

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS55213-MG-58 (3/10)

Short Title: Amend Rabies Laws.

(Public)

Sponsors: Senator Purcell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS
3 FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL
4 ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW
5 STRAY OR FERAL ANIMALS TO BE IMMEDIATELY EUTHANIZED AND TESTED
6 FOR RABIES AFTER BITING A HUMAN.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 130A-184 reads as rewritten:

9 "Part 6. Rabies.

10 "§ 130A-184. Definitions.

11 The following definitions shall apply throughout this Part:

- 12 (1) 'Animal Control Officer' means a city or county employee designated as dog
13 warden, animal control officer, animal control official or other designations
14 that may be used whose responsibility includes animal control.
15 (2) 'Cat' means a domestic feline.
16 (3) 'Certified rabies vaccinator' means a person appointed and certified to
17 administer rabies vaccine to animals in accordance with this Part.
18 (4) 'Dog' means a domestic canine.
19 (4a) 'Feral' means any dog, cat, or ferret that is born in the wild and is not
20 socialized; is the offspring of a dog, cat, or ferret that is owned or born in the
21 wild and is not socialized; or is a formerly owned dog, cat, or ferret that has
22 been abandoned and is no longer socialized.
23 (4b) 'Ferret' means a domestic mammal of the type mustela putorius furo.
24 (5) 'Rabies vaccine' means an animal rabies vaccine licensed by the United
25 States Department of Agriculture and approved for use in this State by the
26 Commission.
27 (6) 'State Public Health Veterinarian' means a person appointed by the Secretary
28 to direct the State public health veterinary program.
29 (6a) 'Stray' means any dog, cat, or ferret that is (i) beyond the limits of
30 confinement or lost and (ii) not wearing any tags, microchips, tattoos, or
31 other methods of identification.
32 (7) 'Vaccination' means the administration of rabies vaccine by a licensed
33 veterinarian or by a certified rabies vaccinator."

34 SECTION 2. G.S. 130A-185(a) reads as rewritten:

35 "§ 130A-185. Vaccination of all ~~dogs and cats.~~ dogs, cats, and ferrets.



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1 (a) The owner of every ~~dog and cat~~ dog, cat, and ferret over four months of age shall
2 have the animal vaccinated against rabies. The time or times of vaccination shall be established
3 by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by
4 a certified rabies vaccinator."

5 **SECTION 3.** G.S. 130A-187 reads as rewritten:

6 "**§ 130A-187. County rabies vaccination clinics.**

7 The local health director shall organize or assist other county departments to organize at
8 least one countywide rabies vaccination clinic per year for the purpose of vaccinating ~~dogs and~~
9 ~~eats~~ dogs, cats, and ferrets. Public notice of the time and place of rabies vaccination clinics
10 shall be published in a newspaper having general circulation within the area."

11 **SECTION 4.** G.S. 130A-188 reads as rewritten:

12 "**§ 130A-188. Fee for vaccination at county rabies vaccination clinics.**

13 The county board of commissioners is authorized to establish a fee to be charged at the
14 county rabies vaccination clinics. The fee ~~shall~~ may include an administrative charge ~~not to~~
15 ~~exceed four dollars (\$4.00) per vaccination,~~ and a charge for the actual cost of the vaccine, the
16 vaccination certificate, and the rabies vaccination tag."

17 **SECTION 5.** G.S. 130A-189 reads as rewritten:

18 "**§ 130A-189. Rabies vaccination certificates.**

19 A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a
20 ~~dog or cat~~ dog, cat, or ferret shall complete a three-copy rabies vaccination ~~certificate.~~
21 certificate that includes, at a minimum, all of the following items:

- 22 (1) The owner's name, address, and telephone number.
- 23 (2) The animal's species, age, sex, weight, breed, name, and predominant colors
24 or markings.
- 25 (3) The animal's rabies tag number.
- 26 (4) The animal's microchip number, if any.
- 27 (5) The date the animal was vaccinated and the date the next vaccination is due.
- 28 (6) The name of the product used to vaccinate the animal, the first three letters
29 of the vaccine manufacturer, and the vaccine serial number or lot number.
- 30 (7) The veterinarian's name, address, license number, and signature.

31 The Secretary may adopt rules requiring that additional items be included on the rabies
32 vaccination certificate.

33 The original rabies vaccination certificate shall be given to the owner of each dog or cat that
34 receives rabies vaccine. One copy of the rabies vaccination certificate shall be retained by the
35 licensed veterinarian or the certified rabies vaccinator. The other copy shall be given to the
36 county agency responsible for animal control, provided the information given to the county
37 agency shall not be used for commercial purposes."

