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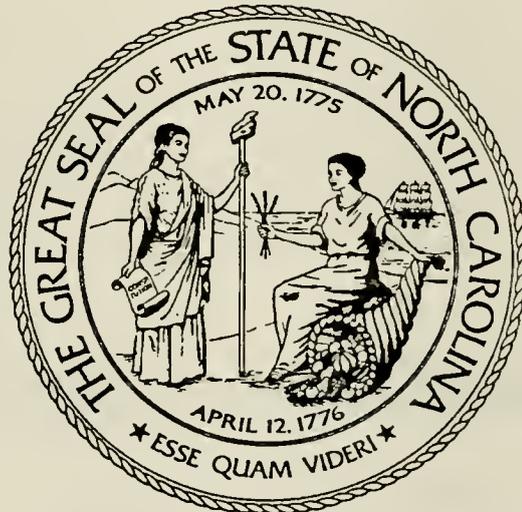
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ANIMAL WELFARE ACT



REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1989 SESSION

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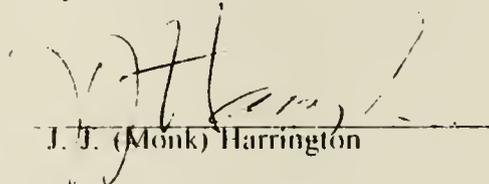
December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on the Animal Welfare Act. The report was prepared by the Legislative Research Commission's Committee on the Animal Welfare Act pursuant to Section 2.1 of Chapter 873 of the 1987 Session Laws.

Respectfully submitted,


Liston B. Ramsey


J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

1987-1988

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Representatives
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Senator R. L. Martin

Senator James Richardson

Senator Lura Tally

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner." (G.S. 120-30.17(1)).

At the direction of the 1987 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co chairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of the Animal Welfare Act was authorized by Section 2.1 of Chapter 873 of the 1987 Session Laws (1987 Session). That act states that the Commission may consider H. B. 1850 in determining the nature, scope and aspects of the study. Section 1 of H. B. 1850 reads in part: "The Legislative Research Commission may study the provisions and effectiveness of the Animal Welfare Act of 1978, including whether the Act should apply to city and county animal shelters and whether central records containing information submitted to the Animal Welfare Section of the State Department of Agriculture should be maintained." The relevant portions of Chapter 873 and H.B. 1 are included in Appendix A, and H.B. 1850 is Appendix B.

The Legislative Research Commission grouped this study in its Animals area under the direction of Senator R. L. Martin. The Committee was chaired by Senator George

B. Daniel and Representative John B. McLaughlin. The full membership of the Committee is listed in Appendix C of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Animal Welfare Act Study Committee met five times prior to issuing this final report: November 20, 1987; April 8, 1988; August 5, 1988; September 16, 1988; and October 27, 1988. Lists of Committee meeting attendees, as well as the meeting minutes, are contained in the Committee's records. The records are on file in the Legislative Library.

November 20, 1987 Meeting

At the initial meeting, the Committee held a fact-finding session in order to determine the course of the Committee's work. The Director of the Animal Welfare Section of the Department of Agriculture, Mr. Albert Eatmon, presented a report of that agency's duties. Mr. Eatmon described the Section's role as the agency responsible for enforcing the provisions of the Animal Welfare Act. He informed the Committee that the agency does not inspect city and county pounds, and that livestock inspectors are used to inspect the animal shelters, pet shops, dealers, and boarding facilities which are covered by the Act. He noted that there were no designated "Animal Welfare" personnel, and that due to a lack of funds, the enforcement of the Act was incidental to other concerns--such as disease eradication in livestock across the state.

Dr. David Kelley, U.S. Department of Agriculture, explained that city and county pounds are exempt from USDA regulation. He described that inspection of facilities that are covered by USDA regulation which are mainly kennels which sell wholesale or to research facilities.

Mr. Tom Currin, North Carolina Network for Animals, strongly recommended that city and county pounds be included under the Act. He noted that rabies control laws did not provide recordkeeping authority. He suggested that funds for increased cost of enforcement of the Act come from fees, rather than from state funds.

Ms. Elaine Bridges, Association of Animal Control Officers, stated that her organization supported putting all shelters under the Animal Welfare Act. She recommended a public education program and mandatory spay/neuter programs for all shelters.

Dr. Donna Brown, North Carolina Humane Federation, noted that funding was inadequate for enforcement of the Act, and that the Federation receives numerous calls concerning poor conditions in county and municipal pounds.

Mr. Virgil Cook, Director of the Halifax County Health Department, stated that police and courts in his area ignore the Animal Welfare Act. He recommended that rural counties receive state support, that animal facilities be inspected by trained personnel on the state level, and that the Animal Welfare Act should apply to county and municipal pounds.

The Committee discussed various ways to receive information on the issues, including future presentations from the North Carolina State University Veterinary School, county and city animal welfare personnel, and information from other states.

April 8, 1988 Meeting

Prior to committee proceedings, a moment of silence was observed in memory of Dennis Bryan, former Committee Counsel.

The Committee continued discussion on the issue of whether city and county pounds should be covered under the Animal Welfare Act rules. Mr. Albert Eatmon presented a cost analysis of adding these pounds to the list of facilities inspected by the Animal Welfare Section. He noted that the state's emphasis has been on pet shops, and that additional enforcement measures were needed.

The Committee discussed the issue of animals used for research. Dr. Charles McPherson, Director of Laboratory Animal Resources, N.C.S.U. Veterinary College of Medicine, told the Committee that animals from pounds are used in teaching and research, and are covered under the Federal Animal Welfare Act. He noted that because the Veterinary School's function was to teach and train students, it should not be involved in spaying and neutering animals. He recommended that city and county pounds should be added to the facilities inspected by the state, and that there be central recordkeeping under the state program.

The General Counsel for the Association of County Commissioners, Mr. James Blackburn, offered to assist the Committee in coming up with solutions to problems in county control facilities. Dr. Philip Carter, Associate Vice Chancellor for Research, N.C.S.U., stated that the University supported appropriate recordkeeping under the Act.

The Committee heard from Dr. Dianne Quisenberry, Mecklenburg Animal Control, who described the animal control program in the Charlotte/Mecklenburg area. She recommended a state wide minimum standard for the housing and care of animals, and that the Animal Welfare Act was the appropriate law for enforcing the standard. She recommended that local recordkeeping be put in place before a state-wide, centralized system was adopted.

Dr. Joe Kinnarney, President of the North Carolina Veterinary Medical Association, spoke to the Committee on behalf of the Association. He stressed the importance of rabies control, and noted that the Association had adopted a proposal that dogs and cats receive a tattoo (N.C. driver's license number of owner).

Ms. Marianna Burt, North Carolina Federation of Humane Societies, questioned how the Act could be effective in promoting animal welfare if all city and county pounds were excluded from the Act, and noted that unsatisfactory conditions existed in a number of public pounds. She presented an analysis of the Act, which notes that a large number of pounds are engaged in the "commerce" of animals by selling animals to the public and to research facilities. Because the Act is supposed to regulate the commercial use of animals, she pointed out that the legislature's intent was not served by excluding pounds from the Act's coverage. She stated that the regulation of publicly run pounds was both a necessary and proper exercise of the state's authority.

Representative Anne Barnes requested a listing or map of both public and private shelters throughout the state. Representative McLaughlin expressed a need for the Committee to find ways to encourage counties with no animal control program to enter into such a program.

August 5, 1988 Meeting

The Committee heard from Dr. Barry Dawkins, State Animal Welfare Veterinarian of Virginia, who described the Comprehensive Animal Laws of Virginia, which had been distributed. Dr. Dawkins noted that the statute covered areas such as: rules and regulations for the care and transit of animals; general animal welfare laws; pet shop/dealer care; euthanasia; consumer protection; responsibilities and authority of local government regarding rabies control, licensing of animals, and animal pounds; animal control officers; cruelty to animals; and penalties for various animal related violations. He noted that his office served as the local point for information, direction, and advisement regarding the animal laws in Virginia. He presented a list of fifteen specific duties of the State Animal Welfare Veterinarian, and noted that major advances in Virginia have been: establishment of dogs and cats as personal property; requiring cities and counties to have and maintain animal pounds which meet minimum standards; requiring local governments to have animal control officers who are properly trained; mandatory vaccination and licensing of all dogs; and the establishment and training of volunteer court-appointed humane investigators.

Mr. Walt Lane, President of the Virginia Federation of Humane Societies, recommended that North Carolina consider recodifying the statutes pertaining to animal cruelty and welfare into a comprehensive statute. He also suggested that if all shelters and pounds were brought under the provisions of the Animal Welfare Act, funds for enforcing the Act could be obtained through: income from license and permit fees; impoundment fees; charges for adoption of animals; boarding and redemption charges for owners recovering pets; fines from Act enforcement; and fees from animal quarantining. He recommended that good recordkeeping be conducted at the local level.

Ms. Nancy Rich, President of North Carolina Network for Animals, emphasized the need for placing public pounds under the Act. She noted that only 15 of approximately 85 shelters or pounds are covered by the Act, and that state rules on the holding period of animals are frequently violated. She advocated that records of acquisition and disposition from all facilities should be maintained by the state, and that a toll-free telephone number be made available for owners to gain information about missing pets. The results of a survey questionnaire were provided to the Committee, which indicates how many animals (thirty eight different facilities had impounded in 1987, and how they disposed of the animals, (Appendix E).

Dr. Donna Brown, President of the North Carolina Humane Federation, addressed the Committee. She presented data to the Committee which indicates that there are conditions in animal facilities which are below the standards set by the state rules. Ms. Marianna Burt presented slides showing problems in the following areas: inaccessibility of public animal facilities; lack of trained personnel; lack of security, which enables animals to be stolen or escape; lack of proper recordkeeping; and lack of proper identification of animals housed in facilities. A summary of inspections and comments by respondents to a survey were presented (Appendix F).

Ms. Jane Owen, President of the Wilson County Humane Society, described the history of the Animal Welfare Act. Government operated facilities were excluded from the Act in 1977, and the requirement for all counties to have an animal shelter was repealed in 1983. She noted that the problem with the current Act is in the area of funding. Although the Act provides for a separate Section in the Department of Agriculture, she stated that the Director is only available part-time, as he is principally involved in the livestock inspection program; there is no secretary/clerk, because the position was transferred to another division; and there has never been funding from the

Department of Agriculture for the Animal Welfare Section. Ms. Owen recommended that a veterinarian be put in charge of the Animal Welfare Section; that the Section needed proper staffing and funding; that a training program for inspectors be initiated; that enforcement and penalty rules be improved; and that the Act be expanded to cover hunting dog kennels.

Mr. Steve Shrum presented the results of a research study he had conducted as a part of his coursework at the N.C.S.U. Veterinary School (Appendix G). The primary purpose of the study was to show the number of unwanted animals in North Carolina that were impounded and euthanized. He noted that not all agencies responded to the survey, and that the data in Table 2 was derived through the North Carolina Public Health Department. He observed that there were different methods of recordkeeping throughout the state, and recommended that standardized recordkeeping become the state practice.

The Committee determined that there may be a need for a recodification of the animal laws, but there was insufficient time to accomplish that prior to the submission of the report. It was decided that some rewriting of current laws should be done, and the Committee requested the staff to prepare a list of recommendation and proposals, including funding options, for the next meeting. Mr. Alan Pell, Committee Counsel, provided a map showing which counties had animal control facilities which were covered by the Animal Welfare Act (Appendix H).

September 16, 1988 Meeting

The meeting began with a presentation from the Committee staff. Mr. Pell noted that the Animal Welfare Act, as written, applies to a limited number of facilities, pet shops, dealers, and kennels. A list of all recommendations and proposals which had been submitted was presented to the Committee. Ms. Carol Shaw, Fiscal Research Division, presented various funding options if the Animal Welfare Section of the Department of Agriculture was to inspect any additional shelters.

