**NC Animal Control Law:**

 **Highlights of the 2009 Legislative Changes**

**Aimee Wall**

**UNC School of Government**

During the 2009 session, the General Assembly adopted three significant pieces of legislation addressing animal control issues. Two of them amend the rabies laws found in G.S. 130A[[1]](#footnote-2) and the third amends the criminal laws related to reptiles.[[2]](#footnote-3)

**Rabies Vaccinations**

* Ferrets must be vaccinated. A local ordinance may exempt them from the tag requirement.
* Vaccinations may be administered by a registered veterinary technician under the supervision of a licensed veterinarian. Veterinarians and certified rabies vaccinators may still also administer vaccinations.
* Fee for county clinics changed. Administrative fee increased from $4 to $10. May still charge for the cost of the vaccine, certificate and tag.
* If an animal is exposed to rabies, destruction/quarantine is not required if it received a rabies vaccination at least 28 days prior to exposure (was 3 weeks) and receive a booster within 5 days of exposure (was 3 days).

**Animal Bites**

* If a stray or feral animal bites a person, animal control *must* make a “reasonable” attempt to locate the owner. If the owner is not identified within 72 hours,[[3]](#footnote-4) the local health director *may* authorize the animal be euthanized.
	+ Stray: An animal that (1) is beyond the limits of confinement or lost and (2) is not wearing any tags, microchips, tattoos, or other methods of identification.
	+ Feral: An animal that is not socialized.

**Animal Shelters**

* The public must have an opportunity to inspect animals impounded by a shelter. “A person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter…during at least four hours a day, three days a week.” Shelter may make “reasonable arrangements” for the public to learn about animals being kept apart from the public for health or safety reasons or to preserve evidence for criminal proceedings.
* Impounded animals must be made available for adoption, except when the shelter operator determines that the animal is unadoptable due to injury or defects of health or temperament. Before euthanizing any animal that is unadoptable because it is seriously ill or injured, the shelter manager must determine *in writing* that euthanasia is appropriate.
* Minimum 72-hour holding period applies to dogs and cats impounded for violations any state or local law (was limited to animals impounded for rabies violations). It also applies to surrendered animals unless the owner provides (1) proof of ownership and (2) written consent to euthanize immediately.
* Shelters are authorized to appoint a “finder” or “approved rescue organization” as an agent of the shelter for the limited purpose of holding the animal for the impoundment period. Shelters may also to place animals in foster care during the impoundment period. In either case, the shelter must keep a photograph of the animal at the shelter for the public to view.

**Animal Control Officer**

* The definition of the term “animal control officer,” as used in the rabies law, is revised: “A city or county employee whose responsibility includes animal control. The term “Animal Control Officer” also includes agents of a private organization that is operating an animal shelter under contract with a city or county whenever those agents are performing animal control functions at the shelter.”

**Reptiles**

* Venomous reptiles, large constricting snakes, and crocodilians must be housed in sturdy and secure enclosures that comply with certain requirements. If any such animal escape its enclosure, the owner or possessor must immediately inform local law enforcement.
* It is unlawful to handle any such reptile in a manner that intentionally or negligently exposes another person to unsafe contact with the reptile.
* If a person suffers a life threatening injury or is killed as a result of a violation of this law, the owner of the reptile may be charged with a Class A1 misdemeanor.
* If a person releases such a reptile into the wild, the person may be charged with a Class A1 misdemeanor.
1. S.L. 2009-304; S.L. 2009-327. [↑](#footnote-ref-2)
2. S.L. 2009-344. [↑](#footnote-ref-3)
3. Add 24 hours if the bite occurred on a weekend or State holiday. [↑](#footnote-ref-4)