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FAQ about Microchips

This document is solely intended meant to serve as a guideline for animal shelters subject to the North Carolina Animal Welfare Act (AWA) in response to the most common questions the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Veterinary Division, Animal Welfare Section (AWS) receives concerning the implantation of microchips in animals. These guidelines were developed in consultation with the North Carolina Veterinary Medical Board (NCVMB) for the questions concerning the implantation of microchips in animals owned by the public. These guidelines are not intended to be used as legal advice. If you or your business have a legal question or issue pertaining to the implantation of microchips, please consult your own legal counsel. Additionally, these guidelines are not intended to be a binding legal interpretation of any statute, rule, or ordinance promulgated or enforced by any other agency.

The implantation of a microchip is a veterinary medical procedure that falls under the jurisdiction of the NCVMB pursuant to the North Carolina Veterinary Practice Act (VPA) and its associated rules. The NCVMB has allowed a very narrow exemption for AWS-registered animal shelters to implant microchips into shelter-owned animals and places that activity under the jurisdiction of the AWS.

- 1) Can AWS-registered animal shelter personnel implant microchips in animals?
 - a. Employees of AWS-registered shelters may only implant microchips in animals that are owned by the shelter.
 - b. Employees of AWS-registered shelters may not implant microchips in animals that are owned by the public including animals housed at the shelter for bite quarantine or any other reason.
 - c. Employees of AWS-registered shelters may not implant microchips in animals that are suspected to be owned by the public or any stray that has any indication of ownership during the stray hold period.
 - d. Employees of AWS-registered shelters may not implant microchips in animals that are being reclaimed by the public.
 - e. Employees of AWS-registered shelters may not implant microchips into animals that are owned by the public and are part of a court case unless the court and/or prosecuting agency has requested or given permission to do so for health reasons or identification purposes. In this instance, an NC licensed veterinarian should be the one to implant the microchip. In general, it is advisable to always check with the court before taking action with regards to an animal that is part of a court case or being held as evidence.
 - f. Employees of AWS-registered shelters may not implant microchips in animals in which the adoption or rescue transfer process has begun. This means, once an animal is promised

to a particular person or rescue, then it can no longer be microchipped by shelter personnel. Prior to that point, the shelter can microchip the animal if it is owned by the shelter.

- 2) Which employees of AWS-registered shelters may implant a microchip into a shelter-owned animal?
- a. The best option is for an NC licensed veterinarian employed by or under contract with the shelter to implant the microchip.
 - b. The next best option would be for an NC Registered Veterinary Technician (RVT) to implant the microchip under the direct supervision of an NC licensed veterinarian. In this scenario the RVT and the veterinarian would need to be employed by or under contract with the shelter. An alternate scenario would be that if the veterinarian is under contract by the shelter and the RVT is an employee of the veterinarian, then the RVT may perform the microchipping if allowed by the NCVMB.
 - c. If neither option 2(a) or (b) is available, then a trained, experienced shelter employee may implant the microchip. The implantation of a microchip is a veterinary medical procedure. The AWA rules [02 NCAC 52J .0210(d)] require “adequate veterinary care” which in this instance means that the veterinary medical procedure was properly done by an adequately trained and experienced shelter employee. The absolute minimal training and experience in this instance would be classroom (virtual or in-person) training and verification of competency by a qualified instructor. Examples of the classroom portion are 1) an on-line course on the proper implantation of microchips, or 2) an in-person training given by the AWS-registered animal shelter’s veterinarian. The verification of competency could be observation by the shelter’s veterinarian of the employee properly implanting a microchip into a dog, puppy, cat and kitten. Courses in the correct implantation of microchips with a certificate of completion can be found online, some of which are at low or no cost. As always, it is advisable to document the training of any employee allowed by the shelter to perform this procedure. In the event of a negative outcome resulting from the implantation of a microchip, the training and experience of the personnel and the circumstances of the incident will be investigated by AWS.
- 3) What are some of the AWA rules that apply to the implantation of a microchip?
- a. First and foremost, the implantation of a microchip is a veterinary medical procedure. All the AWA rules that apply to veterinary care apply to this procedure.
 - b. The implantation of a microchip can only be done to shelter-owned animals. Shelters may not provide veterinary care to animals owned by the public and that applies to microchipping.
 - c. The documentation of the implantation of a microchip must comply with 02 NCAC 52J .0101(5) as well as the full written disclosure required by 02 NCAC 52J .0210(g).
 - d. The provision of this veterinary care (microchip implantation) must be adequate. This was partly addressed in answer (c) of Question 2 above. Adequate veterinary care means that it was done appropriately and in keeping with current veterinary standards of care. If there is any question that the implantation may risk the health or safety of the animal or the staff, then the implantation should not proceed.
 - e. The inclusion of the language in 02 NCAC 52J .0104(23) “For the purposes of this subchapter, insertion of a microchip is not considered to be a surgical procedure” was intended to distinguish it from veterinary medical procedures that are subject to the requirements of 02 NCAC 52J .0210(i)(3). This rule requires that all surgical procedures are performed by an NC licensed veterinarian and performed within the designated surgical area.

- 4) Can shelter personnel microchip an animal owned by the public if the county ordinance requires that a bite animal or an animal being reclaimed be microchipped?

County ordinances that require that bite animals or reclaimed animals to be microchipped do not nullify the NC Veterinary Practice Act statutes and its rules or the AWA and its rules. A county ordinance may require microchipping but that doesn’t mean that the shelter can violate the law to implant the microchip. There are other options that allow for compliance with this type of county

ordinance without violating the NC VPA or the AWA. Shelter administrators should address their concerns with their county administration and explore those options that allow for compliance with State statutes and County ordinances. If the shelter administration is concerned about the economic impact that the microchip requirement may have on the owners of the animals, then these concerns may also be addressed with the county administration.

5) Can an NC-licensed veterinarian employed by an AWS-registered shelter (and who is not employed elsewhere by a veterinary facility that has a NCVMB-issued facility permit) implant microchips during a rabies clinic or community outreach program?

According to the NCVMB, if the NC-licensed veterinarian employed by an AWS-registered shelter holds a valid NC veterinary license, then they may implant microchips in animals owned by the public during a rabies clinic or community outreach program.

6) Can an NC-licensed veterinarian employed by an AWS-registered shelter microchip publicly owned animals brought to or housed at the shelter?

According to the NCVMB, **unless** the veterinarian has a valid NC veterinary license issued by the NCVMB **and** the shelter holds a Facility Permit issued by the NCVMB, the veterinarian **cannot** provide veterinary services to the public.

7) What is a Facility Permit issued by the NCVMB?

This is a permit program by the NCVMB anticipated to be underway in the near future. It will allow a facility such as an animal shelter that employs an NC licensed veterinarian to apply for a permit to provide veterinary services to the public. Services offered could be standard veterinary care, preventative health care, spay/neuter surgeries, feral cat services, etc. The veterinary portion would be inspected by the NCVMB and subject to the NC Veterinary Practice Act and its rules. The remainder of the facility and its care and provision of services to the shelter-owned animals would remain under the jurisdiction of the AWA and subject to the AWA and its associated rules. This FAQ document will be updated once this NCVMB program is up and running.

Closing Caveat: Should there be a change in the underlying statutes or rules or the interpretation of such on which this document is based, then these guidelines may no longer be applicable.