The Committee discussed the options to fund three new inspectors for the Animal Welfare Section, and a secretary, if county and city animal shelters were to be included under the Animal Welfare Act (see Appendix I). Representative McLaughlin noted that it would be appropriate to have some kind of revolving loan fund for counties who lack funds to provide or improve animal control facilities. Senator Allran moved that the option which called for a forty cents (40¢) charge on all rabies tags be adopted; Representative Barnes moved that it be a charge of fifty cents (50¢) which would provide funding for the revolving loan fund, as well as enforcement of the Act. Senator Allran requested the stipulation that all tags be purchased from the State. The motion to recommend a fifty cents (50¢) charge on all rabies tags, and that all tags be purchased from the State was carried.

Representative Barnes moved that the following proposals be recommended in the Committee report: all county and municipal pounds to be covered by the Animal Welfare Act, the terms "animal control officer" to be defined and "dealer" to be redefined; that recordkeeping become standardized; and that counties either operate an animal control facility, or contract for the use of a facility (see Appendix J, proposals III, IV and VII). The motion was carried.

The Committee requested that the staff prepare a draft report and make it available to Committee members before the next meeting, and provide information to local county officials and other interested parties on the content of the report.

October 27, 1988 Meeting

Mr. Alan Pell presented the draft committee report, which incorporated the actions of the Committee from the September meeting. The Committee passed a motion to rescind the prior recommendations which called for veterinarians to purchase rabies tags from the state, and the fifty cent (50¢) charge per tag. The Committee adopted: a recommendation and draft legislation which would impose a fifty cent (50¢) fee on the administration of the required rabies vaccination for dogs and cats; a proposal to include "animal control officer" in § 19A-36 of the Animal Welfare Act, which currently applies to "dog wardens; and a recommendation to create a matching grant fund for local governments, which would be administered by the Commissioner of Agriculture or his designee.

The Committee adopted the final committee report, including the following recommendations and draft legislation. Prior to final adjournment, the staff was instructed to submit copies of the final report to the members.

FINDINGS AND RECOMMENDATIONS

After reviewing the Animal Welfare Act, and hearing comments from persons involved in animal welfare activities, animal control, local and state government officials, and animal health professionals, the committee makes the following six recommendations, and presents a draft bill for consideration.

Recommendation #1. COUNTY AND CITY ANIMAL CONTROL FACILITIES.

One of the purposes of the Animal Welfare Act is to insure that dogs and cats that are confined in animal shelters are provided humane care and treatment. However, "animal shelter" is defined in the Act so as to exclude approximately 85% of all animal shelters. Only shelters operated by humane societies and non-profit groups are currently covered by the Act. The Act also shows a legislative intent that dogs and cats, as items of commerce, are treated humanely. After reviewing research data, it became clear that county and city pounds, which are not covered by the Act, are involved in the commerce of animals on a large scale whether by sale to the public or to research groups.

Although a large number of animal control facilities or pounds may already provide an environment which meets the standards of the rules published under the authority of the Act, the Committee determined that there should be minimum standards for animal control facilities, on a state wide basis. Information presented to the Committee indicates that there are some facilities, currently under local government control, which do not meet the minimum standards which were determined to provide humane care for confined animals. Problems include: failure to provide food and water at regular intervals; substandard construction; poor recordkeeping; cage overcrowding; failure to keep animals 72 hours before disposition; inaccessibility to the public; lack of facility supervision; unsafe carbon monoxide chambers; unsanitary conditions; lack of veterinary care for sick or injured animals; and improper disposition of animal bodies. The failure to include facilities operated by local governments under the Act thwarts another stated purpose of the act: to insure that animals, as items of commerce, are provided humane care and treatment by regulating persons or organizations engaged in selling, housing, caring, or transporting such animals. The Committee decided that local governments should meet the same minimum standards that are required for shelters run by other organizations. Including all shelters under the Act will result in the inspection of all animal control facilities or shelters, public and private, to insure that minimum standards for the humane care and treatment of dogs and cats are being observed.

The draft bill provides for a new definition of "animal shelter," which would include county and municipal shelters and pounds. The Animal Welfare Act requires that shelters be registered with the state; there are no fees involved with such registration.

Recommendation #2. CLARIFY DEFINITIONS.

A. Animal Control Officer

Section 67-30 of the General Statutes provides that counties may appoint one or more animal control officers. Immediately after § 67-30, however, the powers and duties of a "dog warden" are defined in § 67-31. The term "dog warden" relates back to a statute, since repealed, which provided that counties with dog wardens were required to have animal pounds. To further confuse matters, the Animal Welfare Act provides for a penalty for dog wardens who violate provisions of the Act. Although dog wardens have the specific power to arrest, counties generally appoint "animal control officers" for personnel needed in animal control duties.

"Animal control officers" are vested with certain powers under the sections in the General Statutes which deal with public health and rabies control, and are defined by § 130A 184(1). One of the duties of an animal control officer under these sections is to impound certain animals which are not wearing the rabies tag required by state law. The Committee determined that those personnel who have the responsibility for impounding and disposing of animals should be clearly defined under the Animal Welfare Act, and that the definition should be consistent with "animal control officer" as defined under the public health chapter of the statutes. The draft bill adds this definition, and includes "animal control officer" in § 19A-36, which currently applies only to "dog wardens."

B. Dealer

As currently defined, an individual can raise litters of five dogs per year, and sell them for profit, and not come under the provisions of the Act. Because of the potential abuse of the provision by "puppy mill" operators, i.e., those who raise large numbers of animals for sale to research groups, the Committee determined that "dealer" should be redefined. The draft bill would amend "dealer" to include any person who is raising dogs on a commercial basis. This definition is consistent with one stated purpose of the Act--to insure that animals, as items of commerce, are treated humanely.

Recommendation #3. STANDARDIZE RECORDKEEPING

The committee was specifically authorized to determine whether the records required by the Act should be kept in a central location. After hearing from local and state officials, the committee recommends that required records be kept on standardized forms, and that records be submitted on a periodic basis, as determined by the Animal Welfare Section.

In order for Animal Welfare inspectors to insure compliance with the Act, the type of information required under the rules should be reflected on a standardized form. The availability of such a form will provide a more efficient method for reviewing facility operations, and the periodic submission of facility records should help resolve some of the large discrepancies noted by the Committee in the records kept by some facilities. In addition, because animal control is a public health concern, the submittal of such uniform data to the state should provide a valuable data base for public health officials. Currently, there is no central method of determining the extent of animal overpopulation in the state. The draft bill would amend the current recordkeeping requirements of the Act.

Recommendation #4. STATE-WIDE ANIMAL CONTROL.

The committee received information that rabies cases have recently occurred in neighboring states, and that rabies in fox and skunk have been reported in Alleghany County. Currently, state public health laws provide for the impoundment of animals which may not have been vaccinated for rabies, and, although almost every county has an animal shelter or pound, or contracts with another county for animal control, there are some counties without any animal control capability. Because of the potential for the spread of rabies to domesticated animals, the committee recommends that counties have some capability to impound animals which may not have been vaccinated.

The draft bill includes a section which would require all counties to either operate an animal control facility, or contract to use such a facility. Previous law, since repealed, required county commissioners to establish and maintain a dog pound in each county in which a dog warden had been appointed. The committee decided that to require counties to build a new facility might create a financial burden on some counties. In addition, several counties are already addressing animal control by contracting. For example, Polk County contracts with Rutherford County for the use of its animal pound, and the Polk County Animal Control Officer is paid by Rutherford County. Polk County paid \$24,117.00 to the District Health Office in Rutherford County, which manages the animal control program. Ashe County has an animal control officer, and facility needs are by contract with Watauga County.

The provision for funding enforcement of the Animal Welfare Act, as outlined in Recommendation #5, includes a method for providing financial assistance to counties for improvement of current facilities, or to assist a county or counties in capital outlay for new construction (see recommendation #6).

Recommendation #5. FUNDING ENFORCEMENT COSTS.

The Animal Welfare Section of the Department of Agriculture currently licenses 142 boarding facilities, 69 pet shops, and 10 dealers. In addition, 15 animal shelters are currently registered under the Animal Welfare Act. The Director of the Animal Welfare Section, who is the chief enforcer of the Animal Welfare Act, is principally involved in the state's livestock inspection program. Some eighteen livestock inspectors also inspect the facilities or establishments which confine dogs and cats.

The addition of some 75 county and municipal shelters under the Animal Welfare Act will require three additional inspectors and one secretary. The cost of additional personnel is approximately \$150,000. After review of various funding options, the committee decided that rabies shots should be subject to a \$0.50 fee--to be specifically designated on the rabies certificate, already required by State law, as going to the "Animal Welfare Act Enforcement Fund." Under state law, animals not wearing the required rabies tag may be impounded. The committee determined that it was appropriate for animal owners, who place a burden on local governments, and who may also benefit from minimum standards in animal control facilities, to directly assist in paying the costs of insuring minimum standards for the humane treatment of confined animals.

The funds generated by the fee would be paid to the Department of Human Resources, and then directed to the Animal Welfare Section in the Department of Agriculture. This method of funding would provide, at a minimum, approximately \$256,500.

Because the committee believes that all counties should have some level of animal control (see Recommendation #4), money not allocated to enforcement costs would be available for funding improvements to animal control facilities or for new construction. The draft bill includes a provision for a rabies vaccination fee.

Recommendation #6. FUNDING FOR LOCAL GOVERNMENT FACILITIES.

Funds not allocated to enforcement costs of the Act should be made available to counties or cities which are seeking to either construct an animal control facility, or improve current facilities to meet state minimum standards. Although, the committee recommends a two year phase in of the requirements of the Act for local governments, it determined that some facilities would still fail to meet the minimum standards established under the Animal Welfare Act.

The committee recommends that a matching fund be established, and be made available to local governments. An applicant would receive \$5,000 for each \$5,000 allocated for either construction of an animal control facility, or for capital improvements, up to a limit of \$10,000 in matching funds from the state. The Commissioner of Agriculture or his designee should set a priority on, and approve, applications based on a review of the local government's existing facilities, and the need for funding to insure compliance with the minimum standards of the Animal Welfare Act. The draft bill contains a provision on the fund.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION
RATIFIED BILL

CHAPTER 873
HOUSE BILL 1

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Study Commissions and Committees Act of 1987."

...

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1987 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

" . . . "
(28) Animal Welfare Act (H.B. 1850 Stamey).
" . . . "

...

-----EFFECTIVE DATE

Sec. 31. This act is effective on July 1, 1987.

APPENDIX B

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

H

1

HOUSE BILL 1850

Short Title: LRC Animal Welfare Act Study.

(Public)

Sponsors: Representatives Stamey; Redwine, DeVane, Barnes, Easterling, Foster.

Referred to: Appropriations.

May 26, 1987

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
2 STUDY THE PROVISIONS OF THE NORTH CAROLINA ANIMAL
3 WELFARE ACT.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. The Legislative Research Commission may study the
7 provisions and effectiveness of the North Carolina Animal Welfare Act of 1978,
8 including whether the Act should apply to city and county animal shelters and
9 whether central records containing information submitted to the Animal Welfare
10 Section of the State Department of Agriculture should be maintained.

11 Sec. 2. The Commission shall make a final report of its findings and
12 recommendations to the 1989 General Assembly and may make an interim report to
13 the 1987 General Assembly, Second Session 1988.

14 Sec. 3. There is appropriated from the General Fund ten thousand
15 dollars (\$10,000) to the Legislative Research Commission to fund the study
16 authorized by this act.

17 Sec. 4. This act is effective upon ratification.

APPENDIX C

MEMBERSHIP OF THE ANIMAL WELFARE ACT STUDY COMMITTEE

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Animal Welfare Act
(Chapter 19A, Article 3 of the General Statutes)

§19A-20. Title of Article.

This Article may be cited as the Animal Welfare Act. (1977, 2nd Sess., c. 1217, s. 1.)

§19A-21. Purposes.

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use; (iv) to insure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the sale, trade or adoption of those animals which show physical signs of infection, communicable disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade or adoption. (1977, 2nd Sess., c. 1217, s. 2.)

