

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 626

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/9/13

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.

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 96
24 hours. An animal shelter or an agent of an animal shelter may hold an animal for a minimum
25 holding period of 72 hours if the animal shelter posts at least one photograph depicting the head
26 and face of the animal on the animal shelter's Web site or on any other Web site designed to
27 facilitate the adoption of animals and the photograph remains on the Web site until the animal
28 is euthanized or otherwise disposed of. An animal shelter or an agent of an animal shelter may
29 hold an animal for any longer minimum period established by a board of county
30 commissioners, prior to being euthanized or otherwise disposed of.

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

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



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

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

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

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

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

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

33 (1) Returned to the owner.

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

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

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

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

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

1 identification, the shelter shall document the name of the person, the type of photographic
2 identification presented by the person, and the photographic identification number.

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

8 (1) The date of impoundment.

9 (2) The length of impoundment.

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

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

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

15 **"§ 130A-192. Animals not wearing required rabies vaccination tags.**

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

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

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

1 public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter
2 shall make reasonable arrangements that allow pet owners to determine whether their lost pets
3 are among those animals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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