

1 **"§ 19A-24. Powers of Board of Agriculture.**

2 The Board of Agriculture may:

- 3 (1) Establish standards for the care of animals at animal shelters, boarding
4 kennels, pet shops, and public auctions.
- 5 (2) Prescribe the manner in which animals may be transported to and from
6 registered or licensed premises.
- 7 (3) Require licensees and holders of certificates to keep records of the
8 identity, confinement, and disposition of purchase and sale of animals
9 and to identify animals at their establishments—establishments on such
10 forms as the Board may establish in order to standardize such
11 recordkeeping.
- 12 (3a) Require licensees and holders of certificates to submit records
13 maintained pursuant to this Article to the Board on a periodic basis.
- 14 (4) Adopt rules to implement this Article, including federal regulations
15 promulgated under Title 7, Chapter 54, of the United States Code."

16 Sec. 5. G.S. 19A-36 reads as rewritten:

17 **"§ 19A-36. Penalty for violation of Article by animal control officer or dog warden.**

18 Violation of any provision of this Article which relates to the seizing, impoundment,
19 and custody of an animal by an animal control officer or a dog warden shall constitute a
20 misdemeanor and the person convicted thereof shall be subject to a fine of not less than
21 fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), and each animal
22 handled in violation shall constitute a separate offense."

23 Sec. 6. Article 3 of Chapter 19A of the General Statutes is amended by
24 adding the following new sections to read:

25 **"§ 19A-40. Animal Welfare Act Enforcement Fund.**

26 (a) The Animal Welfare Act Enforcement Fund is established in the Animal
27 Welfare Section of the Department of Agriculture. The Department of Agriculture shall
28 be responsible for receipt and disbursement of all funds in the Animal Welfare Act
29 Enforcement Fund as provided in this section.

30 (b) Moneys in the Animal Welfare Act Enforcement Fund shall be used annually
31 for personnel and administrative costs incurred by the Animal Welfare Section of the
32 Department of Agriculture in enforcing the provisions of the Animal Welfare Act.

33 (c) Moneys in the Fund in excess of personnel and administrative costs shall be
34 available to units of local government as assistance funding for compliance with the Act
35 on the terms and conditions set forth in G.S. 19A-40.1.

36 **"§ 19A-40.1. Animal Control Facility grants; eligible purpose; terms and**
37 **conditions.**

38 (a) The Department of Agriculture shall make grants from the Animal Welfare
39 Act Enforcement Fund to units of local government for new construction of animal
40 control facilities, or for capital improvements of existing facilities to ensure compliance
41 with the standards of the Act.

42 (b) The Commissioner or his designee shall set a priority on and approve
43 applications for funds based on a review of the local government's existing facility

1 needs, and the need for State funding to ensure the facility's compliance with the
2 standards of the Act.

3 (c) Upon approval of the Commissioner or his designee, based on criteria
4 established by the Board, units of local government shall receive five thousand dollars
5 (\$5,000) in matching grant funds for each five thousand dollars (\$5,000) allocated by
6 the unit of local government either for new construction of an animal control facility or
7 for capital improvements of an existing facility. No unit of local government may
8 receive more than ten thousand dollars (\$10,000) in matching funds per year.

9 (d) One or more units of local government may apply separately for funds under
10 this section for a jointly utilized facility.

11 (e) Funds may not be granted under this section for normal operating expenses of
12 an animal control facility.”

13 Sec. 7. Chapter 130A of the General Statutes is amended by adding a new
14 section to read:

15 **"§ 130A-185.1 Rabies vaccination fee.**

16 (a) There is levied on every person who administers rabies vaccines a fee of fifty
17 cents (50¢) per rabies vaccine administered to a dog or a cat in this State.

18 (b) Every person who administers rabies vaccine to a dog or cat shall collect the
19 fee levied by this section and shall state and charge the fee separately from the sales
20 price of the vaccination and show the fee separately on the vaccinator's sales records.
21 The fee levied by this section shall be reflected on the rabies vaccination certificate
22 required by G.S. 130A-189. The fee shall be paid by the purchaser of the vaccination to
23 the vaccinator as trustee for and on account of the State. It is the intent of this section
24 that the fee shall be added to the cost of the rabies vaccination when administered and
25 be borne by and passed on to the customer, instead of being borne by the vaccinator.

26 (c) The Department shall collect and administer the fee levied by this section and
27 shall design, print, and furnish to all vaccinators in the State the necessary forms for
28 filing returns and instructions to ensure the full collection of the fee.

29 (d) The fee levied under this section is due and payable to the Department in
30 quarterly installments on or before the 15th day of the month following the end of the
31 quarter in which the fee accrues. Every vaccinator liable for the fee shall, on or before
32 the date the fee is due, prepare and render a return on the form prescribed by the
33 Department. The return shall state the total number of rabies vaccines administered by
34 the vaccinator in the preceding quarter.

35 (e) The Department shall retain ten percent (10%) of the proceeds collected
36 under this section for the administrative costs of collection and shall deposit, on a
37 quarterly basis, the balance of the proceeds in the Animal Welfare Act Enforcement
38 Fund in the Department of Agriculture.

39 (f) The Department may adopt such rules as are necessary to implement the
40 provisions of this section.

41 (g) Penalties.

42 (1) A person who fails or refuses to file the return required by this section
43 shall pay a penalty of ten dollars (\$10.00) for each day's omission. In
44 case of failure or refusal to file the return or pay the fee for a period of

1 thirty (30) days after the time required for filing the return or for
2 paying the fee, there shall be an additional fee, as a penalty, of five
3 percent (5%) of the fee due in addition to any other penalty, with an
4 additional fee of five percent (5%) for each additional month or
5 fraction thereof until the fee is paid. The Department may, for good
6 cause shown, compromise or forgive the penalties imposed by this
7 subparagraph.

8 (2) Any person who willfully attempts in any manner to evade a fee
9 imposed under this section or who willfully fails to pay the fee or
10 make and file a return shall, in addition to all other penalties provided
11 by law, be guilty of a misdemeanor and shall be punishable by a fine
12 not to exceed one thousand dollars (\$1,000), imprisonment not to
13 exceed six months, or both."

14 Sec. 8. Sections 6 and 7 of this act shall become effective January 1, 1990,
15 and Section 7 applies to vaccinations administered on or after that date. The remainder
16 of this act is effective on October 1, 1991.