

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 685
Committee Substitute Favorable 4/5/05

Short Title: Animal Shelters/Uniform Regulation.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

1 AN ACT TO CREATE A UNIFORM SYSTEM FOR THE REGULATION OF
2 PRIVATE AND PUBLIC ANIMAL SHELTERS AND TO APPROPRIATE
3 FUNDS FOR THAT PURPOSE.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 19A-23 reads as rewritten:

7 **"§ 19A-23. Definitions.**

8 For the purposes of this Article, the following terms, when used in the Article or the
9 rules or orders made pursuant thereto, shall be construed respectively to mean:

- 10 (1) "Adequate feed" means the provision at suitable intervals, not to
11 exceed 24 hours, of a quantity of wholesome foodstuff suitable for the
12 species and age, sufficient to maintain a reasonable level of nutrition in
13 each animal. Such foodstuff shall be served in a sanitized receptacle,
14 dish, or container.
- 15 (2) "Adequate water" means a constant access to a supply of clean, fresh,
16 potable water provided in a sanitary manner or provided at suitable
17 intervals for the species and not to exceed 24 hours at any interval.
- 18 (3) "Ambient temperature" means the temperature surrounding the animal.
- 19 (4) "Animal" means any domestic dog (*Canis familiaris*), domestic cat
20 (*Felis domestica*).
- 21 (5) "Animal shelter" means a facility which is used to house or contain
22 animals and which is under contract with, owned, operated, or
23 maintained by a county, city, town, or other municipality, or by a duly
24 incorporated humane society, animal welfare society, society for the
25 prevention of cruelty to animals, or other nonprofit organization
26 devoted to the welfare, ~~protection and~~ protection, rehabilitation, or
27 humane treatment of animals.
- 28 (5a) "Boarding kennel" means a facility or establishment which regularly
29 offers to the public the service of boarding dogs or cats or both for a

1 fee. Such a facility or establishment may, in addition to providing
2 shelter, food and water, offer grooming or other services for dogs
3 and/or cats.

4 (6) "Commissioner" means the Commissioner of Agriculture of the State
5 of North Carolina.

6 (7) "Dealer" means any person who sells, exchanges, or donates, or offers
7 to sell, exchange, or donate animals to another dealer, pet shop, or
8 research facility; provided, however, that an individual who breeds and
9 raises on his own premises no more than the offspring of five canine or
10 feline females per year, unless bred and raised specifically for research
11 purposes shall not be considered to be a dealer for the purposes of this
12 Article.

13 (8) "Director" means the Director of the Animal Welfare Section of the
14 Animal Health Division of the Department of Agriculture and
15 Consumer Services.

16 (9) "Euthanasia" means the humane destruction of an animal
17 accomplished by a method that involves rapid unconsciousness and
18 immediate death or by a method that involves anesthesia, produced by
19 an agent which causes painless loss of consciousness, and death during
20 such loss of consciousness.

21 (10) "Housing facility" means any room, building, or area used to contain a
22 primary enclosure or enclosures.

23 (11) "Person" means any individual, partnership, firm, joint-stock company,
24 corporation, association, trust, estate, or other legal entity.

25 (12) "Pet shop" means a person or establishment that acquires for the
26 purposes of resale animals bred by others whether as owner, agent, or
27 on consignment, and that sells, trades or offers to sell or trade such
28 animals to the general public at retail or wholesale.

29 (13) "Primary enclosure" means any structure used to immediately restrict
30 an animal or animals to a limited amount of space, such as a room,
31 pen, cage compartment or hutch.

32 (14) "Public auction" means any place or location where dogs or cats are
33 sold at auction to the highest bidder regardless of whether such dogs or
34 cats are offered as individuals, as a group, or by weight.

35 (15) "Research facility" means any place, laboratory, or institution at which
36 scientific tests, experiments, or investigations involving the use of
37 living animals are carried out, conducted, or attempted.

38 (16) "Sanitize" means to make physically clean and to remove and destroy
39 to a practical minimum, agents injurious to health."

40 **SECTION 2.** G.S. 19A-24 reads as rewritten:

41 **"§ 19A-24. Powers of Board of Agriculture.**

42 The Board of Agriculture may:

43 (1) Establish standards for the care of animals at animal shelters, boarding
44 kennels, pet shops, and public auctions. A boarding kennel that offers

1 dog day care services and has a ratio of dogs to employees or
2 supervisors, or both employees and supervisors, of not more than 10 to
3 one, shall not as to such services be subject to any regulations that
4 restrict the number of dogs that are permitted within any primary
5 enclosure.

6 (2) Prescribe the manner in which animals may be transported to and from
7 registered or licensed premises.

8 (3) Require licensees and holders of certificates to keep records of the
9 purchase and sale of animals and to identify animals at their
10 establishments.

11 (4) Adopt rules to implement this Article, including federal regulations
12 promulgated under Title 7, Chapter 54, of the United States Code.

13 (5) Adopt rules on the euthanasia of animals in the possession or custody
14 of any person licensed under this Article. An animal shall only be put
15 to death by a method and delivery of method approved by the Board of
16 Agriculture upon consultation with the State Veterinarian. The
17 Department shall establish rules for the euthanasia process using any
18 one or combination of methods and standards prescribed by the three
19 mentioned organizations. The rules shall address the equipment,
20 the process, and the separation of animals, in addition to the animals'
21 age and condition. If the gas method of euthanasia is approved, rules
22 shall require (i) that only commercially compressed carbon monoxide
23 gas is approved for use, and (ii) that the gas must be delivered in a
24 commercially manufactured chamber that allows for the individual
25 separation of animals. Rules shall also mandate training for any person
26 who participates in the euthanasia process."

27 **SECTION 3.** Chapter 19A of the General Statutes is amended by adding a
28 new section to read:

29 **§ 19A-41. Legal representation of the Department of Agriculture and Consumer**
30 **Services.**

31 It shall be the duty of the Attorney General to represent the Department of
32 Agriculture and Consumer Services or designate some member of his staff to represent
33 the Department in all actions or proceedings in connection with this Article."

34 **SECTION 4.** There is appropriated from the General Fund the sum of two
35 hundred fifty thousand dollars (\$250,000) to the Animal Health Division within the
36 Department of Agriculture and Consumer Services and the sum of one hundred
37 thousand dollars (\$100,000) to the Attorney General's Office for the purpose of
38 implementing this act.

39 **SECTION 5.** This act becomes effective October 1, 2005.