
Coates' Canons Blog: Animal Shelters: More Changes on the Way

By Aimee Wall

Article: <https://canons.sog.unc.edu/animal-shelters-more-changes-on-the-way/>

This entry was posted on August 27, 2009 and is filed under Administration, Animal Services, Animal Shelters

UPDATE September 2013: In 2013, the General Assembly enacted legislation to shift oversight for some of these sheltering requirements to the N.C. Department of Agriculture and Consumer Services. See related blog post [here](#).

State legislators and regulators have dedicated a lot of time and energy to animal shelters over the last few years. After a rather tumultuous rulemaking process, public shelters are now subject to regulatory oversight by the NC Department of Agriculture and Consumer Services. As a result, shelters across the state have been adapting facilities, changing policies and procedures, and seeking required training for staff in an effort come into compliance with the new regulations. But just when they thought that they had it all under control...

Shelters are now learning that the General Assembly finalized two pieces of legislation last month (S.L. 2009-304; S.L. 2009-327) that will require many of them to make fairly significant changes to their impoundment and adoption practices. Noteworthy changes include:

- *Types of animals subject to minimum impoundment period:* Under current state law, dogs and cats picked up for failing to wear a rabies tag must be held for a minimum of 72 hours before being adopted out, euthanized or sold for research (some local governments have adopted ordinances or policies requiring longer impoundment periods). Under the revised law, all dogs and cats that are picked up (including feral cats, stray animals wearing rabies tags, etc.) and all dogs and cats that are surrendered to the shelter must be held for the 72-hour minimum period. Exceptions apply to (1) surrendered animals *if* the owner can prove ownership of the animal and (2) animals that are seriously ill or injured *if* the shelter manager determines, in writing, that immediate disposal of the animal is appropriate.
- *Mandatory public viewing opportunities:* Shelters must allow members of the public to inspect all animals housed therein. At a minimum, the shelter must allow the public access for at least four hours a day, three days a week. Some limited exceptions apply.
- *Required adoption availability:* Shelter animals must be made available for adoption before being sold for research or euthanized. Some limited exceptions apply.

This new legislation could mean big changes – and a call for new resources – in many jurisdictions. Some shelters, for example, do not currently offer any animals for adoption. Some have policies that authorize the immediate disposal of feral animals and have limited space to house these animals in a manner that is consistent with the new Board of Agriculture shelter regulations. Other shelters have very limited staff available to permit and supervise public access to the animals.

In addition to the implementation challenges facing shelters, the attorneys are likely to struggle with integrating and interpreting these two new laws as they do not fit together terribly well.

Stay tuned if you are interested in all of the details – my legislative update on animal control legislation, which will include fascinating features on rabies, ferrets and venomous reptiles, will be available in the coming weeks.

Links

- canons.sog.unc.edu/?p=7275



-
- www.ncagr.gov/vet/aws/euthanasiarules.htm
 - www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S467v7.pdf
 - www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S674v7.pdf