38 **SECTION 6.** G.S. 130A-190 reads as rewritten:

39 "**§ 130A-190. Rabies vaccination tags.**

40 (a) Issuance. – A licensed veterinarian or a certified rabies vaccinator who administers
41 rabies vaccine to a ~~dog or cat~~ dog, cat, or ferret shall issue a rabies vaccination tag to the owner
42 of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the
43 words "North Carolina" or the initials "N.C." and the words "rabies vaccine." ~~Dogs and~~
44 ~~eats~~ Dogs, cats, and ferrets shall wear rabies vaccination tags at all times. However, cats and
45 ferrets may be exempted from wearing the tags by local ordinance.

46 (b) Fee. – Rabies vaccination tags, links, and rivets may be obtained from the
47 Department. The Secretary is authorized to establish by rule a fee for the rabies tags, links, and
48 rivets in accordance with this subsection. The fee for each tag is the sum of the following:

- 49 (1) The actual cost of the rabies tag, links, and rivets.
- 50 (2) Transportation costs.

- 1 (3) Five cents (5¢). This portion of the fee shall be used to fund rabies education
2 and prevention programs.
- 3 (4) Twenty cents (20¢). This portion of the fee shall be credited to the
4 Spay/Neuter Account established in G.S. 19A-62 and used to fund statewide
5 spay/neuter programs. This portion of the fee shall not be imposed for tags
6 provided to persons who operate establishments primarily for the purpose of
7 boarding or training hunting dogs or who own and vaccinate 10 or more
8 dogs per year.

9 (c) Repealed by Session Laws 2007-487, s. 1, effective January 1, 2008."

10 **SECTION 7.** G.S. 130A-192 reads as rewritten:

11 "**§ 130A-192. ~~Dogs and cats~~ Dogs, cats, and ferrets not wearing required rabies**
12 **vaccination tags.**

13 The Animal Control Officer shall canvass the county to determine if there are any ~~dogs or~~
14 ~~eats~~dogs, cats, or ferrets not wearing the required rabies vaccination tag. If a ~~dog or eat~~dog, cat,
15 or ferret is found not wearing the required tag, the Animal Control Officer shall check to see if
16 the owner's identification can be found on the animal. If the animal is wearing an owner
17 identification tag, or if the Animal Control Officer otherwise knows who the owner is, the
18 Animal Control Officer shall notify the owner in writing to have the animal vaccinated against
19 rabies and to produce the required rabies vaccination certificate to the Animal Control Officer
20 within three days of the notification. If the animal is not wearing an owner identification tag
21 and the Animal Control Officer does not otherwise know who the owner is, the Animal Control
22 Officer may impound the animal. The duration of the impoundment of these animals shall be
23 established by the county board of commissioners, but the duration shall not be less than 72
24 hours. During the impoundment period, the Animal Control Officer shall make a reasonable
25 effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the
26 impoundment period, the animal shall be disposed of in one of the following manners: returned
27 to the owner; adopted as a pet by a new owner; sold to institutions within this State registered
28 by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as
29 amended; or put to death 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 The Animal Control Officer shall maintain a record of all animals impounded under this section
32 which shall include the date of impoundment, the length of impoundment, the method of
33 disposal of the animal and the name of the person or institution to whom any animal has been
34 released."

35 **SECTION 8.** G.S. 130A-193 reads as rewritten:

36 "**§ 130A-193. Vaccination and confinement of ~~dogs and cats~~ dogs, cats, and ferrets**
37 **brought into this State.**

38 (a) A ~~dog or eat~~dog, cat, or ferret brought into this State shall immediately be securely
39 confined and shall be vaccinated against rabies within one week after entry. The animal shall
40 remain confined for two weeks after vaccination.

41 (b) The provisions of subsection (a) shall not apply to:

- 42 (1) A ~~dog or eat~~dog, cat, or ferret brought into this State for exhibition purposes
43 if the animal is confined and not permitted to run at large; or
- 44 (2) A ~~dog or eat~~dog, cat, or ferret brought into this State accompanied by a
45 certificate issued by a licensed veterinarian showing that the ~~dog or eat~~dog,
46 cat, or ferret is apparently free from and has not been exposed to rabies and
47 that the ~~dog or cat has received rabies vaccine within the past year.~~dog, cat,
48 or ferret is currently vaccinated against rabies."

49 **SECTION 9.** G.S. 130A-194 reads as rewritten:

50 "**§ 130A-194. Quarantine of districts infected with rabies.**

1 An area may be declared under quarantine against rabies by the local health director when
2 the disease exists to the extent that the lives of persons are endangered. When quarantine is
3 declared, each ~~dog and cat~~dog, cat, and ferret in the area shall be confined on the premises of
4 the owner or in a veterinary hospital. However, ~~dogs or cats~~a dog, cat, or ferret on a leash or
5 under the control and in the sight of a responsible adult may be permitted to leave the premises
6 of the owner or the veterinary hospital."