§19A-22. Animal Welfare Section in Animal Health Division of Department of Agriculture created; Director.

There is hereby created within the Animal Health Division of the North Carolina Department of Agriculture, a new section thereof, to be known as the Animal Welfare Section of said division.

The Commissioner of Agriculture is hereby authorized to appoint a Director of said section whose duties and authority shall be determined by the Commissioner subject to the approval of the Board of Agriculture and subject to the provisions of this Article. (1977, 2nd Sess., c. 1217, s. 3.)

§ 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 owned, operated, or maintained 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, protection and humane treatment of animals.

(5a) "Boarding kennel" means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

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

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

(8) "Director" means the Director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture.

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

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

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

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

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

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

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

(16) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health. (1977, 2nd Sess., c. 1217, s. 4; 1979, c. 734, s. 1; 1987, c. 827, s. 61.)

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

The Board of Agriculture may:

(1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions.

(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. (1977, 2nd Sess., c. 1217, s. 5; 1987, c. 827, s. 62.)

§ 19A-25. Employees; investigations; right of entry.

For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner to appoint employees as are necessary in order to carry out and enforce the provisions of this Article, and to assign them interchangeably with other employees of the Animal Health Division. The Director shall cause the investigation of all reports of violations of the provisions of this Article, and the rules adopted pursuant to the provisions hereof; provided further, that if any person shall deny the Director or his representative admittance to his property, either person shall be entitled to secure from any superior court judge a court order granting such admittance. (1977, 2nd Sess., c. 1217, s. 6; 1987, c. 827, s. 63.)

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 19A-27. License required for operation of pet shop.

No person shall operate a pet shop unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license shall be for the fiscal year and the license fee shall be twenty five dollars (\$25.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 8; 1987, c. 827, s. 65.)

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be twenty- five dollars (\$25.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65.)

§ 19A-29. License required for dealer.

No person shall be a dealer unless a license to deal shall have been granted by the Director to such person. Application for such license shall be in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be twenty five dollars (\$25.00) for each license period or part thereof, beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 10; 1987, c. 827, s. 66.)

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§19A-31. License not transferable; change in management, etc., of business or operation.

A license is not transferable. When there is a transfer of ownership, management, or operation of a business of a licensee hereunder, the new owner, manager, or operator, as the case may be, whether it be an individual, firm, partnership, corporation, or other entity shall have 10 days from such sale or transfer to secure a new license from the Director to operate said business. A licensee shall promptly notify the Director of any change in the name, address, management, or substantial control of his business or operation. (1977, 2nd Sess., c. 1217, s. 12.)

§ 19A-32. Procedure for review of Director's decisions.

A denial, suspension, or revocation of a certificate or license under this Article shall be made in accordance with Chapter 150B of the General Statutes. (1977, 2nd Sess., c. 1217, s. 13; 1987, c. 827, s. 68.)

§19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a misdemeanor subject to a penalty of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00), and each day of operation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 14.)

§19A-34. Penalty for acting as dealer without license; disposition of animals in custody of unlicensed dealer.

Acting as a dealer in animals as defined in this Article without a currently valid dealer's license shall constitute a misdemeanor subject to a penalty of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00), or imprisonment for a period not to exceed six months, or both fine and imprisonment. Continued illegal operation after conviction shall constitute a separate offense. Animals found in possession or custody of an unlicensed dealer shall be subject to immediate seizure and impoundment and upon conviction of such unlicensed dealer shall become subject to sale or euthanasia in the discretion of the Director. (1977, 2nd Sess., c. 1217, s. 15.)

§19A-35. Penalty for failure to adequately care for animals; disposition of animals.

Failure of any person licensed or registered under this Article to adequately house, feed, and water animals in his possession or custody shall constitute a misdemeanor, and such person shall be subject to a fine of not less than five dollars (\$5.00) per animal or more than a total of one thousand dollars (\$1,000). Such animals shall be subject to seizure and impoundment and upon conviction may be sold or euthanized at the discretion of the Director and such failure shall also constitute grounds for revocation of license after public hearing. The Director is hereby authorized to disburse State funds in such amount as in his discretion is necessary to provide for the welfare of the animals until either sold or euthanized and any fine levied in connection with this section shall be applied toward reimbursement of such State funds as the Director shall have expended. (1977, 2nd Sess., c. 1217, s. 16.)

§19A-36. Penalty for violation of Article by dog warden.

Violation of any provision of this Article which relates to the seizing, impoundment, and custody of an animal by a dog warden shall constitute a misdemeanor and the person convicted thereof shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), and each animal handled in violation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 17.)

§ 19A-37. Application of Article.

This Article shall not apply to a place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, boarded, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine. This Article shall not apply to any dealer, pet shop, public auction, commercial kennel or research facility during the period such dealer or research facility is in the possession of a valid license or registration granted by the Secretary of Agriculture pursuant to Title 7, Chapter 54, of the United States Code. This Article shall not apply to any individual who occasionally boards an animal on a noncommercial basis, although such individual may receive nominal sums to cover the cost of such boarding. (1977, 2nd Sess., c. 1217, s. 18; 1987, c. 827, s. 69.)

§19A-38. Use of license fees.

All license fees collected shall be used in enforcing and administering this Article. (1977, 2nd Sess., c. 1217, s. 19.)

§19A-39. Article inapplicable to establishments for training hunting dogs.

Nothing in this Article shall apply to those kennels or establishments operated primarily for the purpose of boarding or training hunting dogs. (1977, 2nd Sess., c. 1217, s. 21; 1979, c. 734, s. 2.)

§§19A-40 to 19A-44. Reserved for future codification purposes.

APPENDIX E

Presentation to Legislative Study Commission

by Nancy Rich

President of the North Carolina Network for Animals

August 5, 1988

My name is Nancy Rich. I am a native of North Carolina and I have lived in Raleigh since 1962. I am president of the North Carolina Network for Animals, which is a state-wide, all-volunteer, non-profit organization with nine chapters in major cities throughout the state.

On behalf of our members, I want to convey appreciation to the Legislature for having recognized that there is a problem with the state's animal law and for having created this Committee to study the situation. Our members are informed about your concerns, and anxiously wait for your recommendations.

An important question facing you is whether to include pounds under the Animal Welfare Act, and we believe the answer is an emphatic "yes." At present, only 15 facilities in the state are covered by the Act, and these are the shelters operated by Humane Societies whose very existence is for the purpose of protecting animals, so theoretically these 15 should not even need to be in the Animal Welfare Act.

In contrast, there are 70 facilities not included that we believe should be. As a matter of historical fact, these 70 exist for the purpose of animal control, not animal protection. Everything about them is militaristic. Their officials are called wardens. The physical setting is a pound, as in prison, which means confinement. And the Public Health Department, which has regulatory authority over these facilities, in its monthly statement forms uses the word "exterminate" when referring to the disposition of the animals.

The point is that the context of the pound is one of power over the helpless, and such power is frightening, particularly when it seems to be so great as to extend beyond the border of one law to infringe on the rights guaranteed by another.

An example is the case of an owner whose dog and day-old pups were taken to the pound when the mother dog bit someone she thought was threatening her pups. The pups were destroyed the night they were impounded. The mother dog was kept without veterinary care during lactation for 18 days while the owner feared for its life too, and finally the owner was told that because his dog had bitten someone twice (based on its having gotten excited during rough play with the owner's children and friends a year earlier) the owner would have to take his dog to another county and allow someone else to adopt it.

There is a regulation in public health law (GS 130) requiring that impounded animals

be kept for 72 hours. This owner's pups were killed the same day they were taken in, but in this county that was so anxious to enforce regulations to the letter that it kept a vaccinated dog to be sure it didn't have rabies and forced a dog that the warden himself admitted was not at all vicious out of its owner's home, provided no hearing in recognition of the owner's rights, and failed to prosecute or punish the warden for having violated the 72 hour holding law. or at least as far as we know they didn't.

In fact, if there has ever been a prosecution under that law we do not know of it. Owners who have been victims of such violations have tried to bring public awareness to bear on it, but even when their stories have been printed on the front pages of newspapers, nothing seems to have been done. In any case, the violations continue.

Pound officials have assumed such awesome power that we believe it imperative for them to be under the Animal Welfare Act.

The trapping of pets seems to be widespread, and sometimes not only traps are involved. In one case animal control personnel actually removed someone's pet from his parked car and took it to the shelter. When the Network filed a complaint, it was given two different stories as to why the dog was picked up -- one of them being that the dog was chasing children down the street. This dog was said to have been worth some money, and the owner never saw it again despite its having had on its collar and tags.

Recently a woman found her trailer park manager baiting and setting a trap under her trailer. She asked him what he was doing and whether he had seen her missing cat. He said he had caught it right there the day before., and it had been taken to the shelter. She called the shelter and was told her cat had been killed because it was wild. It was said to be wild because it hissed at the animal control officer, objected to being put in a cage with another cat, and had some sores on its head and neck. This woman's pet was killed in less than 24 hours, without notification to her, and despite the fact that it had been trapped under its own home.

It seems to us that if the state is going to give animal control personnel the right to trap peoples' pets, then it has a responsibility to provide measures for the protection of those pets and see to it that funding is provided for enforcement too.

If pounds are brought under the Animal Welfare Act, certain legal confusions that now exist may be cleared up. If, for instance (as happened in the above case as well as others) a pet is picked up by officers operating under one law and delivered to a shelter operating under another -- as happens when a city or county establishes animal control under G.S. 67 but has a contract with a Humane Society shelter operating under G.S. 19 for that shelter to handle its animals -- then who is responsible for the safety of that pet? City officials have told the Network that their responsibility stops at the shelter door.

There are many dangers lurking in both shelters and pounds for often unsuspecting owners and their pets. In 1981, the word "humane" was removed from regulations regarding

disposition of animals whether in shelters or pounds, and since the word is no longer applicable, there appears to be no problem about selling animals to institutions for purposes of research or classroom use.

If the Legislature considers it appropriate for the state's animal holding facilities to sell dogs and cats to research, then it seems to us that it also has an obligation to the millions of tax-paying pet owners in this state to provide some means of protecting their pets from being included in these sales.

Here we are talking about not only the need for inclusion of pounds under the Animal Welfare Act but also what we believe to be the absolutely essential revision of that act to make accurate record-keeping mandatory and enforced.

Accurate record-keeping is a key factor in the protection of pets. A questionnaire sent by the Network to pounds and shelters in the state indicated that there are serious problems which extend beyond the understandable few errors in bookkeeping that might be expected from overworked and understaffed facilities. In the reports received from 38 facilities, 4,825 animals were unaccounted for and one group of facilities reported having disposed of 1540 more than they had taken in.

These 38 facilities showed having taken in a total of 1,71,847 dogs and cats in 1987. Even allowing for those counties that don't have facilities, this figure would suggest that somewhere in the range of 300,000 animals are handled each year.

Nineteen of the state's facilities sell animals to research institutions, but noone knows how many are sold, and few owners ever retrieve their pets after they are sold. Institutions admit they are using peoples' pets, but think pet owners should be more responsible in finding and rescuing them. But how can a pet owner know where his animal is if the institutions are miles away and the pound doesn't tell them their animal has been sold. One man called the pound and was told they didn't have his dog, which was probably true, since they had sold it to an institution less than 24 hours after they picked it up. Noone would have ever known what happened to that dog if it had not had a tattoo, which someone noticed, and which Pet Finder identified so that the institution returned the dog to the pound and Pet Finder let the owner know.

The records of acquisition and disposition of dogs and cats in all facilities should be maintained by the state with a toll-free number so owners might have access to information about their missing pets.

The Animal Welfare Act does not include this provision, and in our opinion it should. As far as dogs and cats are concerned, the Animal Welfare Act is limited in its coverage, minimal in terms of its enforcement provisions, and lacking in funding for enforcement.

The law requires pet shops, boarding kennels and shelters operated by Humane Societies to be licensed, but it does not cover grooming parlors, training schools or backyard breeders -- better known as "puppy mills." If, as recently happened, a business advertising itself as a training school is allowing animals entrusted to its care to

die or escape, there is nothing the enforcement agency can do. And even if the facility slips up and advertises itself as a Boarding Kennel, just about all that can be done under the Animal Welfare Act is revoke his license or refuse to give him one. There is no provision under the Act to prosecute him.

