

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1184*
Finance Committee Substitute Adopted 5/25/00
Third Edition Engrossed 6/21/00
House Committee Substitute Favorable 6/30/00

Short Title: Spay/Neuter Program.

(Public)

Sponsors:

Referred to:

May 9, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A VOLUNTARILY FUNDED STATEWIDE
3 SPAY/NEUTER PROGRAM TO PROVIDE EDUCATION ON THE BENEFITS OF
4 SPAYING AND NEUTERING PETS AND TO PROVIDE FINANCIAL
5 ASSISTANCE TO COUNTIES AND CITIES OFFERING LOW-INCOME
6 PERSONS REDUCED-COST SPAY/NEUTER SERVICES FOR DOGS AND
7 CATS.

8 The General Assembly of North Carolina enacts:

9 Section 1. Chapter 19A of the General Statutes is amended by adding a new
10 Article to read:

11 **"ARTICLE 5.**
12 **"SPAY/NEUTER PROGRAM.**

13 **"§ 19A-50. Legislative findings.**

14 The General Assembly finds that the uncontrolled breeding of cats and dogs in the
15 State has led to unacceptable numbers of unwanted dogs, puppies and cats and kittens.
16 These unwanted animals become strays and constitute a public nuisance and a public
17 health hazard. The animals themselves suffer privation and death, are impounded, and

1 most are destroyed at great expense to local governments. It is the intention of the
2 General Assembly to provide a voluntary means of funding a spay/neuter program to
3 provide financial assistance to local governments offering low-income persons reduced-
4 cost spay/neuter services for their dogs and cats and to provide a statewide education
5 program on the benefits of spaying and neutering pets.

6 "§ 19A-51. Spay/Neuter Program established.

7 There is established in the Department of Health and Human Services a statewide
8 program to foster the spaying and neutering of dogs and cats for the purpose of reducing
9 the population of unwanted animals in the State. The program shall consist of the
10 following components:

11 (1) Education Program. – The Department shall establish a statewide
12 program to educate the public about the benefits of having cats and dogs
13 spayed and neutered. The Department may work cooperatively on the
14 program with the North Carolina School of Veterinary Medicine, other
15 State agencies and departments, county and city health departments and
16 animal control agencies, and statewide and local humane organizations.
17 The Department may employ outside consultants to assist with the
18 education program.

19 (2) Local Spay/Neuter Assistance Program. – The Department shall
20 administer the Spay/Neuter Account established in G.S. 19A-52.
21 Monies deposited in the account shall be available to reimburse eligible
22 counties and cities for the direct costs of spay/neuter surgeries for cats
23 and dogs made available to low-income persons.

24 "§ 19A-52. Spay/Neuter Account established.

25 (a) Creation. – The Spay/Neuter Account is established as a nonreverting special
26 revenue account in the Department of Health and Human Services. The Account consists
27 of the following:

28 (1) Fifty cents (50¢) of the fee imposed by G.S. 130A-190(c) on the costs
29 of obtaining rabies vaccination tags from the Department of Health and
30 Human Services.

31 (2) Ten dollars (\$10.00) of the additional fee imposed by G.S. 20-79.7 for
32 an Animal Lovers special license plate.

33 (3) Any other funds available from appropriations by the General Assembly
34 or from contributions and grants from public or private sources.

35 (b) Use. – The revenue in the Account shall be used by the Department of Health
36 and Human Services as follows:

37 (1) Twenty percent (20%) shall be used to develop and implement the
38 statewide education program component of the Spay/Neuter Program
39 established in G.S. 19A-51(a).

40 (2) Up to twenty percent (20%) of the money in the Account may be used
41 to defray the costs of administering the Spay/Neuter Program
42 established in this Article.

- 1 (3) Funds remaining after deductions for the education program and
2 administrative expenses shall be distributed quarterly to eligible
3 counties and cities seeking reimbursement for reduced-cost spay/neuter
4 surgeries performed during the previous year.

5 **"§ 19A-53. Eligibility for distributions from Spay/Neuter Account.**

6 (a) A county or city is eligible for reimbursement from the Spay/Neuter Account if
7 it meets both of the following conditions:

- 8 (1) The county or city levies an animal tax on dogs and cats under either
9 G.S. 153A-153 or G.S. 160A-212, and the amount of the tax levied on a
10 dog or cat that has not been spayed or neutered is at least three times
11 higher than the amount of the tax levied on a dog or cat that has been
12 spayed or neutered; provided that the total amount of the tax levied shall
13 not exceed twenty-five dollars (\$25.00). A county or city may exempt
14 from the higher tax rate a person who owns five or more dogs or five or
15 more cats and has registered with the county or city as a dog breeder or
16 a cat breeder. Registration shall be on forms provided by the county or
17 city and accompanied by a registration fee of twenty-five dollars
18 (\$25.00). Any tax owed by a registered dog breeder or registered cat
19 breeder pursuant to G.S. 153A-153 or G.S. 160A-212 during the 12-
20 month period following registration shall be calculated as if the dogs or
21 cats owned by the registrant were spayed or neutered.

