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Veterinary Division

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MEMORANDUM

To: Public and Private Animal Shelters
From: Animal Welfare Section
Subject: Confusion about duties under 19A-32.1

Last year the General Assembly passed legislation that transferred many of the duties detailed in GS 130A-192 from the Department of Health and Human Services to the NC Department of Agriculture and Consumer Services. At the same time they added additional duties. There has been some confusion about the new statute so I would like to take some time to clear any confusion.

Below are some but not all of the most frequently asked questions and answers. Copies of GS 19A-32.1 and 130A-192 are attached. Because it is not possible to answer all possible questions please review the attached statutes.

Does my shelter have to hold all animals for 72-hours if they are owner-surrendered?

19A-32.1 (g) – If someone surrenders an animal to the shelter **and** if the shelter obtains the required information the animal may be euthanized before 72-hours.

What data must we gather when an animal is surrendered by an owner?

19A-32.1 (g) – If the animal is owner-surrendered you must obtain the following:

- (i) some proof of ownership of the animal and
- (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period

19A-32.1 (h) – written statement by the owner that the dog has not bitten anyone within 10-days preceding the date of surrender

The statute does not state what is considered proof of ownership

Does my shelter have to hold all animals for 72-hours if we find the animal and don't know the owner?

All animals must be held for 72-hours unless they meet one of the following restrictions:

- (i) 19A-32.1 (g) – owner surrender **and** the required information is obtained from the owner

- (ii) 19A-32.1(b) (2) – the animal is serious ill or injured **and** the shelter manager determines in writing that the animal is seriously ill or injured **and** the written statement by the manager includes the reason that they believe it to be seriously ill or injured.

Can we put feral cats to sleep before the end of the 72-hour hold?

There is no exception to the 72-hour hold for cats that are feral **unless** the animal meets the criteria stated in 19A-32.1 (b) (2).

Do we have to allow the public to view all animals during the 72-hour hold?

For the most part, yes, the public must be able to view all animals during the 72-hour hold unless it meets one of the exceptions spelled out in the statute.

- (i) If the animal and the shelter meet the requirements set forth in 19A-32.1 (b) (2)
- (ii) If the animal is given to an approved foster group (19A-32.1 (d)) **and** a photograph of the animal’s head and face is posted for public viewing

What data must we gather when an animal is adopted?

19A-32.1 (i) – The person must present one of the types of government issued photographic IDs detailed in the statute:

- (i) Driver’s license
- (ii) Special ID set forth in G.S. 20-37.7
- (iii) Passport
- (iv) Military ID

You are required to document:

- the name of the person,
- the type of ID presented and
- the photographic ID number

Copies of GS 19A-32.1 and 130A-192 are attached. Because it is not possible to answer all possible questions please review the attached statutes.

If you have any questions please feel free to contact this office at (919) 715-7111.

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

- (1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.
- (2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.
- (3) The animal is being held as evidence in a pending criminal case.

(c) Except as otherwise provided in this subsection, a person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week. If the shelter is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

(d) During the minimum holding period, an animal shelter may place an animal it is holding into foster care by transferring possession of the animal to an approved foster care provider, an approved rescue organization, or the person who found the animal. If an animal shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of as provided in subsection (f) of this section.

(e) If a shelter places an animal in foster care, the shelter may, in writing, appoint the person or organization possessing the animal to be an agent of the shelter. After the expiration of the minimum holding period, the shelter may (i) direct the agent possessing the animal to return it to the shelter, (ii) allow the agent to adopt the animal consistent with the shelter's adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of the shelter. A shelter may terminate an agency created under this subsection at any time by directing the agent to deliver the animal to the shelter. The local government or organization operating the shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise.

(f) An animal that is surrendered to an animal shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners:

- (1) Returned to the owner.
- (2) Adopted as a pet by a new owner.
- (3) Euthanized by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association.

(g) An animal that is surrendered to an animal shelter by the animal's owner may be disposed of before the expiration of the minimum holding period in a manner authorized under subsection (f) of this section if the owner

provides to the shelter (i) some proof of ownership of the animal and (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period.

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(i) An animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture. (2013-377, s. 2.)

§ 130A-192. Animals not wearing required rabies vaccination tags.

(a) The Animal Control Officer shall canvass the county to determine if there are any animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is found not wearing one, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer shall scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(a1) Before an animal may be put to death, it shall be made available for adoption as provided in G.S. 19A-32.1.

(a2) Repealed by Session Laws 2013-377, s. 3, effective July 29, 2013.

(a3) The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

(b) through (e) Repealed by Session Laws 2013-377, s. 3, effective July 29, 2013. (1935, c. 122, s. 8; 1983, c. 891, s. 2; 2009-304, s. 1; 2009-327, s. 7; 2013-377, s. 3.)