

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-327
SENATE BILL 674

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

The General Assembly of North Carolina enacts:

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

"§ 130A-184. Definitions.

The following definitions shall apply throughout in this Part:

- (1) ~~'Animal Control Officer' means a~~Animal Control Officer. – A city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- (2) ~~'Cat' means a~~Cat. – A domestic feline. feline of the genus and species Felis catus.
- (3) ~~'Certified rabies vaccinator' means a~~Certified rabies vaccinator. – A person appointed and certified to administer rabies vaccine to animals in accordance with this Part.
- (4) ~~'Dog' means a~~Dog. – A domestic ~~canine.~~ canine of the genus, species, and subspecies Canis lupus familiaris.
- (4a) Feral. – An animal that is not socialized.
- (4b) Ferret. – A domestic mammal of the genus, species, and subspecies Mustela putorius furo.
- (5) ~~'Rabies vaccine' means an~~Rabies vaccine. – An animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission.
- (6) ~~'State Public Health Veterinarian' means a~~State Public Health Veterinarian. – A person appointed by the Secretary to direct the State public health veterinary program.
- (6a) Stray. – An animal that meets both of the following conditions:
 - a. Is beyond the limits of confinement or lost.
 - b. Is not wearing any tags, microchips, tattoos, or other methods of identification.
- (7) ~~'Vaccination' means the~~Vaccination. – The administration of rabies vaccine by a ~~licensed veterinarian or by a certified rabies vaccinator.~~person authorized to administer it under G.S. 130A-185."

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

"§ 130A-185. Vaccination of all dogs and cats required.

(a) Vaccination required. – The owner of every dog and cat ~~an animal listed in this subsection~~ over four months of age shall have the animal vaccinated against rabies. ~~The time or times of vaccination shall be established by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.~~rabies:

- (1) Cat.
- (2) Dog.
- (3) Ferret.



(b) Vaccination. – Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this State. A rabies vaccine may only be administered by one or more of the following:

- (1) A licensed veterinarian.
- (2) A registered veterinary technician under the direct supervision of a licensed veterinarian.
- (3) A certified rabies vaccinator."

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

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

(a) Local Clinics. – The local health director shall organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year for the purpose of vaccinating ~~dogs and cats~~ animals required to be vaccinated under this Part. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.

(b) Fee. – The county board of commissioners may establish a fee to be charged for a rabies vaccination given at a county rabies vaccination clinic. The fee amount may consist of the following:

- (1) A charge for administering and storing the vaccine, not to exceed ten dollars (\$10.00).
- (2) The actual cost of the rabies vaccine, the vaccination certificate, and the rabies vaccination tag."

SECTION 4. G.S. 130A-188 is repealed.

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

"§ 130A-189. Rabies vaccination certificates.

~~A licensed veterinarian or a certified rabies vaccinator person~~ who administers a rabies vaccine to a dog or cat shall complete a ~~three copy~~ rabies vaccination certificate. The Commission shall adopt rules specifying the information that must be included on the certificate. ~~The~~ An original rabies vaccination certificate shall be given to the owner of ~~each dog or cat~~ the animal that receives the rabies vaccine. ~~One~~ A copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. ~~The other~~ A copy shall also be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes."

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

"(a) Issuance. – ~~A licensed veterinarian or a certified rabies vaccinator person~~ who administers a rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." ~~Dogs and cats~~ Dogs shall wear rabies vaccination tags at all times. ~~However, cats and ferrets must wear rabies vaccination tags unless they are exempted~~ they are exempt from wearing the tags by local ordinance."

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

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

The Animal Control Officer shall canvass the county to determine if there are any animals ~~there are any dogs or cats~~ not wearing the required rabies vaccination tag. If ~~a dog or cat~~ an animal required to wear a tag is found not wearing the required tag, one, 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, 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 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 the

American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association. The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released."

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

"§ 130A-193. Vaccination and confinement of ~~dogs and cats~~ animals brought into this State.

(a) Vaccination Required. – ~~A dog or cat~~ An animal brought into this State that is required to be vaccinated under this Part shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.

(b) Exceptions. – The provisions of subsection (a) shall not apply to:

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

(2) ~~A dog or cat~~ An animal brought into this State accompanied by a certificate issued by a licensed veterinarian showing that the ~~dog or cat~~ animal is apparently free from and has not been exposed to rabies and that the ~~dog or cat~~ animal is currently vaccinated against rabies."

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

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

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

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

"§ 130A-195. Destroying stray ~~dogs and cats~~ stray or feral animals in quarantine districts.

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

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

"§ 130A-196. ~~Confinement~~ Notice and confinement of all biting ~~dogs and cats;~~ notice to local health director; reports by physicians; certain ~~dogs exempt~~ animals.

(a) Notice. – When a person has been bitten by a ~~dog or cat,~~ an animal required to be vaccinated under this Part, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the local health director immediately and give the name and address of the person bitten and the owner of the animal. If the animal that bites a person is a stray or feral animal, the local agency responsible for animal control shall make a reasonable attempt to locate the owner of the animal. If the owner cannot be identified within 72 hours of the event, the local health director may authorize the animal be euthanized, and the head of the animal shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis. If the event occurs on a weekend or State holiday the time period for owner identification shall be extended 24 hours.

A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report the incident within 24 hours to the local health director. The report must include the name, age, and sex of the person.~~All dogs and cats~~

(b) Confinement. – When an animal required to be vaccinated under this Part ~~that bite~~ bites a person, the animal shall be immediately confined for 10 days in a place designated by the local health director. ~~However, the~~ The local health director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property. An owner

who fails to confine ~~his~~ an animal in accordance with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. If the owner or the person who controls or possesses ~~a dog or cat~~ the animal that has bitten a person refuses to confine the animal as required by this ~~section, subsection,~~ the local health director may order seizure of the animal and its confinement for 10 days at the expense of the owner. ~~A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within 24 hours to the local health director the name, age and sex of that person."~~

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

"§ 130A-197. Infected ~~dogs and cats~~ animals to be destroyed; protection of vaccinated ~~dogs and cats~~ animals.

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

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

"§ 130A-198. Confinement.

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

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

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

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

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

In the General Assembly read three times and ratified this the 13th day of July, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 9:33 a.m. this 24th day of July, 2009