- 22 (2) The county or city offers one or more of the following programs to low-
23 income persons on a year-round basis for the purpose of reducing the
24 cost of spaying and neutering procedures for dogs and cats:

- 25 a. A spay/neuter clinic operated by the county or city.
26 b. A spay/neuter clinic operated by a private organization under
27 contract or other arrangement with the county or city.
28 c. A contract or contracts with one or more veterinarians, whether
29 or not located within the county, to provide reduced-cost spaying
30 and neutering procedures.
31 d. Subvention of the spaying and neutering costs incurred by low-
32 income pet owners through the use of vouchers or other
33 procedure that provides a discount of the cost of the spaying or
34 neutering procedure fixed by a participating veterinarian or other
35 provider.
36 e. Subvention of the spaying and neutering costs incurred by
37 persons who adopt a pet from an animal shelter operated by or
38 under contract with the county or city.

39 (b) For purposes of this Article, the term "low-income person" shall mean an
40 individual who qualifies for one or more of the programs of public assistance
41 administered by the Department pursuant to Chapter 108A of the General Statutes.

42 **"§ 19A-54. Distributions to counties and cities from Spay/Neuter Account.**

1 (a) Reimbursable Costs. – Counties and cities eligible for distributions from the
2 Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter
3 surgical procedure for a dog or cat owned by a low-income person meeting the
4 Department's eligibility requirements for spay/neuter services. Reimbursable costs shall
5 include anesthesia, medication, and veterinary services. Counties and cities shall not be
6 reimbursed for the administrative costs of providing reduced-cost spay/neuter services or
7 capital expenditures for facilities and equipment associated with the provision of such
8 services.

9 (b) Application. – A county or city eligible for reimbursement of spaying and
10 neutering costs from the Spay/Neuter Account shall apply to the Department of Health
11 and Human Services by the last day of January, April, July, and October of each year to
12 receive a distribution from the Account for that quarter. The application shall be
13 submitted in the form required by the Department and shall include an itemized listing of
14 the costs for which reimbursement is sought.

15 (c) Distribution. – The Department shall make payments from the Spay/Neuter
16 Account to eligible counties and cities who have made timely application for
17 reimbursement within 30 days of the closing date for receipt of applications for that
18 quarter. In the event that total requests for reimbursement exceed the amounts available
19 in the Spay/Neuter Account for distribution, the monies available will be distributed as
20 follows:

21 (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account
22 shall be reserved for reimbursement for eligible applicants within
23 enterprise tier one, two, and three areas as defined in G.S. 105-129.3.
24 The remaining fifty percent (50%) of the funds shall be used to fund
25 reimbursement requests from eligible applicants in enterprise tier four
26 and five areas as defined in G.S. 105-129.3.

27 (2) Among the eligible counties and cities in enterprise tier one, two, and
28 three areas, reimbursement shall be made to each eligible county or city
29 in proportion to the number of dogs and cats that have received rabies
30 vaccinations during the preceding fiscal year in that county or city as
31 compared to the number of dogs and cats that have received rabies
32 vaccinations during the preceding fiscal year by all of the eligible
33 applicants in enterprise tier one, two, or three areas.

34 (3) Among the eligible counties and cities in enterprise tier four and five
35 areas, reimbursement shall be made to each eligible county or city in
36 proportion to the number of dogs and cats that have received rabies
37 vaccinations during the preceding fiscal year in that county or city as
38 compared to the number of dogs and cats that have received rabies
39 vaccinations during the preceding fiscal year by all of the eligible
40 applicants in enterprise tier four and five areas.

41 (4) Should funds remain available from the fifty percent (50%) of the
42 Spay/Neuter Account designated for enterprise tier one, two, or three
43 areas after reimbursement of all claims by eligible applicants in those

1 areas, the remaining funds shall be made available to reimburse eligible
2 applicants in enterprise tier four and five areas."

