

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1206

Short Title: Disposal of Unclaimed Animals. (Public)

Sponsors: Representatives Harrison, Harrell, Cotham, Glazier (Primary Sponsors); Insko, Mackey, Martin, and Wray.

Referred to: Agriculture, if favorable, Judiciary I.

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING
3 AND DISPOSAL OF UNCLAIMED ANIMALS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 130A-192 reads as rewritten:

6 "§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.

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

30 Before an animal may be sold or put to death, it must be made available for adoption under
31 procedures that enable members of the public to inspect the animal, except in cases in which
32 the animal is found by the operator of the shelter to be unadoptable due to injury or defects of
33 health or temperament.

34 A person who comes to an animal shelter attempting to locate a lost pet is entitled to view
35 every animal held at the shelter, subject to rules providing for such viewing during at least four
36 hours a day, three days a week.



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

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

9 (1) Feral cats;

10 (2) Animals other than livestock, in addition to dogs and cats, that appear to be
11 pet animals;

12 (3) 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; and

15 (4) Animals surrendered to an animal shelter by the owners of the animals,
16 unless an owner provides to the shelter some proof of ownership of the
17 animal and signs a writing consenting to the disposition of the animal in a
18 manner authorized by this section before the expiration of the 72-hour
19 holding period or of a longer period established by ordinance or local rule to
20 which the shelter is subject.

21 (c) If an animal not wearing tags or other mode of identification indicating its owner is
22 delivered to the animal shelter by a person who has found and captured the animal, or by an
23 approved rescue organization with which such finder has deposited the animal, the shelter may
24 in writing appoint the finder or approved rescue organization to be the agent of the shelter to
25 hold the animal for the 72-hour holding period provided for in subsection (a) of this section or
26 such longer holding period that may be applicable to the shelter by ordinance or local rule.
27 After the expiration of that holding period, the shelter may transfer the animal by adoption to
28 the person or organization that has held it as agent or may extend the period of time the finder
29 or rescue organization holds the animal as agent of the shelter. A shelter may terminate an
30 agency created under this subsection at any time by directing the finder or rescue organization
31 to deliver the animal to the shelter. The city, county, or organization operating the animal
32 shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the
33 costs of care of the animal and shall not be liable to the owner of the animal for harm to the
34 animal caused by the agent, absent a written contract providing otherwise. For purposes of this
35 subsection, the term "approved rescue organization" means a nonprofit corporation or
36 association that cares for stray animals that has been favorably assessed by the operator of the
37 animal shelter through the application of written standards.

38 (d) During the 72-hour or longer holding period established under subsection (a) of this
39 section, the animal shelter may place an animal it is holding in foster care. During this period,
40 an animal that is seriously ill or injured may be euthanized if a veterinarian states in a signed
41 writing that it is appropriate to do so."

42 **SECTION 2.** G.S. 130A-184(1) reads as rewritten:

43 "(1) "Animal Control Officer" means a city or county employee designated as
44 dog warden, animal control officer, animal control official or other
45 designations that may be used whose responsibility includes animal control.
46 The term "Animal Control Officer" also includes agents of a private
47 organization that is operating an animal shelter under contract with a city or
48 county whenever those agents are performing animal control functions at the
49 shelter."

50 **SECTION 3.** This act becomes effective January 1, 2010.