
Coates' Canons Blog: Legislative Update: Animal Control and Shelter Regulation

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Every session, the North Carolina General Assembly considers a bevy of bills related to animals, many of which relate to foxes and coyotes. This year was no exception. Only one major animal control related bill, S.L. 2013-377, was enacted. It includes several changes that are of particular interest to local governments that own or operate animal shelters. Below is a brief summary of those changes. I'll discuss these issues and others – such as Spay/Neuter funding, animals in cars, and puppy mills – in next week's *Local Government Legislative Update Webinar*.

Oversight of Shelters

State oversight of animal shelters owned and operated by local governments has been gradually growing and changing over the last decade. For many years, only private animal shelters were subject to oversight by the NC Department of Agriculture and Consumer Services pursuant to the state's Animal Welfare Act (AWA). In 2005, the Act was amended to include shelters owned and operated by local governments. As a result, those public shelters were required to register with the state and comply with the AWA and the applicable regulations. The AWA is enforced by the Department's Animal Welfare Section.

In 2009, the state became more directly involved in oversight of euthanasia practices in animal shelters after the N.C. Board of Agriculture adopted regulations (2 NCAC 52J .0400). The regulations address acceptable methods of euthanasia but also establish certification requirements for individuals responsible for carrying out euthanasia. They are also enforced by the Animal Welfare Section.

Also in 2009, the General Assembly made quite a few changes to the state's rabies control law that had a direct impact on animal shelters. See this blog post for a review and this bulletin for a more comprehensive discussion of the rabies law. Many of these changes required shelters to *do* certain things – such as allow for public inspection of impounded animals and provide adoption opportunities. The law did not, however, provide a mechanism for state oversight of these new requirements. They were integrated into the state's rabies law, which is part of the public health framework for the control of communicable diseases. They were not part of the AWA so the Animal Welfare Section did not have the authority to enforce those requirements in the course of their inspections.

This year, the General Assembly removed many those shelter specific requirements from the rabies law and integrated them into the AWA in a new G.S. § 19A-32.1. Now that these provisions are included in the AWA, the Animal Welfare Section has the authority to (and probably will) enforce them.

Shelter Responsibilities

The new section of the AWA imposes quite a few responsibilities on animal shelters. Some of them are new but many were included in the 2009 revisions to the rabies law. Rather than just highlight the new ones, I wanted to be a little more comprehensive and review all of the requirements:

- **Minimum holding period:** All animals received by a shelter or an agent of the shelter must be held for a minimum of 72 hours. The board of county commissioners may establish a longer holding period. An animal that is seriously ill or injured may be euthanized before the expiration of the minimum holding period (decision must be documented).
- **Availability for adoption:** Animals must be made available for adoption. When this requirement was added to the rabies law several years ago, some local governments were rather surprised. They did not have an infrastructure in place to allow for adoptions by the public and they were not sure how they were going to be able to create it within the limited resources allocated to animal control.

- **Public inspection for adoption:** Animals must be available for public inspection except if the animal is (1) found to be unadoptable due to injury or defects of health or temperament, (2) seriously ill or injured, or (3) is being held as evidence in a pending criminal case.
- **Viewing of lost pets:** Shelters must allow members of the public to view animals held at the shelter for at least 3 days a week for at least 4 hours each day. If an animal is not available for public viewing because of (1) health reasons, (2) public safety concerns, or (3) in order to preserve evidence for a criminal proceeding, the shelter must make “reasonable arrangements” to help owners determine if their lost pets are among those animals.
- **Foster care:** Shelters may place animals in foster care. The shelter must keep a photograph of fostered animals on display at the shelter. The shelter may authorize the foster care provider to act as an “agent” of the shelter.
- **Surrendered animals:** If an owner surrenders an animal, the shelter is not required to hold the animal for the minimum 72-hour holding period if the owner (1) consents and (2) provides some proof of ownership of the animal. A similar “proof of ownership” requirement was included in the 2009 changes to the rabies law and it created some confusion at the local level. Local governments established different proof requirements, including veterinary bills, rabies tags, and photographs with the pet. The new legislation does not provide any more direction regarding implementation of this requirement.
- **(NEW) Surrendered dog/bites:** If an owner surrenders a dog to the shelter, the shelter will need to obtain a written statement from the owner indicating whether the dog has bitten anyone within the previous 10 days. Presumably, this requirement was added in order to ensure compliance with the rabies law, which requires a biting dog to be confined for 10 days after the bite. See G.S. 130A-196(b). It’s interesting to note that the new law does not require this type of written statement for surrendered cats or ferrets, but those animals are subject to the same confinement requirement under the rabies law.
- **(NEW) Disposition of animals:** Animals that are surrendered to a shelter may be (1) returned to the owner, (2) adopted by a new owner, (3) euthanized by a method approved under the law. Animals that are impounded pursuant to the rabies law may be disposed of in the same three ways. Previously, the law allowed impounded animals to be sold to certain research institutions but that language was deleted in this new legislation. There appears to be a gap in the law because it does not currently address disposition of animals that are neither surrendered nor impounded pursuant to the rabies law. For example, the disposition requirements do not specifically apply to animals impounded for violating a nuisance ordinance or seized in an animal cruelty case.
- **(NEW) Identification:** Before a shelter may release an animal, it now must require the person receiving the animal to present one of four types of government issued identification. The shelter must document the identification presented.
- **(REVISED) Records:** Under current law, animal shelters are required to maintain certain records about impounded animals. The revisions now require that the records be maintained for at least three years from the date of impoundment. It also allows the N.C. Board of Agriculture to establish additional record-keeping requirements.
- **(REVISED) Microchip scanning:** If a shelter has access to a microchip scanning device, it is now required to scan every animal impounded for violations of the rabies law. Previously, the law allowed scanning of these animals but did not require it. Note that the scanning requirement was not integrated into the AWA so it currently applies only to those animals impounded for violations of the rabies law.

While many of these requirements were established in 2009, compliance may become more of a priority for some shelters because oversight for these requirements has now shifted to a state agency that is actively involved in inspecting shelters on a regular basis.

Links

- www.ncleg.net/gascrpts/BillLookUp/BillLookUp.pl?Session=2013&BillID=S626
- www.sog.unc.edu/courses/webinars/webinar-demand-2013-local-government-legislative-review
- www.ncagr.gov/vet/AWS/
- canons.sog.unc.edu/?p=528
- www.sog.unc.edu/publications/bulletins/overview-north-carolina's-rabies-control-laws
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_130A/GS_130A-196.html