3 Section 2. G.S. 130A-190 reads as rewritten:

4 **"§ 130A-190. Rabies vaccination tags.**

5 (a) A licensed veterinarian or a certified rabies vaccinator who administers rabies
6 vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The
7 rabies vaccination tag shall show the year issued, a vaccination number, the words "North
8 Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs and cats shall wear
9 rabies vaccination tags at all times. However, cats may be exempted from wearing the
10 tags by local ordinance. Rabies

11 (b) Rabies vaccination tags, links and rivets may be obtained from the Department.
12 The Secretary is authorized to establish by rule a fee for the rabies tags, links and rivets.
13 Except as otherwise authorized in this section, the fee shall not exceed the actual cost of
14 the rabies tags, links and rivets, plus transportation costs. The Secretary may increase the
15 fee beyond the actual cost plus transportation, by an amount not to exceed five cents
16 (\$.05) per tag, to fund rabies education and prevention programs.

17 (c) The Department shall make available a special edition rabies tag to be known
18 as the "I Care" tag. This tag shall be different in shape from the standard tag and shall
19 carry the inscription "I Care" in addition to the information required by subsection (a) of
20 this section. The Secretary is authorized to establish a fee for the "I Care" rabies tag equal
21 to the amount set forth in subsection (b) of this section plus an additional fifty cents
22 (\$.50). The additional fifty cents (\$.50) shall be credited to the Spay/Neuter Account
23 established in G.S. 19A-52."

24 Section 3. G.S. 20-81.12(b10) reads as rewritten:

25 "(b10) Animal Lovers Plates. – The Division must receive 300 or more applications
26 before an animal lovers plate may be developed. The Division shall transfer quarterly the
27 money in the Collegiate and Cultural Attraction Plate Account derived from the sale of
28 the animal lovers plate to the ~~Department of Health and Human Services to create a statewide~~
29 ~~program to promote spaying and neutering of dogs and cats.~~ Spay/Neuter Account established
30 in G.S. 19A-50."

31 Section 4. G.S. 130A-197 reads as rewritten:

32 **"§ 130A-197. Infected dogs and cats to be destroyed; protection of vaccinated dogs**
33 **and cats.**

34 ~~A—When the local health director reasonably suspects that a dog or cat bitten by~~ has
35 been exposed to the saliva or nervous tissue of a proven rabid animal or animal
36 reasonably suspected of having rabies that is not available for laboratory diagnosis
37 diagnosis, the dog or cat shall be considered to have been exposed to rabies. A dog or cat
38 exposed to rabies shall be destroyed immediately by its owner, the county Animal
39 Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies
40 in accordance with this Part and the rules of the Commission more than three weeks prior
41 to being bitten, exposed, and is given a booster dose of rabies vaccine within three days of
42 the bite exposure. As an alternative to destruction, the dog or cat may be quarantined at a

1 veterinary hospital or animal control facility for a period of six months at the discretion
2 of, and under conditions imposed by, the local health director."

3 Section 5. Every county or city animal shelter, or animal shelter operated
4 under contract with a county or city or otherwise in receipt of State or local funding shall
5 prepare an annual report setting forth the numbers, by species, of animals received into
6 the shelter, the number adopted out, the number returned to owner, and the number
7 destroyed. The report shall also contain the total operating expenses of the shelter and
8 the cost per animal handled. The report shall be filed with the Department of Health and
9 Human Services by August 1 of each year.

10 Section 6. The Department of Health and Human Services shall establish a
11 pilot program for animal control in one of the counties within the enterprise tier one area,
12 as defined in G.S. 105-29.3, that does not have an existing animal control program and
13 that meets the qualifications established in this section.

14 The Department shall select a county to participate from among those
15 counties applying to the Department for consideration for the pilot program. Counties
16 wishing to participate should submit a written application to the Department describing in
17 detail the animal control problems in the county, the proposed animal control program to
18 be implemented with the funding available through the pilot program, and the expected
19 results from the program. The Department shall make its selection based on its
20 determination of where the pilot program would most effectively reduce the population of
21 unwanted cats and dogs and enhance public health and safety. The decision of the
22 Department as to the county chosen to participate in the pilot program shall be final.

23 To qualify to participate in the program, in a county where a tax exists, the
24 county shall establish a differentiated tax on dogs and cats and offer a reduced cost
25 spay/neuter program to low-income persons as provided in G.S. 19A-53(a). The county
26 selected shall be required to provide a fifty percent (50%) match to any State funds that
27 are allocated for the local animal control program. The county shall keep records of the
28 number of cats and dogs spayed and neutered under the reduced cost spay/neuter program
29 and shall report the results of the pilot program on animal control problems in the county
30 to the Department on a semiannual basis.

31 Funding for the program shall be from the Spay/Neuter Account established
32 pursuant to G.S. 19A-52 from funds received from the sale of Animal Lovers special
33 license plates pursuant to G.S. 20-79.7 and shall not exceed fifty percent (50%) of the
34 funds available from the sale of the special license plate or fifty thousand dollars
35 (\$50,000), whichever is less.

36 Section 7. This act becomes effective January 1, 2001.