## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H HOUSE BILL 1063

Short Title:	Update Rabies Law. (Public)
Sponsors:	Representatives Farmer-Butterfield, Earle, England (Primary Sponsors); Barnhart, Brisson, Faison, Insko, Justus, Neumann, Parmon, and Rapp.
Referred to:	Agriculture, if favorable, Health.
	April 6, 2009
	A BILL TO BE ENTITLED
AN ACT TO	AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS
FROM	THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL
ASSOCIA	ATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW A
STRAY (	OR FERAL ANIMAL TO BE IMMEDIATELY EUTHANIZED AND TESTED
FOR RAI	BIES IF THE ANIMAL BITES A HUMAN.
The General	Assembly of North Carolina enacts:
SI	ECTION 1.(a) G.S. 130A-184 reads as rewritten:
"§ 130A-184. Definitions.	
The following definitions shall apply throughout this Part:	
(1	"Animal Control Officer" means a city or county employee designated as
	dog warden, animal control officer, animal control official or other
	designations that may be used whose responsibility includes animal control.
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	administer rabies vaccine to animals in accordance with this Part.
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<u>(4</u>	a) "Feral" means any dog, cat, or ferret that is born in the wild and is not
	socialized; is the offspring of an owned or feral dog, cat, or ferret and is not
	socialized; or is a formerly owned dog, cat, or ferret that has been abandoned
	and is no longer socialized.
	b) "Ferret" means a domestic ferret (Mustela putorious furo).
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	States Department of Agriculture and approved for use in this State by the
, -	Commission.
(6	) "State Public Health Veterinarian" means a person appointed by the

(6a) "Stray" means any dog, cat, or ferret that:

a. Is beyond the limits of confinement or is lost, and

Secretary to direct the State public health veterinary program.

- b. Is not wearing any tags, microchips, tattoos, or other methods of identification.
- (7) "Vaccination" means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator."

**SECTION 1.(b)** G.S. 130A-185 reads as rewritten:

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



- (a) The owner of every dog and catdog, cat, and ferret over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.
- (b) Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this State."

**SECTION 1.(c)** G.S. 130A-187 reads as rewritten:

## "§ 130A-187. County rabies vaccination clinics.

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

**SECTION 1.(d)** G.S. 130A-188 reads as rewritten:

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

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

**SECTION 1.(e)** G.S. 130A-189 reads as rewritten:

### "§ 130A-189. Rabies vaccination certificates.

A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or catdog, cat, or ferret shall complete a three-copy rabies vaccination certificate that includes, at a minimum, the following items:

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

The Commission may adopt rules requiring that additional items be included on the rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or catdog, cat, or ferret that receives rabies vaccine. One copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. The other copy shall be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes."

### **SECTION 1.(f)** G.S. 130A-190 reads as rewritten:

## "§ 130A-190. Rabies vaccination tags.

- (a) Issuance. A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat dog, cat, or ferret shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs and cats Dogs, cats, and ferrets shall wear rabies vaccination tags at all times. However, cats may be exempted from wearing the tags by local ordinance.
- (b) Fee. Rabies vaccination tags, links, and rivets may be obtained from the Department. The Secretary is authorized to establish by rule a fee for the rabies tags, links, and rivets in accordance with this subsection. The fee for each tag is the sum of the following:
  - (1) The actual cost of the rabies tag, links, and rivets.

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- (2) Transportation costs.
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- Five cents  $(5\phi)$ . This portion of the fee shall be used to fund rabies education (3) and prevention programs.
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- 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 spay/neuter programs. This portion of the fee shall not be imposed for tags provided to persons who operate establishments primarily for the purpose of boarding or training hunting dogs or who own and vaccinate 10 or more dogs per year.
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Repealed by Session Laws 2007-487, s. 1, effective January 1, 2008." (c)

11 12 **SECTION 1.(g)** G.S. 130A-192 reads as rewritten:

#### "§ 130A-192. Dogs and catsDogs, cats, and ferrets not wearing required rabies vaccination tags.

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

**SECTION 1.(h)** G.S. 130A-193 reads as rewritten:

#### Vaccination and confinement of dogs and catsdogs, cats, and ferrets "§ 130A-193. brought into this State.

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

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

44 45 (1) A dog or catdog, cat, or ferret brought into this State for exhibition purposes if the animal is confined and not permitted to run at large; or

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A dog or catdog, cat, or ferret brought into this State accompanied by a (2) certificate issued by a licensed veterinarian showing that the dog or catdog, cat, or ferret is apparently free from and has not been exposed to rabies and that the <del>dog or cat</del>dog, cat, or ferret has received rabies vaccine within the past year."

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**SECTION 1.(i)** G.S. 130A-194 reads as rewritten:

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

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

**SECTION 1.(j)** G.S. 130A-195 reads as rewritten:

## "§ 130A-195. Destroying stray dogs and catsdogs, cats, and ferrets in quarantine districts.

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

**SECTION 1.(k)** G.S. 130A-196 reads as rewritten:

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

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

**SECTION 1.(1)** G.S. 130A-197 reads as rewritten:

# "§ 130A-197. Infected dogs and catsdogs, cats, and ferrets to be destroyed; protection of vaccinated dogs and cats.dogs, cats, and ferrets.

When the local health director reasonably suspects that a dog or catdog, cat, or ferret has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or catdog, cat, or ferret shall be considered to have been exposed to rabies. A dog or catdog, cat, or ferret exposed to rabies shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the dog or catdog, cat, or ferret has been vaccinated against rabies in accordance with this Part and the rules of the Commission more than three weeks prior to being exposed, and is given a booster dose of rabies vaccine within three days of the exposure. As an alternative to destruction, the dog or catdog, cat, or ferret may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the local health director."

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**SECTION 1.(m)** G.S. 130A-198 reads as rewritten:

### **"§ 130A-198. Confinement.**

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

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**SECTION 1.(n)** G.S. 130A-199 reads as rewritten:

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

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

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**SECTION 2.** This act becomes effective July 1, 2009.