

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 199*

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

Sponsors: Senators Hoyle, Kinnaird, Weinstein, Swindell, Brunstetter, Stein, Vaughan, Albertson, Stevens, Hunt, Tillman, Snow; Clary, Dorsett, Forrester, Garrou, Graham, Jenkins, Jones, McKissick, Purcell, and Rand.

Referred to: Judiciary I.

February 18, 2009

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 G.S. 19A-23(9) is repealed.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

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



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1 Under no circumstances may succinylcholine chloride, curare, curariform mixtures, or any
2 substance that acts as a neuromuscular blocking agent be used on an animal in the custody or
3 possession of an animal shelter for euthanasia."

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

6 "**§ 19A-26.1. Euthanasia of shelter animals.**

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

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

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

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

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

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

21 "**§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.**

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

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

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