

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 626

Short Title: Recodify Animal Shelter Law. (Public)

Sponsors: Senators McKissick, Jackson, Meredith (Primary Sponsors); and Woodard.

Referred to: Agriculture/Environment/Natural Resources.

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, AND 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.

7 The General Assembly of North Carolina enacts:

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

10 "(5a) "Approved foster care provider" mean an individual, nonprofit corporation,
11 or association that cares for stray animals that has been favorably assessed
12 by the operator of the animal shelter through the application of written
13 standards.

14 (5b) "Approved rescue organization" means a nonprofit corporation or
15 association that cares for stray animals that has been favorably assessed by
16 the operator of the animal shelter through the application of written
17 standards."

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

20 **"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of**
21 **animals in animal shelters; disposition of animals.**

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

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

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

31 (2) The animal is seriously ill or injured, in which case the animal may be
32 euthanized before the expiration of the minimum holding period if the
33 manager of the animal shelter determines, in writing, that it is appropriate to
34 do so. The writing shall include the reason for the determination.

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



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

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

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

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

29 (1) Returned to the owner.

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

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

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

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

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

51 (1) The date of impoundment.

- 1 (2) The length of impoundment.
2 (3) The disposition of each animal, including the name and address of any
3 person to whom the animal is released, any institution that person represents,
4 and the identifying information required under subsection (h) of this section.
5 (4) Other information required by rules adopted by the Board of Agriculture."

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

7 "**§ 130A-192. Animals not wearing required rabies vaccination tags.**

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

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

40 (a2) ~~Except as otherwise provided in this subsection, a person who comes to an animal~~
41 ~~shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject~~
42 ~~to rules providing for such viewing during at least four hours a day, three days a week. If the~~
43 ~~shelter is housing animals that must be kept apart from the general public for health reasons,~~
44 ~~public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter~~
45 ~~shall make reasonable arrangements that allow pet owners to determine whether their lost pets~~
46 ~~are among those animals.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 **SECTION 4.** This act is effective when it becomes law.