Chapter 19 allows anyone to breed the offspring of 5 female dogs and 5 female cats and raise them without regulation or inspection and sell them to the public. One such breeder recently sold, with AKC papers too we are told, for \$100 a dog that was stone deaf.

If the enforcement agent finds out that a pet shop has sold a sick animal, there is really nothing it can do, since all the shop needs to do is say it didn't know the animal was sick. The burden of proof under the law is too heavy to do much good.

There is no funding for the Animal Welfare Act as it pertains to dogs and cats except what is made available out of license fees we understand. These amount to a little over \$3,000 a year, so enforcement of the Act is done by livestock inspectors who do their best for the dogs and cats after their primary responsibility to commercial animals is through.

From the wording of the state's animal laws, we believe the General Assembly has made an earnest attempt to provide pet owners with protective law. But experience over a trial period of several years indicates that some changes need to be made, and certainly, provisions for enforcement and funding for enforcement must be made.

We are very encouraged by the fact that this Study Commission is concerned about these things, and will be glad to be of any assistance we can. Thank you.

For Animals Inc.

a voice for the voiceless PO Box 33565
Raleigh, NC 27606

NEWS RELEASE

From: Nancy B. Rich

Phone: 919 787 5190

For Immediate Release

LIMITATIONS OF NORTH CAROLINA ANIMAL LAW

Raleigh . . . On Friday, Aug. 5, at 10:00 a.m. in room 1405 of the Legislative Building, the North Carolina Network for Animals will present to a legislative Study Commission evidence of violations of the state's animal protection laws which have gone unprosecuted and unpunished because of legal limitations of the law and its enforcement.

Authorized by the 1987 General Assembly to study provisions and effectiveness of the North Carolina Animal Welfare Act, the Commission is examining whether county and municipal shelters (pounds) should be included in the Act and whether the maintenance of central records of acquisition and disposition of pound animals should be required.

Of the 85 shelters operating in the state, 70-75 are not covered by G.S. 19-A, the state's Animal Welfare Act. Established by cities and counties under the authorization of G.S. 67 (which was enacted in 1951) these 70 facilities exist for the purpose of rabies control, not animal protection. They are operated by dog wardens, who are directed by Chapter 67 to be responsible to the Department of Public Health. That agency requires the wardens to submit a monthly report to the state which, aside from specific questions dealing with rabies, asks only for a list of the total number of animals brought to the pound and "exterminated." No information as to acquisition, adoption, or identification of animals related to helping owners find missing pets is required in this report, even though the wardens are empowered to trap peoples' pets and take them to the pound.

In 1983, the rabies section of the state's public health law (Chapter 130) was amended to say that pound animals should be kept for 72 hours, that reasonable effort to locate owners should be made, and that accurate records of acquisition and disposition of animals be kept. But no provision for enforcement was made, no funding for enforcement was allocated, and as far as the Network can determine, little or no enforcement has occurred.

Chapter 19, the Animal Welfare Act, has no such provisions for locating owners and minimum holding period. In fact, dogs and cats brought to any of the 15 shelters covered by this Act may be disposed of within minutes of their arrival.

Chapter 19 covers only those few shelters that are operated by Humane Societies. It requires them to be licensed, to keep accurate records, and to maintain minimum standards of care and housing. Responsibility for enforcement is delegated to the Department of Agriculture, but there is no funding for enforcement and what monitoring is available is done by agents whose primary responsibility is livestock inspection -- not protection of peoples' pets. If violations occur, the only provisions for prosecution under the Act lay such a heavy burden of proof on the Department that effectively license revocation is all the punishment to be had.

Around 250,000 dogs and cats are impounded in North Carolina each year, a lot of them being pets. With no provision for a central record-keeping system to identify missing pets, no funding for enforcement of the law, and with 85 % of the animals in facilities which are not under the Animal Welfare Act and whose main purpose is not animal protection but rabies control, the interests and concerns of those several million tax-paying citizens who own and love dogs and cats appear not to be being served.

It is for this reason that the North Carolina Network for Animals, along with other concerned individuals and groups, will provide such information as it can, with the hope that given evidence of need for amendment and enforcement in animal protective legislation, the Study Commission will have a better perspective from which to decide what must be done.

NORTH CAROLINA NETWORK For Animals, Inc.

A voice for the voiceless

P.O. BOX 33565 • RALEIGH, N.C. 27636 • (919) 787-5190

RESULTS OF SURVEY QUESTIONNAIRE SENT TO ALL N.C. SHELTERS. Figures represent the year 1987.

County	Taken In	Adopted/ Reclaimed	Euthanized	Died/ Escaped	Research	Unaccounted For	Disposed of More than Had Listed
Ashe	3017	417	2600	-	-	-	-
Beaufort	1942	269	1673	-	-	-	-
Bladen	644	73	537	37	-	-	3
Boone	2928	152	2248	-	322	206	-
Burke	5543	566	4977	-	-	-	-
Catawba	1239	14	1185	15	-	25	-
Cherokee	4253	332	3746	6	-	169	-
Columbus	2840	375	2136	-	-	329	-
Dare	3369	406	2981	14	-	-	32
Davidson	1485	339	440	-	647*	59	-
DeWitt	4382	785	3265	296	-	36	-
Dobson	663	276	302	85	-	-	-
Franklin	1413	127	686	-	600	-	-
Gaston	1918	168	1724	-	-	26	-
Guilford	9157	865	8024	114	-	154	-
Henderson	4876	876	4322	-	621	-	943
Haywood	11527	2022	8730	5	-	770	-
Heard	4865	66	3646	75*	-	1078	-
High	6086	598	5341	147	-	-	-
Johnston	1061	36	1087	10	-	-	72
Lincoln	3635	988	2503	149	-	-	5
Martin	5754	1274	3466	165	-	849	-
McDowell	10180	781	9364	-	-	35	-
Mecklenburg	2327	246	2059	-	350	-	328
Mooresville	12716	2121	8771	164	1518	142	-
Orange	1365	168	1172	25	-	-	-
Polk	1640	206	1400	34	-	-	-
Rocky Mount	4607	506	3909	-	192	-	-
Rowan	2985	2391	594	150	-	-	150
Sandhills	1431	290	1110	31	-	-	-
Swain	16332	3543	12571	10	-	208	-
Taylorsville	4215	1075	2990	-	-	150	-
Union	1479	215	1228	-	-	36	-
Watauga	1519	220	1299	-	-	-	-
Wayne	5543	309	5135	99	-	-	-
Yancey	9598	2823	6595	180	-	-	-
Zipser	7309	1450	5851	15	-	-	7
Alamance **	6004	265	3519	295	1372	553	-
38 reports	171847	27633	133186	2121	5622	4825	1540

* Rutherford: The figures represent Rutherford, Polk, and McDowell.

* Research 647: The 647 total represents 91 live animals sold to research and 556 dead animals sold to research (probably a Biological Supply establishment).

* Died/escaped 75: Reported "shot, not possible to apprehend."

** Alamance: Only 10 months were reported. Averages were figured and added to represent 12 months.

See Attachment A for further information and comment

RECORD KEEPING

Accurate record-keeping in facilities that are dealing with more animals than they can adequately handle and with inadequate or inadequately trained staff may understandably make clerical errors. but some of the figures reported seem to indicate more serious problems than that.

1. 15 shelters handling a total of 50,289 animals reported none died or escaped. This compares with 23 other facilities handling a total of 121,558 animals, D/E = 2121. The average for these 23 was 92 died or escaped - and even one which is run by a Humane Society and has an excellent reputation, Watauga, reported 85 died or escaped.
2. 4 facilities that sell dogs and cats to research account for 960 of the animals reported unaccounted for. This compares with 34 other facilities which together reported 3865 unaccounted for. The average for those 4 was 240 unaccounted for apiece; for the other 34, average was 113.
3. 8 shelters selling to research, handling a total number of animals 36,356, reported a total of 4,632 dogs and cats adopted or reclaimed. This compares with 30 other shelters not selling to research, handling a total of 135,491 animals and reporting adoption/reclaimed combined total of 23,001. The average adopted/reclaimed from research-selling shelters was 579; the average for those shelters not selling to research was 766.
4. 13 shelters handling 44,367 total dogs and cats reported none unaccounted for or over total. This compares with 25 shelters whose reports showed some either unaccounted for or over.

RECORD REPORTING

1. Totals on report from Alamance to the County differed from totals sent to the state. (The Network had only 10 month of reports sent to the County, but figured the average for each month and added these averages for two months - so figures are not entirely accurate, estimated for those two months - but even so there is a discrepancy).

	<u>Taken in</u>	<u>Adopt/Rec</u>	<u>Euthanized</u>	<u>Died/Esc.</u>	<u>Research</u>	<u>Unaccounted for</u>	<u>Over</u>
County:	6004	265	3519	295	1372	553	
Rabies:	3980		3379				

2. Rowan sent in a response to our January questionnaire, and later sent a response to our June questionnaire, and the reports are both accurate as to the number of animals disposed of adding up to the number taken in --- but they differ from each other as to number taken in, number adopted/reclaimed, number euthanized, and number died/escaped --- even though presumably both reports represent the 1987 record.

	<u>Taken In</u>	<u>Adopt/Rec</u>	<u>Euthanized</u>	<u>Died/Esc.</u>
Jan.	4630	472	4127	31
June	5551	475	5050	26

APPENDIX F

N O R T H C A R O L I N A
A N I M A L S H E L T E R S

A REPORT PREPARED FOR
THE LEGISLATIVE RESEARCH COMMISSION'S
ANIMAL WELFARE ACT STUDY COMMITTEE

BY
THE NORTH CAROLINA HUMANE FEDERATION
PO BOX 363
CLEMMONS, NC 27012

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- A. INTRODUCTORY REMARKS MADE AT AUGUST 5, 1988 HEARING
- B. SAMPLE ANIMAL SHELTER INSPECTION SHEET
- C. SUMMARY OF INSPECTION RESULTS
- D. RESPONDENTS' COMMENTS

INTRODUCTORY REMARKS
MADE AT AUGUST 5, 1988 HEARING

North Carolina Humane Federation

Thank you, Members of the Animal Welfare Act Study Committee and Mr. Pell for inviting the North Carolina Humane Federation to address the Committee. I am Donna Brown, current President of the North Carolina Humane Federation, which is the umbrella organization of all the local humane societies and animal protection societies in North Carolina.

It has been alleged that there is no need to extend the Animal Welfare Act to include city and county animal shelters because conditions in these facilities are good. We did not believe that to be true, based upon our experience, and thus we set out to collect data on the state of animal shelters in North Carolina. We sent out a letter to the presidents of all sixty-nine humane societies and animal welfare organizations in North Carolina explaining the purpose of this Committee and asking for their help in visiting their local animal facilities and assessing the conditions, documenting their observations with photographs if possible. The Federation offered to help identify people in the area who might be called upon to make these visits if the president of the local society was unable to do so. Some of these humane societies serve more than one county, but there were still several counties that had no local humane society. In some cases we were able to ask Federation members who lived in that area to visit those facilities. We also mailed a letter to all county managers and directors of health departments that were responsible for animal facilities. This letter informed them of the issue and solicited their input.

Based upon the inspection sheet used by the N. C. Department of Agriculture to inspect private humane-society run animal facilities, we devised a simple questionnaire for people to use when visiting a shelter. We also included several items on the questionnaire that are not covered by the Animal Welfare Act, but are important considerations in shelter operation. This input came primarily from the Humane Society of the United States.

Telephone follow-up of all the humane society presidents increased our response rate so that we have data from 35 counties.

The data indicate that there are conditions in animal facilities in North Carolina that clearly do not meet the specifications of the Animal Welfare Act, both in terms of adequacy of physical conditions and in terms of management practices. In some facilities, such basic considerations as food, shelter, sanitation, and a painless death for the animals were seriously compromised or were lacking.

