

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 529

Short Title: Animal Shelters/Uniform Regulation. (Public)

Sponsors: Senators Clodfelter; Hartsell and Kinnaird.

Referred to: Agriculture/Environment/Natural Resources.

March 15, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A UNIFORM SYSTEM FOR THE REGULATION OF
3 PRIVATE AND PUBLIC ANIMAL SHELTERS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 19A-23. Definitions.

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

9 (1) "Adequate feed" means the provision at suitable intervals, not to
10 exceed 24 hours, of a quantity of wholesome foodstuff suitable for the
11 species and age, sufficient to maintain a reasonable level of nutrition in
12 each animal. Such foodstuff shall be served in a sanitized receptacle,
13 dish, or container.

14 (2) "Adequate water" means a constant access to a supply of clean, fresh,
15 potable water provided in a sanitary manner or provided at suitable
16 intervals for the species and not to exceed 24 hours at any interval.

17 (3) "Ambient temperature" means the temperature surrounding the animal.

18 (4) "Animal" means any domestic dog (*Canis familiaris*), domestic cat
19 (*Felis domestica*).

20 (5) "Animal shelter" means a facility which is used to house or contain
21 animals and which is under contract with, owned, operated, or
22 maintained by a county, city, town, or other municipality, or by a duly
23 incorporated humane society, animal welfare society, society for the
24 prevention of cruelty to animals, or other nonprofit organization
25 devoted to the welfare, ~~protection and~~ protection, rehabilitation, or
26 humane treatment of animals.

27 (5a) "Boarding kennel" means a facility or establishment which regularly
28 offers to the public the service of boarding dogs or cats or both for a
29 fee. Such a facility or establishment may, in addition to providing

1 shelter, food and water, offer grooming or other services for dogs
2 and/or cats.

3 (6) "Commissioner" means the Commissioner of Agriculture of the State
4 of North Carolina.

5 (7) "Dealer" means any person who sells, exchanges, or donates, or offers
6 to sell, exchange, or donate animals to another dealer, pet shop, or
7 research facility; provided, however, that an individual who breeds and
8 raises on his own premises no more than the offspring of five canine or
9 feline females per year, unless bred and raised specifically for research
10 purposes shall not be considered to be a dealer for the purposes of this
11 Article.

12 (8) "Director" means the Director of the Animal Welfare Section of the
13 Animal Health Division of the Department of Agriculture and
14 Consumer Services.

15 (9) "Euthanasia" means the humane destruction of an animal
16 accomplished by a method that involves rapid unconsciousness and
17 immediate death or by a method that involves anesthesia, produced by
18 an agent which causes painless loss of consciousness, and death during
19 such loss of consciousness.

20 (10) "Housing facility" means any room, building, or area used to contain a
21 primary enclosure or enclosures.

22 (11) "Person" means any individual, partnership, firm, joint-stock company,
23 corporation, association, trust, estate, or other legal entity.

24 (12) "Pet shop" means a person or establishment that acquires for the
25 purposes of resale animals bred by others whether as owner, agent, or
26 on consignment, and that sells, trades or offers to sell or trade such
27 animals to the general public at retail or wholesale.

28 (13) "Primary enclosure" means any structure used to immediately restrict
29 an animal or animals to a limited amount of space, such as a room,
30 pen, cage compartment or hutch.

31 (14) "Public auction" means any place or location where dogs or cats are
32 sold at auction to the highest bidder regardless of whether such dogs or
33 cats are offered as individuals, as a group, or by weight.

34 (15) "Research facility" means any place, laboratory, or institution at which
35 scientific tests, experiments, or investigations involving the use of
36 living animals are carried out, conducted, or attempted.

37 (16) "Sanitize" means to make physically clean and to remove and destroy
38 to a practical minimum, agents injurious to health."

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

40 **"§ 19A-24. Powers of Board of Agriculture.**

41 The Board of Agriculture ~~may~~:shall:

42 (1) Establish standards for the care of animals at animal shelters, boarding
43 kennels, pet shops, and public auctions. A boarding kennel that offers
44 dog day care services and has a ratio of dogs to employees or

1 supervisors, or both employees and supervisors, of not more than 10
2 one, shall not as to such services be subject to any regulations that
3 restrict the number of dogs that are permitted within any primary
4 enclosure.

5 (2) Prescribe the manner in which animals may be transported to and from
6 registered or licensed premises.

7 (3) Require licensees and holders of certificates to keep records of the
8 purchase and sale of animals and to identify animals at their
9 establishments.

10 (4) Adopt rules to implement this Article, including federal regulations
11 promulgated under Title 7, Chapter 54, of the United States Code.

12 (5) Adopt rules on the euthanasia of animals in the possession or custody
13 of any person licensed under this article. An animal shall only be put
14 to death by a method and delivery of method approved by the
15 American Veterinary Medical Association, the Humane Society of the
16 United States, or the American Humane Association. The Department
17 shall establish rules for the euthanasia process using any one or
18 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.**

30 It shall be the duty of the Attorney General to represent the Department of
31 Agriculture or designate some member of his staff to represent the Department in all
32 actions or proceedings in connection with this Article."

33 **SECTION 4.** This act becomes effective October 1, 2005.