

The proposed changes to 02 NCAC 52J .0901 (amendment), .0902 (amendment), .0903 (adoption), .0904 (adoption) will be published in the NC Register on **March 15th, 2023**. The comment period will end on **May 15th, 2023**.

Written comments may be submitted during the open comment period to Anna Hayworth, NCDA&CS Rule-Making coordinator, to 1002 Mail Service Center, Raleigh, NC 27699 or rulesreview@ncagr.gov.

Any person may request a public hearing on the proposed rules by submitting a request in writing no later than March 30th, 2023 to Anna Hayworth, NCDA&CS Rule-Making coordinator, 1002 Mail Service Center, Raleigh, NC 27699 or at rulesreview@ncagr.gov.

02 NCAC 52J. 0901 is proposed for amendment as follows:

CHAPTER 52 - VETERINARY

SUBCHAPTER 52B - ANIMAL DISEASE

SECTION .0200 - ADMISSION OF LIVESTOCK TO NORTH CAROLINA

02 NCAC 52J .0901 ELIGIBLE EXPENSES

Eligible expenses include:

- (1) Veterinary costs – ~~Reimbursement~~Grant money may be requested for veterinary expenditures incurred for the assessment, diagnostic and triage evaluation, medical treatment, minor surgical treatment, medications, first aid and minor medical supplies, vaccinations, parasite control/treatment, or euthanasia of animals housed at the ~~shelter at the time of the event or impounded during the interim or transition period.~~shelter.
- (2) Sanitation costs – ~~Reimbursement~~Grant money may be requested for expenditures related to sanitation of the ~~affected~~ shelter, including detergent/disinfectant supplies, cleaning supplies, labor costs for the sanitation of the shelter, and waste and carcass disposal costs.
- (3) Animal sustenance and supplies – ~~Reimbursement~~Grant money may be requested for expenditures for animal food, provision of water to the shelter, and food and water bowls or buckets, as well as labor costs for the feeding and watering of the shelter animals.
- (4) Temporary housing and sheltering of animals – ~~Reimbursement~~Grant money may be requested for expenditures for animal cages and kennels, animal transport carriers, fencing panels for runs, tarps, fencing, dog or cat houses and other construction supplies, as well as labor costs or equipment or facility leasing expenses incurred during the construction or repair of temporary animal housing.
- (5) ~~Administrative Costs~~ – Grant money may be requested for administrative costs only if such costs are directly required for the facility to comply with the North Carolina Animal Welfare Act (AWA) or the rules adopted by the Board of Agriculture implementing that Act.
- (6) ~~Capital Expenditures~~ – Grant money may be requested for capital expenditures for facilities and equipment costs only if such costs are directly required for the facility to comply with the AWA or the rules adopted by the Board of Agriculture implementing that Act.

History Note: Authority G.S. 19A-67; 19A-68;
Temporary Adoption Eff. November 29, 2016;
Temporary Adoption Expired Eff. September 11, 2017;
Eff. November 1, 2017;
Readopted Eff. September 1, 2022.
Amended Eff. July 1, 2023.

02 NCAC 52J. 0902 is proposed for amendment as follows:

02 NCAC 52J .0902 APPLICATION GUIDELINES

(a) A local government applying for ~~reimbursement~~grant money from the Animal Shelter Support Fund (the Fund) shall submit the ~~request for reimbursement~~completed application form to the Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services.

~~(b) The request shall:~~

- ~~(1) be received by AWS by mail, email, or fax within 60 days of the date the eligible expense was incurred;~~
- ~~(2) include a completed "Animal Shelter Support Fund Reimbursement Application" with the county name, tier of county, facility name, facility license number, and contact information. This application can be found on the AWS website (<http://www.ncagr.gov/vet/AWS/>);~~
- ~~(3) include an itemized listing of eligible expenses for which reimbursement is sought;~~
- ~~(4) include proof that matching funds have been provided; and~~
- ~~(5) include proof of payment of the eligible expense. If the payment of expense occurs after the application was submitted, proof of payment shall be submitted to AWS within 30 days of payment of the expense.~~

~~(b) Application forms and instructions are available online at: <https://www.ncagr.gov/vet/aws/>.~~

To be eligible for consideration for grant funds from the Fund, applicants shall complete the Animal Shelter Support Fund Application Form. This application shall contain the following information:

- (1) local government information including the name and contact information for the municipal official that oversees the operation of the government animal shelter;
- (2) name, address and contact information for the animal shelter for which the funds are being applied;
- (3) a copy of the AWS Order of Suspension, AWS Order of Revocation, or AWS Facility Compliance Inspection report citing the specific violation(s) for which the county is applying for the grant funds;
or
- (4) the date and description of the incident and damage incurred by the unforeseen catastrophic disaster at the animal shelter;
- (5) an explanation of how the use of the grant funds will resolve or significantly mitigate the cited violation(s) of the AWA and its rules and how the applicant will ensure future compliance with the AWA and its associated rules.

*History Note: Authority G.S. 19A-67; 19A-68;
Temporary Adoption Eff. November 29, 2016;
Temporary Adoption Expired Eff. September 11, 2017;
Eff. November 1, 2017;
Readopted Eff. September 1, 2022.
Amended Eff. July 1, 2023.*

02 NCAC 52J. 0903 is proposed for adoption as follows:

02 NCAC 52J .0903 EVALUATION OF APPLICATIONS

(a) Each completed application shall be evaluated by the Animal Welfare Section (AWS) staff based on the information provided in the application.

(b) The staff shall review all applications for completeness. If an application is incomplete, the applicant shall be asked to reapply with a new, completed application.

(c) The following general criteria shall be used to evaluate the applications:

- (1) the completeness of the application including supporting documentation;
- (2) the explanation of how the compliance violations will be resolved or significantly mitigated with the use of the grant funds;
- (3) the completeness of the explanation of the plans to ensure future compliance with the AWA and its associated rules; or

- (4) in the incidence of an unforeseen catastrophic occurrence, the explanation of how the grant funds will be used to mitigate the damage done by the incident;
- (5) the amount of funds available;
- (6) the amount of funds requested; and
- (7) the order in which the application was received.

*History Note: Authority G.S. 19A-67; 19A-68;
Eff. July 1, 2023.*

02 NCAC 52J. 0904 is proposed for adoption as follows:

02 NCAC 52J .0904 GRANT CLOSEOUT REPORT

(a) The local government agency receiving a grant from the Fund shall submit a final Grant Closeout Report to AWS that contains the following information:

- (1) a detailed accounting of how the grant funds were spent;
- (2) the date by which the corrective actions for the items of non-compliance were completed; and
- (3) in the case of a disaster incident, the date by which the repairs or corrective actions were completed.

(b) In the event that the local government agency does not use all the grant funding awarded from the Fund, the remaining funds shall be returned to AWS within 14 days of the completion of the corrective actions or repairs. Returned funds shall be reimbursed to the Fund.

(c) In the event that AWS determines that the grant funds were not used for their intended purpose as stated in the application, the local government shall return the contested funds to AWS. Contested fund shall be reimbursed to the Fund.

(d) In the event that the local government agency does not spend the grant funding within 60 days of the award, the agency shall update the AWS on the status of the funds every 60 days until the Grant Closeout Report has been filed.

*History Note: Authority G.S. 19A-67; 19A-68;
Eff. July 1, 2023.*