7 **SECTION 10.** G.S. 130A-195 reads as rewritten:

8 "**§ 130A-195. Destroying stray dogs and cats in quarantine districts.**

9 When quarantine has been declared and ~~dogs and cats~~dogs, cats, and ferrets continue to run
10 uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after
11 reasonable effort has been made to apprehend the animals, to destroy the uncontrolled ~~dogs and~~
12 ~~eats~~dogs, cats, and ferrets and properly dispose of their bodies."

13 **SECTION 11.** G.S. 130A-196 reads as rewritten:

14 "**§ 130A-196. Confinement of all biting ~~dogs and cats~~dogs, cats, and ferrets; notice to**
15 **local health director; reports by physicians; certain dogs exempt.**

16 When a person has been bitten by a ~~dog or cat~~dog, cat, or ferret, the person or parent,
17 guardian or person standing in loco parentis of the person, and the person owning the animal or
18 in control or possession of the animal shall notify the local health director immediately and
19 give the name and address of the person bitten and the owner of the animal. A dog, cat, or ferret
20 that bites a person may be immediately euthanized if, in the opinion of the local health director
21 or an Animal Control Officer, the animal is a stray or feral. If the animal is immediately
22 euthanized, the head of the animal shall be immediately sent to the State Laboratory of Public
23 Health for rabies diagnosis. All ~~dogs and cats~~other dogs, cats, and ferrets that bite a person
24 shall be immediately confined for 10 days in a place designated by the local health director.
25 However, the local health director may authorize a dog trained and used by a law enforcement
26 agency to be released from confinement to perform official duties upon submission of proof
27 that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the
28 circumstances of the particular case, the local health director may allow the owner to confine
29 the animal on the owner's property. An owner who fails to confine ~~his~~an animal in accordance
30 with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. If the
31 owner or the person who controls or possesses a ~~dog or cat~~dog, cat, or ferret that has bitten a
32 person refuses to confine the animal as required by this section, the local health director may
33 order seizure of the animal and its confinement for 10 days at the expense of the owner. A
34 physician who attends a person bitten by an animal known to be a potential carrier of rabies
35 shall report within 24 hours to the local health director the name, age and sex of that person. A
36 veterinarian who has knowledge of any mammal biting a person shall report to the local health
37 director the name, age, and sex of that person, if known, and the type and whereabouts of the
38 mammal responsible for the bite, if known."

39 **SECTION 12.** G.S. 130A-197 reads as rewritten:

40 "**§ 130A-197. Infected ~~dogs and cats~~dogs, cats, and ferrets to be destroyed; protection of**
41 **vaccinated ~~dogs and cats~~dogs, cats, and ferrets.**

42 When the local health director reasonably suspects that a ~~dog or cat~~dog, cat, or ferret has
43 been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably
44 suspected of having rabies that is not available for laboratory diagnosis, the ~~dog or cat~~dog, cat,
45 or ferret shall be considered to have been exposed to rabies. A ~~dog or cat~~dog, cat, or ferret
46 exposed to rabies shall be destroyed immediately by its owner, the county Animal Control
47 Officer or a peace officer unless the ~~dog or cat~~dog, cat, or ferret has been vaccinated against
48 rabies in accordance with this Part and the rules of the Commission more than ~~three weeks~~
49 twenty-eight days prior to being exposed, and is given a booster dose of rabies vaccine within
50 ~~three~~five days of the exposure. As an alternative to destruction, the ~~dog or cat~~dog, cat, or ferret

1 may be quarantined at a facility approved by the local health director for a period up to six
2 months, and under reasonable conditions imposed by the local health director."

3 **SECTION 13.** G.S. 130A-198 reads as rewritten:

4 "**§ 130A-198. Confinement.**

5 A person who owns or has possession of an animal which is suspected of having rabies
6 shall immediately notify the local health director or county Animal Control Officer and shall
7 securely confine the animal in a place designated by the local health director. ~~Dogs and~~
8 ~~eats~~Dogs, cats, and ferrets shall be confined for a period of 10 days. Other animals may be
9 destroyed at the discretion of the State Public Health Veterinarian."

10 **SECTION 14.** G.S. 130A-199 reads as rewritten:

11 "**§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of**
12 **Public Health.**

13 An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its
14 head sent to the State Laboratory of Public Health. The heads of all ~~dogs and cats~~dogs, cats,
15 and ferrets that die during the 10-day confinement period required by G.S. 130A-196, shall be
16 immediately sent to the State Laboratory of Public Health for rabies diagnosis."

17 **SECTION 15.** This act is effective when it becomes law.