We also found some facilities which met or exceeded the minimum standards set forth in the Animal Welfare Act and were run competently and with compassion by caring and knowledgeable

personnel. Some of the worst physical facilities employed personnel who were clearly disturbed by their inability to properly care for the animals in their charge. Our aim is not to eliminate those shelters that do not meet the standards, but to enable them to acquire the physical facilities and management practices necessary for them to do their job.

Animal control provides an essential community service; essential from a public health standpoint, in terms of the danger of rabies and the increasing problem of dog bites; essential economically in terms of the cost of damage done and accidents caused by stray animals, and essential in terms of the goals of a humane society in the broad sense; this is, coping with the thousands of unwanted animals in North Carolina. In North Carolina last year, over 250,000 dogs and cats were killed. This is the equivalent of an animal Holocaust [sic]. If the animal facilities themselves were improved to meet minimum standards, we as a society could devote more time and resources to the efforts needed to reduce this number.

We realize that other groups and individuals have worked on revising the Animal Welfare Act itself. While this is surely needed, at this point the Federation has concentrated on gathering evidence to demonstrate that an extension of the existing act to cover city and county shelters is sorely needed. We believe that an overhaul of the existing Act would be extremely beneficial and would be pleased to work towards this if the Committee would be receptive to such efforts at this time.

At this point I will turn you over to Marianna Burt, our Legislative Chair and Board Member, whom we can thank for coordinating the survey effort.

SAMPLE ANIMAL SHELTER INSPECTION SHEET

SAMPLE ANIMAL SHELTER INSPECTION SHEET

Name of shelter: _____
 Date of shelter visit: _____ Time: _____
 Weather: _____ Temperature: _____
 Name of visitor: _____
 Address: _____
 Telephone: _____

Dogs

- Yes No
- Were dogs separated by sex and size?
How many dogs were in each pen? _____
 - Was the floor of the kennels free of standing water? If there was standing water, what was its source? _____
 - Were outside runs cleaned of feces? _____
 - Did the dogs have sufficient drinking water?
How often are they fed? _____
What type of food container was used? _____

- Had all dogs been removed from the trucks?
- Were the interiors of the trucks clean?
- If dogs had tags or other identification, was their ownership checked?

Cats

- Yes No
- Were mature cats separated from small kittens (except for mother and kittens)?
 - Was cat food provided? (Not large chunk-type dog food)
How often are they fed? _____
 - Was drinking water provided?
 - Were litter pans available to all cats and kittens?
 - Were the cages crowded? Explain. _____

General

- Yes No
- Did you notice any obvious sick animals? Explain _____
 - Were sick animals separated from healthy animals?
What is the procedure for providing medical treatment? _____
 - How are unwanted animals destroyed? _____
 - Was euthanasia performed in a caring and professional manner?
What care is given on weekends and holidays? _____
 - Are animals removed from the pens and cages during shelter clearing?
What is the procedure for returning licensed animals to their owners? _____
 - Does the shelter sell animals to animal dealers?
 - Does the shelter have any educational materials for the public? Describe. _____
 - Is there a procedure for animal rescue?
What happens to fees collected for licenses, permits, impoundments, quarantine, adoption, boarding, and redemption? _____
 - Are statistics available on how many animals are handled each year and how they're disposed of?
What was the attitude of the employees toward your visit? _____
 - Is there a training program for employees? _____

Yes No

BUILDING

- Shelter: Do buildings and enclosures provide adequate protection against weather extremes for each animal?

- Temperature: Can the building temperature be maintained at a comfortable level for each animal?

- Security: Are animals maintained securely enough to prevent escape, to protect them from injury and to safeguard them from theft?

- Sanitation: Is each building and enclosure kept clean, dry and in sanitary condition?

- Are the floors and walls of all enclosures, buildings and runs made of a surface material that permits proper cleaning and disinfecting?

CAGE CONSTRUCTION AND SIZE

- Are individual cages made of a material which can be easily sanitized?

- Are resting boards provided if appropriate?

- Is there sufficient space to allow each animal to turn freely and to stand, sit and lie in a comfortable position?

OPERATIONAL PROCEDURES

- If the facility open to the public at reasonable hours?

- Are the hours of operation and an emergency telephone number posted so as to be readily seen by the public?

- Is each animal individually identified?

Additional comments: _____

SUMMARY OF INSPECTION RESULTS

UNLESS OTHERWISE NOTED,
 0=NO
 1=YES
 N/A=INFORMATION NOT AVAILABLE

ART I--ANIMAL CARE

DOGS

WHERE DOGS SEPARATED BY SEX & SIZE? How many dogs were in each pen? *HAS THE FLOOR OF THE KENNELS FREE OF STICKING MATTER? *ARE OUTSIDE RUNS CLEANED OF FECES? NOTES: A=No outside runs *DO THE DOGS HAVE SUFFICIENT WATER? *HAD ALL DOGS BEEN REMOVED FROM TRUCKS? *WERE THE INTERIORS OF THE TRUCKS CLEAN? *IF THE DOGS HAD TAGS OR OTHER IDENTIFI- CATION, WAS THEIR OWNERSHIP CHECKED?	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	NO. MEETING STANDARD STANDARD	PERCENT MEETING STANDARD	
1 0 1 1 0 1 1 1 1 1 0 N/A (=3) 2 N/A (=3) N/A (=3) N/A (=3) N/A 1-4-5-10N/A (=4) 1 N/A 0 0 0 1 1 0 1-4 N/A N/A 1-5 4-0 4-5 1 1 5-10 1-3	1	0	1	1	0	1	1	1	1	0	N/A (=3)	2	N/A (=3)	N/A (=3)	N/A	1-4	5-10	N/A (=4)	1	N/A	0	0	0	1	1	0	1	1	1	1	0	0	0	1	1	10	51%	
2-3 N/A 3-0 0 0 1 0 1 1 2-4 N/A (=3) 1 1 1 1 0 N/A (=3) 2 N/A (=3) N/A 1-4-5-10N/A (=4) 1 N/A 0 0 0 1 1 0 1-4 N/A N/A 1-5 4-0 4-5 1 1 5-10 1-3	2-3	N/A	3-0	0	0	1	0	1	1	1	1	1	1	1	0	N/A (=3)	2	N/A (=3)	N/A (=3)	N/A	1-4	5-10	N/A (=4)	1	N/A	0	0	0	1	1	0	0	0	1	1	1	20	57%
0 1 0 1 1 1 0 0 0 1 0 1 1 1 0 0 1 1 1 0 N/A N/A N/A 0 0 0 1 1 1 1 0 0 1 1 0 0 1 1 0 1	0	1	0	1	1	1	0	0	1	0	1	1	1	0	0	1	1	1	0	N/A	N/A	N/A	0	0	0	1	1	1	0	0	1	1	0	1	1	15	43%	
0 1 1 1 1 1 1 1 1 1 0 1	0	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	26	74%	
0 1 1 1 1 1 1 1 1 1 0 1	0	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	27	77%	
1 1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	24	63%	
1 1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	21	67%	

CATS

NOTE: A=Facility has no housing for cats.
 Codes of 0 are given for this section.

*MULTIPLE CATS SEPARATED FR. SMALL KITTENS?
 (except mother cats and kittens)
 NOTES: A=Only one pen for all cats
 *CAT FOOD (NOT LG.-CHUNK DOG FOOD) PROVIDED?
 *CRINKLING WATER PROVIDED?
 *LITTER PANS AVAILABLE TO ALL CATS/KITTENS?
 *WERE THE CAGES CROWDED?
 NOTES: A=Only one pen for all cats
 Note different codes for this question:
 0=YES
 1=NO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	NO. MEETING STANDARD STANDARD	PERCENT MEETING STANDARD		
0 1 1 0 1 1 1 1 1 0 0 1 N/A 1 N/A 1 0 0 0 0 0 0 1 1 1 1 N/A 0 1 1 0 N/A 1 0 1 1 1	0	1	1	0	1	1	1	1	0	0	1	N/A	1	N/A	1	0	0	0	0	0	1	1	1	1	N/A	0	1	1	0	N/A	1	0	1	1	1	19	54%	
0 N/A 1 0 1 1 1 1 1 1 0 1 N/A 1 1 1 0 0 1 0 1 N/A 1 1 1 1 0 0 1 1 1 1 1 1 1 1 1 1 1 1	0	N/A	1	0	1	1	1	1	1	0	1	N/A	1	1	1	0	0	1	0	1	N/A	1	1	1	1	0	0	1	1	1	1	1	1	1	1	1	22	63%
0 N/A 1 0 1 1 1 1 1 1 0 0 1 N/A 1 1 1 0 0 1 0 1 N/A 1 1 1 1 0 0 1 1 1 1 1 1 1 1 1 1 1 1	0	N/A	1	0	1	1	1	1	0	0	1	N/A	1	1	1	0	0	1	0	1	N/A	1	1	1	1	0	0	1	1	1	1	1	1	1	1	1	21	63%
0 0 0 0 0 0 0 0 0 0 0 0 1 N/A 1 0 0 0 0 0 0 1 1 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0	0	0	0	0	0	0	0	0	0	0	1	N/A	1	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	15	43%
0 0 1 0 1 1 1 1 1 0 0 1 N/A 1 1 1 0 0 1 0 1 N/A 1 1 1 1 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0	0	1	0	1	1	1	1	0	0	1	N/A	1	1	1	0	0	1	0	1	N/A	1	1	1	1	0	0	1	1	1	1	1	1	1	1	1	14	43%

UNLESS OTHERWISE NOTED.

#=NO
1=YES

N/A=INFORMATION NOT AVAILABLE

PART 2--PHYSICAL FACILITIES AND OPERATIONAL PROCEDURES

A BUILDINGS

NO. PERCENT
MEETING MEETING
STANDARD STANDARD

*90 BUILDINGS/ENCLOSURES PROVIDE ADEQUATE PROTECTION AGAINST WEATHER EXTREMES?	1	0	1	0	0	1	0	0	1	0	1	1	0	1	1	0	N/A	N/A	0	0	0	1	0	1	1	0	0	1	1	0	0	1	1	0	0	1	1	1	1	16	45%
*91 CAN THE BUILDING TEMPERATURE BE MAINTAINED AT A COMFORTABLE LEVEL FOR EACH INHABITANT?	1	0	1	0	0	1	0	0	1	0	0	N/A	1	0	0	N/A	0	0	N/A	0	0	0	1	N/A	1	1	1	0	0	1	1	1	0	0	0	1	1	1	1	13	37%
*92 BUILDINGS MAINTAINED SECURELY ENOUGH TO PREVENT ESCAPE, TO PROTECT THEM FROM INJURY, AND TO SPREAD THEM FROM THEFT?	1	1	1	1	0	1	1	1	1	1	1	0	1	1	1	0	N/A	1	0	0	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	27	77%
*93 DO BUILDINGS AND ENCLOSURES KEEP CLEAN, DRY, AND IN SANITARY CONDITION?	0	0	1	0	0	1	1	1	1	1	1	1	1	1	1	0	1	N/A	N/A	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	19	54%
*94 ARE THE FLOORS AND WALLS OF ALL ENCLOSURES, BUILDINGS, AND KITS MADE OF A SURFACE MATERIAL THAT PERMITS PROPER CLEANING AND DISINFECTING?	1	0	1	1	0	1	0	1	1	0	1	1	1	1	1	0	1	0	N/A	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	23	65%
B CAGE CONSTRUCTION AND SIZE																																									
*95 INDIVIDUAL CAGES MADE OF MATERIAL THAT CAN BE EASILY SANITIZED?	1	0	1	1	2	1	1	1	1	1	1	0	1	1	1	1	1	0	1	N/A	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	21	60%
*96 ARE MEETING BOARDS PROVIDED IF APPROPRIATE?	1	0	1	0	1	0	1	1	1	1	1	1	1	1	1	1	1	0	1	N/A	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	51%
*97 IS THERE SUFFICIENT SPACE TO ALLOW EACH ANIMAL TO TURN FREELY AND TO STAND, SIT, AND LIE IN A COMFORTABLE POSITION?	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	N/A	N/A	1	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	25	71%

RESPONDENTS' COMMENTS

Animal care

"Although there were 7 runs, only 3 were in use. The 3 3' x 10' runs contained 9 male dogs, 5 female dogs, and 15 puppies. The puppies did not have room to stand, sit, and lie comfortably."

