GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

S SENATE DRS65097-RK-3 (1/18)

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

Referred to:

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A BILL TO BE ENTITLED

AN ACT TO CREATE A UNIFORM SYSTEM FOR THE REGULATION OF PRIVATE AND PUBLIC ANIMAL SHELTERS.

The General Assembly of North Carolina enacts:

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

"§ 19A-23. Definitions.

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

- (1) "Adequate feed" means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.
- (2) "Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.
- (3) "Ambient temperature" means the temperature surrounding the animal.
- (4) "Animal" means any domestic dog (Canis familiaris), domestic cat (Felis domestica).
- (5) "Animal shelter" means a facility which is used to house or contain animals and which is <u>under contract with,</u> owned, operated, or maintained by a <u>county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, <u>protection and protection, rehabilitation, or humane treatment of animals.</u></u>

"Boarding kennel" means a facility or establishment which regularly (5a) 1 2 offers to the public the service of boarding dogs or cats or both for a 3 fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs 4 5 and/or cats. 6 (6) "Commissioner" means the Commissioner of Agriculture of the State 7 of North Carolina. 8 "Dealer" means any person who sells, exchanges, or donates, or offers (7) 9 to sell, exchange, or donate animals to another dealer, pet shop, or 10 research facility; provided, however, that an individual who breeds and raises on his own premises no more than the offspring of five canine or 11 12 feline females per year, unless bred and raised specifically for research 13 purposes shall not be considered to be a dealer for the purposes of this 14 Article. 15 (8) "Director" means the Director of the Animal Welfare Section of the 16 Animal Health Division of the Department of Agriculture and 17 Consumer Services. 18 (9) "Euthanasia" means the humane destruction of 19 accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced by 20 21 an agent which causes painless loss of consciousness, and death during such loss of consciousness. 22 "Housing facility" means any room, building, or area used to contain a 23 (10)primary enclosure or enclosures. 24 25 (11)"Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity. 26 27 "Pet shop" means a person or establishment that acquires for the (12)purposes of resale animals bred by others whether as owner, agent, or 28 29 on consignment, and that sells, trades or offers to sell or trade such 30 animals to the general public at retail or wholesale. "Primary enclosure" means any structure used to immediately restrict 31 (13)an animal or animals to a limited amount of space, such as a room, 32 33 pen, cage compartment or hutch. "Public auction" means any place or location where dogs or cats are 34 (14)35 sold at auction to the highest bidder regardless of whether such dogs or cats are offered as individuals, as a group, or by weight. 36 "Research facility" means any place, laboratory, or institution at which 37 (15)scientific tests, experiments, or investigations involving the use of 38 39 living animals are carried out, conducted, or attempted. "Sanitize" means to make physically clean and to remove and destroy 40 (16)

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

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

The Board of Agriculture may: shall:

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to a practical minimum, agents injurious to health."

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- (1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions. A boarding kennel that offers dog day care services and has a ratio of dogs to employees or supervisors, or both employees and supervisors, of not more than 10 to one, shall not as to such services be subject to any regulations that restrict the number of dogs that are permitted within any primary enclosure.
- (2) Prescribe the manner in which animals may be transported to and from registered or licensed premises.
- (3) Require licensees and holders of certificates to keep records of the purchase and sale of animals and to identify animals at their establishments.
- (4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code.
- <u>(5)</u> Adopt rules on the euthanasia of animals in the possession or custody of any person licensed under this article. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process."

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

"§ 19A-41. Legal representation of the Department of Agriculture.

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

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

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