

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS75064-LL-42B* (12/4)

Short Title: Davie's Law/Humane Euthanasia in Shelters. (Public)

Sponsors: Senators Hoyle, Kinnaird, Weinstein, Swindell, Brunstetter, Stein,
Vaughan, Albertson, Stevens, Hunt, Tillman, and Snow.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR HUMANE EUTHANASIA OF ANIMALS IN ANIMAL
3 SHELTERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 19A-23(9) is repealed.

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

7 "**§ 19A-24. Powers of Board of Agriculture.**

8 The Board of Agriculture shall:

9 ...

10 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
11 person required to obtain a certificate of registration under this Article. ~~An~~
12 ~~animal shall only be put to death by a method and delivery of method~~
13 ~~approved by the American Veterinary Medical Association, the Humane~~
14 ~~Society of the United States, or the American Humane Association.~~ The
15 Department shall establish rules for the euthanasia process ~~using any one or~~
16 ~~combination of methods and standards prescribed by the three~~
17 ~~aforementioned organizations.~~ consistent with the restrictions on euthanasia
18 contained in G.S. 19A-26.1. The rules shall address the equipment, the
19 process, and the separation of animals, in addition to the animals' age and
20 condition. ~~If the gas method of euthanasia is approved, rules shall require (i)~~
21 ~~that only commercially compressed carbon monoxide gas is approved for~~
22 ~~use, and (ii) that the gas must be delivered in a commercially manufactured~~
23 ~~chamber that allows for the individual separation of animals.~~ Rules shall also
24 mandate training for any person who participates in the euthanasia process."

25 SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by
26 adding a new section to read:

27 "**§ 19A-26.1. Euthanasia of shelter animals.**

28 Euthanasia of an animal in the custody of an animal shelter shall be accomplished only by a
29 licensed veterinarian or a certified euthanasia technician administering a lethal dose of sodium
30 pentobarbital, or the equivalent of sodium pentobarbital as approved by the United States Food
31 and Drug Administration or the American Veterinary Medical Association:

32 (1) By a method of intravenous or intraperitoneal injection that results in rapid
33 unconsciousness and immediate death; or



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1 (2) By oral injection of powdered sodium pentobarbital in capsules mixed with
2 food, with the animal remaining separated from other animals until dead.
3 Under no circumstances may succinylcholine chloride, curare, curariform mixtures, or any
4 substance that acts as a neuromuscular blocking agent be used on an animal in the custody or
5 possession of an animal shelter for euthanasia."

6 **SECTION 4.** Effective April 1, 2011, G.S. 19A-26.1, as enacted by Section 3 of
7 this act, reads as rewritten:

8 **"§ 19A-26.1. Euthanasia of shelter animals.**

9 (a) Euthanasia of an animal in the custody of an animal shelter shall be accomplished
10 only by a licensed veterinarian or a certified euthanasia technician administering a lethal dose
11 of sodium pentobarbital, or the equivalent of sodium pentobarbital as approved by the United
12 States Food and Drug Administration or the American Veterinary Medical Association:

13 (1) By a method of intravenous or intraperitoneal injection that results in rapid
14 unconsciousness and immediate death; or

15 (2) By oral injection of powdered sodium pentobarbital in capsules mixed with
16 food, with the animal remaining separated from other animals until dead.

17 Under no circumstances may succinylcholine chloride, curare, curariform mixtures, or any
18 substance that acts as a neuromuscular blocking agent by used on an animal in the custody or
19 possession of an animal shelter for euthanasia.

20 (b) No animal shelter may maintain on its premises any facility or equipment used for
21 the euthanasia of animals with carbon monoxide or any other gas."

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

23 **"§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.**

24 The Animal Control Officer shall canvass the county to determine if there are any dogs or
25 cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the
26 required tag, the Animal Control Officer shall check to see if the owner's identification can be
27 found on the ~~animal.~~ animal by owner identification tag or by microchip. If the animal is
28 wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the
29 owner is, the Animal Control Officer shall notify the owner in writing to have the animal
30 vaccinated against rabies and to produce the required rabies vaccination certificate to the
31 Animal Control Officer within three days of the notification. If the animal is not ~~wearing~~
32 identified by an owner identification tag or by microchip and the Animal Control Officer does
33 not otherwise know who the owner is, the Animal Control Officer may impound the animal.
34 The duration of the impoundment of these animals shall be established by the county board of
35 commissioners, but the duration shall not be less than 72 hours. During the impoundment
36 period, the Animal Control Officer shall make a reasonable effort to locate the owner of the
37 animal. If the animal is not reclaimed by its owner during the impoundment period, the animal
38 shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by
39 a new owner; sold to institutions within this State registered by the United States Department of
40 Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death ~~by a~~
41 ~~procedure approved by the American Veterinary Medical Association, the Humane Society of~~
42 ~~the United States or of the American Humane Association.~~ only by euthanasia as authorized by
43 G.S. 19A-26.1. The Animal Control Officer shall maintain a record of all animals impounded
44 under this section which shall include the date of impoundment, the length of impoundment,
45 the method of disposal of the animal and the name of the person or institution to whom any
46 animal has been released."

47 **SECTION 6.** Any gas chambers in the custody or possession of an animal shelter
48 in this State shall be dismantled, destroyed, or otherwise removed from the premises no later
49 than April 1, 2011, in compliance with the provisions of G.S. 19A-26.1(b).

50 **SECTION 7.** Section 4 of this act becomes effective April 1, 2011. The remainder
51 of this act becomes effective January 1, 2011.