"Animals are hosed down with the cages summer and winter daily no matter what the temperature. Since I have lived here, the lowest temperature has been -23F. Water freezes on outside run floors, cutting paws."

"There are no food containers. Dry dog food is put directly onto the wet floors."

"There were four dogs being held. Three had dirty water, one had no water."

"There is no weekend/holiday care. This is a one-man operation and he goes home on the weekends."

Accessibility

"Many people drop off animals anywhere and everywhere, because the hours are not good and they don't like the facility."

"I called on the phone to ask the hours the shelter was open to the public. Although I did not identify myself, they were uncooperative, responding, "Why do you want to know that?"

"There are no official hours. The dog warden is on duty from 8 am to 5 pm."

"The shelter has no telephone. You have to contact the sheriff's department."

Sanitation

"Although the shelter was open, there was a terrible stench to the area. There were many flies."

"The animals are now buried at the landfill. To our knowledge no lime is used but the bodies are supposedly covered with dirt daily. We have never gotten an answer to our questions about what they do in the winter when the ground is frozen."

"After hours" drop boxes or holding pens

- "A child living near the holding pen found inside it ten puppies, five or more of them dead, and the others trying to eat the dead ones. There was no water or food to be seen, and the temperature was near 100 degrees."
- "There are two stacked wire after-hours drop boxes. They had no water containers and no protection from the weather except one side of the shelter."
- "The biggest problem besides the method of disposal (shooting) are the two holding pens in front the shelter where unwanted animals are deposited. Two weeks ago a roof of sorts was placed on the pens by a volunteer."
- "(There are) two cages outside the fence for after-hour and weekend depository of dogs and cats. The cat cages are wire on the top so there is no protection from direct sun. The animals stay in the cages with no food or water until one of the officers comes to work the next day."

Facilities in general

- "The building is constructed of cinderblock. There are no windows. It is damp and unhealthy. There is no light at all."
- "The facility does not have hot water, a telephone, an office area, or a bathroom."
- "The old facility was closed because of lack of security. The animals are kept on the truck all day and then they are shot at the landfill unless they are purebreds or have ID tags. The animals that are not destroyed are kept at the dog warden's house. He keeps 15 to 20 dogs at a time. He had 16 dogs on his truck in a cage approximately 4' by 5'. None of the cage was protected against the sun. He was going to destroy all but three."
- "The runs are totally outdoors and there is no roof over them."
- "There is one large run that is open on one side to weather, with no area fully sheltered."
- "The walls of our pound are only solid up to four feet, then they are wire. Plastic is rolled down during the winter months to keep the cold, wind, and rain out. Puppies freeze."

"The shelter does not have hot water. The pipes freeze in the winter, causing the dog wardens to have to bring water from home to use as drinking water. The roof leaks and three sides of the shelter have no protection from the wind. There is no equipment for heating or cooling the shelter. The lighting is poor. A couple of the cages have torn wiring."

"The shelter has no electricity."

"There are no walls here. The roof is corrugated plastic. In the winter the shelter manager puts up plastic on the outside."

"Dog cages on the trucks were made of plywood, with rusty wire doors."

"The shelter consists of four runs under a tin roof. Cats and kittens are maintained in the run where the euthanasia chamber is located."

"The shelter is so primitive there is no way it can be kept sanitary."

Care of sick or injured animals

"Any sick animals are shot when brought in. The county budgets no money for medical treatment."

"There is no isolation area, no provision for medical treatment. Veterinarians do not visit this shelter. No shots are given."

"Two dogs were limping; one was thought to have been hit by a car."

"There is no funding for medical treatment."

Recordkeeping

"The dogs are not identified on paper, physically or on the cage. There are no fees for adoptions and no paperwork. The dog wardens say they know everyone who adopts a dog and keep all the information in their heads."

"The facility opened in 1985. Through February 1988 there were no records kept on the animals being held."

Budget

"The annual budget (not including salaries of the only officer) is \$3,457. The facility handles 1,200-1,400 animals a year."

Facilities for Cats

- "Food containers for cats were tin cans."
- "The cats had no water or food and appeared listless. There was a wooden box-like container divided into four sections which stood on legs in one corner of the area. One of its sections contained 8 kittens, another 6. The upper sections held rusting and/or dirty bowls."
- "The litter pans looked like they had been three days without cleaning. One cage had so many half-grown kittens I couldn't see the litter pan."
- "Inside the last run on the left were two cages that measured approximately 4 1/2' by 2' by 2'. Both cages were supported to stand approximately 2' off the floor and were made of wire mesh with a weave of 1" by 1 1/2". In one of these cages, 12 cats were being kept. One had given birth and had difficulty nursing her two-day old kittens. These newborns measured about 3" and were forced to lie on the open mesh where they were being stepped on. The other cage measured the same and held 11 cats. Neither cage had litter trays nor were they lined with paper. There was fecal matter stuck to the wire and the amount which had fallen to the floor showed the obvious lack of regard for these 25 creatures. Neither cage had any food. We found more cat cages in the back. Six of these cages were empty."
- "During our visit the employees were hosing down the cages through the wire mesh. The dogs inside were not removed, simply expected to move out of the way. We then went to the front office to inform the man at the desk of our inspection. (When we came back to the cages) the cat cage containing 11 cats had been subjected to a large amount of water and the cats were soaking wet. The only source of water for that area was the high-pressure hose that is used to clean the cages, so we assumed that they were sprayed, reason unknown."
- "There is no holding period for cats. There is only one cat cage, and there were no cats in it. When I asked where the cats were, they said, 'We don't care where they are, as long as they're not here.' Euthanasia is performed with carbon monoxide produced by a street engine, and no cooling filter."
- "There is a 5-day holding period for dogs in the county ordinance. Cats are not mentioned. In practice, they usually get five days except in the spring, when they are often put down daily because of sheer numbers."

"Cats are kept only one night, in chicken crates."

"There are four cat cages/boxes made of 20-year-old plywood to fit old, donated cage doors."

"The cages holding cats and kittens were extremely crowded. One held 10 kittens, another 8."

Services provided/supplemented by private contributions

"The humane society does cruelty investigations, and provides shots for all animals coming into the adoption area."

"Several years ago, one of our volunteers went to the shelter. A dog was there with a broken back, and would have stayed there until the five working days were up. She begged them to let her take it to a vet to be put down. They finally let her have the dog."

"My understanding is that when an animal is picked up after hours it stays in the truck until the shelter opens. Two police officers took a puppy from a ditch with water in it during cold weather. They called me at home about 10:00. I took the puppy home. It was cold and wet. They did not want it to stay in the truck overnight."

"The society bought 12 stainless steel cages to replace the wooden crates that were used for cats."

"As of last month, there is a volunteer who comes in on the weekends. Before that, there was no weekend or holiday care."

"The society raised funds to buy the shelter land and build the facility. The records indicate that the city contributed a total of \$250. The employees were and are county employees but the society supplemented their salaries for many years. We got the shop class at the high school to build an addition to the shelter."

Staff

NOTE: Animal shelter employees were, almost without exception, reported to be polite, helpful, and pleasant to inspectors.

"This is a one-man operation, run by a well-intentioned man. The most poignant comment he made during my visit was, 'I just wish someday to have a shelter like the one in _____.' He worries that the animals are not dying quickly enough in the chamber and that the 14 or so dogs stolen from the shelter the day before I visited were used for dog fighting. His office is a small wooden building about 50 feet from the shelter area. He states that he brings small dogs/puppies into his building during the winter."

"This shelter is a makeshift affair, run by one man who serves as manager and picks up animals from the entire county. He does the feeding, cleaning, euthanasia, and transports the dead animals to the landfill. He cannot do an adequate job by himself."

"The attitude of employees was cordial and helpful. They would like to see the shelter improved."

"There are three officers for a county of several thousand square miles. The officers rotate weekends, and work shorthanded during vacations."

"The animal control officer has a heart for animals, but he does not make the rules--the commissioners do."

Euthanasia

"The most serious problem noticed at the shelter was the carbon monoxide chamber. The seal around both doors had rotted away and there was a space under the door at least 3/4" wide. This chamber should be airtight when in use in order to euthanize the animals properly. Also, the gas escapes from around the door into the shelter. The dog wardens have to go outside when the chamber is in use."

"Animals are shot with a 22-caliber bullet at the landfill next to the shelter by one of the two shelter employees."

"They are using gas now. Up until two years ago, they were shot."

Minimum standards for shelters

"The Animal Control Director supports standardization idea for shelters."

"Having an adequate shelter does not always mean that things are running right inside it, and a visit from a state agency would help to put them on their toes. We are too small and weak as a society to do much."

"(It) is an excellent idea to make the pounds and shelters throughout our state better and more acceptable to the public. As you know, most pounds and shelters have a bad image anyway, but this would definitely help."

"I certainly hope the local government-run animal facilities will be included under the Animal Welfare Act for the benefit of the animals, the pet owners, and the shelter employees."

APPENDIX G

August 5, 1988

Data presented to the Animal Welfare Act Study Committee of the General Assembly of North Carolina by Steven R. Shrum, Class of 1989, North Carolina State University College of Veterinary Medicine.

Table 1. Survey Results.

	1987	1986	1985	1984	1983	1982	1981
Dogs Impounded	129,788	119,324	101,312	85,561	53,342	48,544	57,080
Dogs Euthanized	95,133	88,788	77,406	67,291	47,324	36,397	39,505
Dogs Reclaimed	10,367	8,686	7,757	6,559	5,110	4,270	4,081
Dogs Adopted	15,932	14,221	11,175	9,325	6,093	5,587	8,193
Cats Impounded	71,592	56,340	41,860	32,406	23,382	19,921	19,439
Cats Euthanized	65,364	49,818	39,298	26,871	22,395	14,704	14,784
Cats Reclaimed	1,058	563	591	208	134	81	104
Cats Adopted	5,564	5,116	3,487	2,470	1,833	2,437	3,248
Animals Impounded	201,380	175,664	146,672	119,067	91,737	67,465	75,519
Animals Euthanized	160,497	138,606	115,704	94,152	69,719	51,901	54,289
Sales to Research	3434	3149	3900	2732	1004	153	1582

Sixty-nine agencies reporting.

Seven shelters open less than one year.

Four agencies have no shelter.

Five agencies out of business.

Population control methods reported by respondents:

Mandatory sterilization of adopted animals: 23%

Recommended sterilization of adopted animals: 37%

Public education or awareness programs: 42%

Differential licensing of sterilized pets: 5.3%

Table 2. N.C. Division of Public Health data.

YEAR	ANIMALS IMPOUNDED	ANIMALS EUTHANIZED	YEAR	ANIMALS IMPOUNDED	ANIMALS EUTHANIZED
1987	222,648	178,888	1977	129,428	113,660
1986	203,993	158,091	1976	115,390	91,966
1985	192,456	151,138	1975	109,290	154,575
1984	201,229	159,089	1974	99,628	81,458
1983	171,814	132,128	1973	101,641	153,357
1982	148,847	114,252	1972	82,528	67,599
1981	143,542	106,194	1971	75,541	64,138
1980	181,677	117,729	1970	70,436	64,572
1979	128,133	104,451	1969	66,138	159,316
1978	120,637	101,962	1968	63,593	60,543

Data derived from reports to the N.C. Division of Public Health.
 Eighty-two counties reporting at least one time between 1968 and 1987.

