

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 467
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/7/09
Third Edition Engrossed 5/14/09
House Committee Substitute Favorable 5/27/09
Fifth Edition Engrossed 6/30/09

Short Title: Recover Pets/Relieve Overcrowding at Shelters.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE
3 OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF
4 ANIMALS FROM SHELTERS.

5 The General Assembly of North Carolina enacts:

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

7 "§ 130A-192. **Dogs and cats not wearing required rabies vaccination tags.**

8 (a) The Animal Control Officer shall canvass the county to determine if there are any
9 dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not
10 wearing the required tag, 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 tag 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



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1 defects of health or temperament. An animal that is seriously ill or injured may be euthanized if
2 the manager of the animal shelter determines, in writing, that it is appropriate to do so. Nothing
3 in this subsection shall supercede (i) any rules adopted by the Board of Agriculture which
4 specify the number of animals allowed for kennel space in animal shelters, or (ii) the duration
5 of impoundment established by the county board of commissioners, or the 72-hour holding
6 period, as provided in subsection (a) of this section.

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

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

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

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

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

27 a. Some proof of ownership of the animal, and

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

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

40 (1) If the animal is a dog or cat, the finder or approved rescue organization shall
41 hold the animal for the 72-hour holding period provided for in subsection (a)
42 of this section or such longer holding period that may be applicable to the
43 shelter by ordinance or local rule. If the animal is not a dog or cat, then the
44 holding period shall be by agreement between the animal shelter and the
45 person or organization receiving the animal.

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

47 a. Transfer the animal by adoption to the person or organization that
48 has held it as agent, or

49 b. Extend the period of time the finder or rescue organization holds the
50 animal as agent of the shelter.

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

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

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

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

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

18 "(1) "Animal Control Officer" means a city or county employee designated as
19 dog warden, animal control officer, animal control official or other
20 designations that may be used whose responsibility includes animal control.
21 The term "Animal Control Officer" also includes agents of a private
22 organization that is operating an animal shelter under contract with a city or
23 county whenever those agents are performing animal control functions at the
24 shelter."

25 **SECTION 3.** This act becomes effective January 1, 2010. The provisions of G.S.
26 130A-192(a2) may be waived by the Department of Agriculture until July 1, 2010, for counties
27 that do not have an employee who is employed a minimum of 30 hours per week fulfilling the
28 responsibilities of an animal control officer for the county.