

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 685  
Committee Substitute Favorable 4/5/05

Short Title: Animal Shelters/Uniform Regulation.

(Public)

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Sponsors:

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Referred to:

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March 17, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

**"§ 19A-23. Definitions.**

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

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