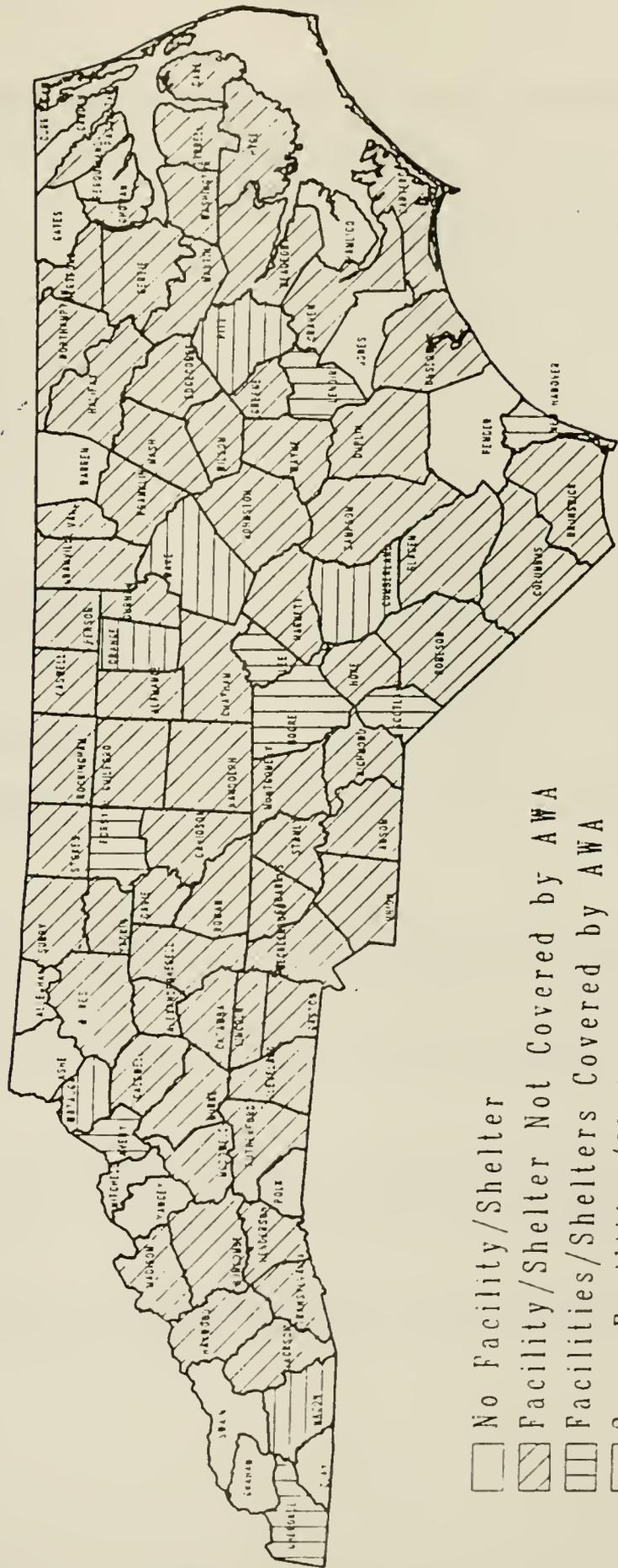
Table 3. Animals Impounded.

YEAR	MSA	%	Non-MSA	%
1987	109,391	49	112,757	51
1986	100,605	49	103,388	51
1985	93,077	48	99,379	52
1984	97,865	49	103,374	51
1983	93,933	55	77,891	45

Metropolitan vs. non-metropolitan counties as determined by the N.C. State Office of Budget and Management.

% Percent of total impounded.

*Animal Control Facilities/Shelters
Applicability of Animal Welfare Act (AWA)*



- No Facility/Shelter
- ▨ Facility/Shelter Not Covered by AWA
- ▤ Facilities/Shelters Covered by AWA
- ▥ Some Facilities/Shelters Covered by AWA

APPENDIX I

PROPOSED BUDGET FOR ANIMAL WELFARE ACT ENFORCEMENT

1989-91 BIENNIUM

	<u>1989-90</u>	<u>1990-91</u>
Salaries	\$ 88,956	\$ 88,956
(3) Livestock Inspectors		
Grade 63, Step 6D		
(\$22,704)		
(1) Admin. Secretary		
Grade 61, Step 6D		
(\$20,844)		
Social Security	6,680	6,680
Retirement	9,963	9,963
Hospital Insurance	4,504	4,504
Laboratory Supplies	630	630
In-State Transportation	19,800	19,800
In-State Subsistence	5,940	5,940
Telephone	1,200	300
Postage	2,500	2,500
Office Equipment	1,975	-0-
Computer Equipment	4,100	-0-
TOTAL REQUIREMENTS	\$146,248	\$139,273

Assumptions

1. The current director of the Animal Welfare Program also oversees the Livestock Inspection Program. This proposed budget continues the same arrangement.
2. The proposed budget assumes the three inspectors will enforce the Animal Welfare Act exclusively.

Notes

1. The proposed budget can be reduced by \$28,078 if the Department of Agriculture is required to allocate one of its existing livestock inspectors to Animal Welfare Act enforcement.
2. The proposed budget can be increased by \$43,249 if a veterinarian is included as full time director of the Animal Welfare Program.

APPENDIX J

III

§ 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*).

(4)(a) "Animal control officer" means a city or county employee designated as animal control officer, dog warden, or other designations that may be used, whose responsibility includes the seizing, impounding, or custody of animals.

(5) "Animal shelter" means a facility which is used to house or contain animals and which is owned, operated, contracted or maintained by a 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, protection and humane treatment of animals.

(5a) "Boarding kennel" means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

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

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

(8) "Director" means the Director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture.

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

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

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

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

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

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

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

(16) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health. (1977, 2nd Sess., c. 1217, s. 4; 1979, c. 734, s. 1; 1987, c. 827, s. 61.)

STAFF NOTE

It has been suggested to the committee that the term "animal control officer" should be used, and not "dog warden." The addition of section (4)(a) clarifies who is deemed an animal control officer for the purposes of the Article, and is consistent with § 67-30, which provides for the appointment of animal control officers by counties. A "dog warden," under the provisions of § 67-31, has the power of arrest. Counties may or may not choose to give such powers to animal control officers.

The committee's review of whether the Animal Welfare Act should apply to city and county shelters was specifically authorized by the charge from the legislature, and such a revision has been recommended to the committee. "Animal shelter" is defined in paragraph 5 so as to include local government facilities under the Act. The provision would also insure that facilities under contract to local governments would come under the provisions of the Act. Facilities under contract by municipalities and operated by private citizens [who are not within the definition of a non-profit organization], are not covered by the current Act.

As proposed to the committee, the term "dealer" is more clearly defined in paragraph (7) so that anyone who is selling animals on a commercial basis, e.g., "puppy mill operators," would be covered under the Act.

IV

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

The Board of Agriculture may:

(1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions.

(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 identity, confinement and disposition of purchase and sale of animals and to identify animals at their establishments on such forms as the Board may establish in order to standardize such recordkeeping.~~

~~(3)(a) Require licensees and holders of certificates to submit records maintained pursuant to this Article to the Board on a periodic basis.~~

(4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code. (1977, 2nd Sess., c. 1217, s. 5; 1987, c. 827, s. 62.)

STAFF NOTE

It has been proposed to the committee that records required under the Act should be standardized. The amendment to paragraph (3) would create a standardizing procedure for the maintenance of records under the Act, and, as suggested, assist the Animal Health Division in analyzing records for compliance with the Act. Rule .0101 of the Dept. rules currently specifies what information is required to be kept by animal shelters.

The committee was also authorized to address whether recordkeeping under the Act should be centralized. The addition of paragraph (3)(a) would allow the Animal Health Division to determine how much centralization would be required. Rule .0103 of the Dept. rules provides that records be made available upon request.

§ 19A-24.1. County or city animal control facility; confinement and disposition of stray animals.

(a) The governing body of each county or city shall contract for use, maintain or cause to be maintained an animal control facility which is operated in accordance with guidelines applicable to animal shelters, and shall require animals running at large without the tag required by §130-190 or in violation of any local ordinance to be confined therein. The governing body of each county or city need not own the facility required by this section, but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies, or may contract for the use of an existing facility with the governing body of any other county or city. The governing body shall require that the pound be accessible to the public at reasonable hours during the week.

(b) All animals confined pursuant to this section shall be kept available for claim by their rightful owner for a period of not less than seventy-two (72) hours, excluding any day or days during which the facility is not open to the public.

(c) If the rightful owner of any animal confined may be readily identified, the operator or custodian of the facility shall make all reasonable efforts to notify the owner within the next forty-eight hours following its confinement.

(d) No provision of this Article shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.

STAFF NOTE

This section would require all counties to have at least some level of animal control. Loose dogs without rabies tags, or other animals not under controls provided by local ordinances, would have to be picked-up and taken to a registered animal control facility. The section does not require that all counties have or build an animal control facility; contracting for use would be sufficient.

The section would also specify time limitations prior to the disposal of any confined animal. The seventy-two hour waiting period is consistent with current law; the section would exclude days when the facility is closed from the calculation.

Almost every county either has a facility or contracts with another county for use of their pound. For example, in Polk County, they contract with Rutherford County for use of their pound, and the Polk County Animal Control Officer is paid by Rutherford County. Polk County paid the District Health Office in Rutherford County, which runs the animal control program, \$24,117.00 for animal control this year. In Ashe County, there is an animal control officer, and facility needs are by contract with Watauga County.

In Gates County, there is no facility, no animal control program, and no veterinarian. The county manager has stated that they have managed to budget \$35,586, over the past two years, and are joining with Chowan County on a facility. They expect to put up about \$15,000, for the facility, and pay an animal control officer about \$12,000, a year to impound stray animals.

In Avery County, there is no animal control law or animal control officer. The Humane Society raised money through contributions, bake sales, and other fund raising events. The county contributed \$15,500 and the humane society built an animal shelter for \$59,000, with some materials donated. The facility has 14 dog runs and 12 cages for cats. The humane society pays a full time employee, and the county provided \$10,000 in operating funds for the 1988-1989 year. All animals are given distemper/parvo shots and are wormed, and are held 5 days before they are available for adoption. One township is in the process of contracting with the humane society to take in stray animals.

APPENDIX K

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H/S

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89-rgx-001
THIS IS A DRAFT 4-NOV-88 11:23:09

Short Title: Animal Welfare Act/Revisions.

(Public)

Sponsors:

Referred to:

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A BILL TO BE ENTITLED

AN ACT TO REVISE ANIMAL WELFARE AND CONTROL LAWS AND CREATE
THE ANIMAL WELFARE ACT ENFORCEMENT FUND.

Whereas, the 1987 Session of the General Assembly authorized the
Legislative Research Commission to study the effectiveness of the Animal Welfare Act;
and

Whereas, the Animal Welfare Act Study Committee was specifically
authorized to consider whether the Act should apply to city and county animal shelters
and whether central records containing information submitted to the Animal Welfare
Section of the State Department of Agriculture should be maintained; and

Whereas, it was the consensus of the members of the Animal Welfare Act
Study Committee that some city and county animal control facilities in the state are
failing to meet the minimum standards established under the Act for the humane care
and treatment of confined animals; Now, therefore,

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

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

8 (3) 'Ambient temperature' means the temperature surrounding the animal.

9 (4) 'Animal' means any domestic dog (*Canis familiaris*), domestic cat (*Felis*
10 *domestica*).

11 (4a) 'Animal control officer' means a city or county employee designated as animal
12 control officer, dog warden, or other designation that may be used, whose
13 responsibility includes the seizing, impounding, or keeping custody of animals.

14 (5) 'Animal shelter' means a facility which is used to house or contain animals and
15 which is under contract with, owned, operated, or maintained by a county, city, town,
16 or other municipality, or by a duly incorporated humane society, animal welfare
17 society, society for the prevention of cruelty to animals, or other nonprofit organization
18 devoted to the welfare, protection and humane treatment of animals.

19 (5a) 'Boarding kennel' means a facility or establishment which regularly offers to the
20 public the service of boarding dogs or cats or both for a fee. Such a facility or
21 establishment may, in addition to providing shelter, food and water, offer grooming or
22 other services for dogs and/or cats.

