those areas, the
4 remaining funds shall be made available to reimburse eligible applicants in
5 development tier two and three areas."

6 **SECTION 5.** G.S. 19A-66 reads as rewritten:

7 **"§ 19A-66. Notification of available funding.**

8 Prior to January 1 of each year, the Department of Agriculture and Consumer Services shall
9 notify counties and cities that have, prior to that notification deadline, established eligibility for
10 distribution of funds from the Spay/Neuter Account pursuant to G.S. 19A-63, of the following:

- 11 (1) The amount of funding in the Spay/Neuter Account that the Department will
12 have available for distribution to each county or city receiving notification to
13 pay reimbursement requests submitted by the county or city during the
14 calendar year following the notification deadline; and
15 (2) The amount of additional funding, if any, the Department estimates, but does
16 not guarantee, may be available to pay reimbursement requests submitted by
17 the notified county or city to the Department during the calendar year
18 following the notification deadline.
19 (3) The maximum amount that may be reimbursed for each surgical procedure
20 for a female dog or cat during the upcoming calendar year.
21 (4) The maximum amount that may be reimbursed for each surgical procedure
22 for a male dog or cat during the upcoming calendar year."

23 **SECTION 6.** Section 4 of this act becomes effective October 1, 2013. Section 5 of
24 this act becomes effective January 1, 2014. The remainder of this act is effective when it
25 becomes law.