23 (6) 'Commissioner' means the Commissioner of Agriculture of the State of North
24 Carolina.

25 (7) 'Dealer' means any person who in the regular course of business for
26 compensation or profit buys, sells, exchanges, or donates, or offers to sell, exchange,
27 or donate donates animals to the general public, another dealer, pet shop, or research
28 facility, facility; provided, however, that an individual who breeds and raises on his
29 own premises no more than the offspring of five canine or feline females per year,
30 unless bred and raised specifically for research purposes shall not be considered to be a
31 dealer for the purposes of this Article.

32 (8) 'Director' means the Director of the Animal Welfare Section of the Animal
33 Health Division of the Department of Agriculture.

34 (9) 'Euthanasia' means the humane destruction of an animal accomplished by a
35 method that involves rapid unconsciousness and immediate death or by a method that
36 involves anesthesia, produced by an agent which causes painless loss of consciousness,
37 and death during such loss of consciousness.

1 (10) 'Housing facility' means any room, building, or area used to contain a primary
2 enclosure or enclosures.

3 (11) 'Person' means any individual, partnership, firm, joint- stock company,
4 corporation, association, trust, estate, or other legal entity.

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

9 (13) 'Primary enclosure' means any structure used to immediately restrict an animal
10 or animals to a limited amount of space, such as a room, pen, cage compartment or
11 hutch.

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

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

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

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

21 "§ 19A-24. Powers of Board of Agriculture. The Board of Agriculture may:

22 (1) Establish standards for the care of animals at animal shelters, boarding
23 kennels, pet shops, and public auctions.

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

26 (3) Require licensees and holders of certificates to keep records of the
27 identity, confinement, and disposition of purchase and sale of animals
28 and to identify animals at their establishments, establishments on such
29 forms as the Board may establish in order to standardize such
30 recordkeeping.

31 (3a) Require licensees and holders of certificates to submit submit records
32 maintained pursuant to this Article to the Board on a periodic basis.

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

35 Sec. 3. G.S. 19A-36 reads as rewritten:

36 "§ 19A-36. Penalty for violation of Article by animal control officer or dog
37 warden. Violation of any provision of this Article which relates to the seizing,

1 impoundment, and custody of an animal by an animal control officer or a dog warden
2 shall constitute a misdemeanor and the person convicted thereof shall be subject to a
3 fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars
4 (\$100.00), and each animal handled in violation shall constitute a separate offense."

5 Sec. 4. Article 3 of Chapter 19A of the General Statutes is amended by
6 adding a new section to read:

7 "§ 19A-40. County Animal Control Facility; confinement and disposition of stray
8 animals.

9 (a) The governing body of each county shall maintain, cause to be maintained, or
10 contract for the use of, an animal control facility that is operated in accordance with
11 guidelines applicable to animal shelters, and shall require animals running at large
12 without the tag required by G.S. 130A 190 or in violation of any local ordinance to be
13 confined therein. The governing body of each county need not own the facility
14 required by this section, but may contract for its establishment with a private group or
15 in conjunction with other local governing bodies, or may contract for the use of an
16 existing facility with the governing body of another county or city. The governing
17 body shall make the facility accessible to the public at reasonable hours during the
18 week.

19 (b) All animals confined pursuant to this section shall be kept available for claim by
20 their owner for a period of not less than 72 hours, excluding any day that the facility is
21 not open to the public.

22 (c) If the owner of an animal confined in the facility may be readily identified, the
23 operator of the facility shall make a reasonable effort to notify the owner within 48
24 hours after the animal is confined.

25 (d) This Article does not prohibit the destruction of a critically injured or critically ill
26 animal for humane purposes."

27 Sec. 5. Article 3 of Chapter 19A of the General Statutes is amended by
28 adding the following new sections to read:

29 "§ 19A-41. Animal Welfare Act Enforcement Fund.

30 (a) The Animal Welfare Act Enforcement Fund is established in the Animal Welfare
31 Section of the Department of Agriculture. The Department of Agriculture shall be
32 responsible for receipt and disbursement of all funds in the Animal Welfare Act
33 Enforcement Fund as provided in this section.

34 (b) Moneys in the Animal Welfare Act Enforcement Fund shall be used annually for
35 personnel and administrative costs incurred by the Animal Welfare Section of the
36 Department of Agriculture in enforcing the provisions of the Animal Welfare Act.

1 (c) Moneys in the Fund in excess of personnel and administrative costs shall be
2 available to units of local government as assistance funding for compliance with the Act
3 on the terms and conditions set forth in G.S. 19A-41.1.

4 § 19A-41.1. Animal Control Facility grants; eligible purpose; terms and
5 conditions. (a) The Department of Agriculture shall make grants from the Animal
6 Welfare Act Enforcement Fund to units of local government for new construction of
7 animal control facilities, or for capital improvements of existing facilities to ensure
8 compliance with the standards of the Act.

9 (b) The Commissioner or his designee shall set a priority on and approve
10 applications for funds based on a review of the local government's existing facility
11 needs, and the need for State funding to ensure the facility's compliance with the
12 standards of the Act.

13 (c) The Commissioner of Agriculture or his designee, based on criteria to be
14 established by the Board of Agriculture, shall distribute five thousand dollars (\$5,000)
15 in matching grant funds for each five thousand dollars (\$5,000) allocated by the local
16 unit of government either for new construction of an animal control facility or for
17 capital improvements of an existing facility. No unit of local government may receive
18 more than ten thousand dollars (\$10,000) in matching funds per year.

19 (d) One or more units of local government may apply separately for funds under this
20 section for a jointly utilized facility.

21 (e) Funds may not be granted under this section for normal operating expenses of an
22 animal control facility."

23 Sec. 6. Chapter 130A of the General Statutes is amended by adding a new
24 section to read:

25 "§ 130A-185.1 Rabies vaccination fee. (a) There is levied on every person who
26 administers rabies vaccines a fee of fifty cents (50¢) per rabies vaccine administered to
27 a dog or a cat in this State.

28 (b) Every person who administers rabies vaccine to a dog or cat shall collect the fee
29 levied by this section and shall state and charge the fee separately from the sales price
30 of the vaccination and show the fee separately on the vaccinator's sales records. The
31 fee levied by this section shall be reflected on the rabies vaccination certificate required
32 by G.S. 130A-189. The fee shall be paid by the purchaser of the vaccination to the
33 vaccinator as trustee for and on account of the State. It is the intent of this section that
34 the fee shall be added to the cost of the rabies vaccination when administered and be
35 borne by and passed on to the customer, instead of being borne by the vaccinator.

1 (c) The Department shall collect and administer the fee levied by this section and
2 shall design, print, and furnish to all vaccinators in the State the necessary forms for
3 filing returns and instructions to ensure the full collection of the fee.

4 (d) The fee levied under this section is due and payable to the Department in
5 quarterly installments on or before the 15th day of the month following the end of the
6 quarter in which the fee accrues. Every vaccinator liable for the fee shall, on or before
7 the date the fee is due, prepare and render a return on the form prescribed by the
8 Department. The return shall state the total number of rabies vaccines administered by
9 the vaccinator in the preceding quarter.

10 (e) The Department shall retain ten percent (10%) of the proceeds collected under
11 this section for the administrative costs of collection and shall deposit, on a quarterly
12 basis, the balance of the proceeds in the Animal Welfare Act Enforcement Fund in the
13 Department of Agriculture.

14 (f) The Department may adopt such rules as are necessary to implement the
15 provisions of this section.

16 (g) Penalties.

17 (1) A person who fails or refuses to file the return required by this section
18 shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure
19 or refusal to file the return or pay the fee for a period of thirty (30) days after the time
20 required for filing the return or for paying the fee, there shall be an additional fee, as a
21 penalty, of five percent (5%) of the fee due in addition to any other penalty, with an
22 additional fee of five percent (5%) for each additional month or fraction thereof until
23 the fee is paid. The Department may, for good cause shown, compromise or forgive
24 the penalties imposed by this subdivision.

25 (2) Any person who willfully attempts in any manner to evade a fee imposed
26 under this section or who willfully fails to pay the fee or make and file a return shall,
27 in addition to all other penalties provided by law, be guilty of a misdemeanor and shall
28 be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not
29 to exceed six months, or both."

30 Sec. 7. Sections 5 and 6 of this act shall become effective January 1, 1990,
31 and Section 6 applies to vaccinations administered administered on or after that date.
32 The remainder of this act is effective on October 1, 1991.

33

Analysis of Draft Legislation

In General. Under the authority of the Animal Welfare Act (Chapter 19A, Article 3) animal shelters are regulated and inspected by the Animal Welfare Section of the Department of Agriculture. The current Act does not apply to shelters or pounds which are operated by units of local government. The principal portion of this legislation provides for all shelters and pounds to be regulated and inspected by the Animal Welfare Section.

Section 1. A definition of "animal control officer" is added to the Act by paragraph 4a. In section 3 (see analysis below), the draft bill adds "animal control officer" to G. S. 19A-36, which currently only penalizes "dog wardens" for violating the Act. "Animal control officers" and "dog wardens" are appointed under the authority of different state statutes. The definition is consistent with the portions of the draft bill which would regulate city and county animal control facilities, and with the definition of "animal control officer" in the public health statutes.

The definition of "animal shelter" is amended in paragraph 5 to include local government facilities and private facilities which are under contract to a local government. The Act currently applies only to animal shelters owned, operated, or maintained by humane societies or other nonprofit groups.

The definition of "dealer" is amended in paragraph number 7. Only those persons who raise and sell dogs or cats as a regular course of business would be required to obtain a license under G.S. 19A-29.

Section 2. The amendments to G.S. 19A-24 gives discretion to the Board of Agriculture to determine recordkeeping and reporting requirements for any establishment or facility covered by the Act. Paragraph 3 allows the Board to establish a uniform format for the collection of data, and paragraph 3a provides for the submission of that data to the State.

Section 3. This section would establish that local animal control personnel are subject to State law if they violate the provisions of the Act. The current section applies only to "dog wardens," which may be appointed by counties pursuant to G.S. 67-31.

Section 4. This new section would require counties either to operate an animal control facility, or contract with a facility for animal control requirements. The section would require that impounded animals be kept not less than 72 hours before disposition. The 72 hour holding period would not apply to animals voluntarily surrendered to the facility. The operator of the facility would be required to notify owners of animals which could be identified within 48 hours of the animal's confinement. The time period requirements would not apply to animals which must be destroyed due to illness or injury.

Section 5. These two new sections to the Act would establish the Animal Welfare Act Enforcement Fund, and provide for its administration. The primary purpose of the fund would be to pay the increased costs of enforcing the Act which would result from including local government facilities under the Act. Money in excess of personnel and administrative costs would be available to units of local government in the form of matching grants. The Commissioner of Agriculture (or designee) would approve grants based on need--in relation to the minimum standards for facilities under Department rules.

The grant money would only be available for new construction, or capital improvement, of an animal control facility. The funds would be available in blocks of five thousand dollars (\$5,000), and limited to ten thousand dollars (\$10,000) annually per applicant. Two units of local government, e.g., a county and a city, could each seek ten thousand dollars (\$10,000). If both matching grants were approved, they could construct a joint facility with their total of forty thousand dollars (\$40,000).

Section 6. This section would provide a method of funding the cost of including local government facilities under the provisions of the Act. Persons administering rabies vaccinations would be required to collect a fee of fifty cents (50¢) from the purchaser. The fee would be reflected on the rabies certificate which is currently required under public health laws, and carried separately on the records of the vaccinator. The proceeds would be submitted quarterly to the Department of Human Resources. The Division of Health Services would retain ten percent (10%) of all proceeds for administrative costs of collection, and transfer the remainder to the Animal Welfare Act Enforcement Fund (see section 5, above), in the Department of Agriculture.

Section 7. The sections establishing the Animal Welfare Act Enforcement Fund, and the rabies vaccination fee, would be effective January 1, 1990. The sections which bring local government facilities under State regulation would not become effective until October 1, 1991. This schedule would allow for the collection of funds prior to the need for additional personnel to inspect local government facilities.

