

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1491*

Short Title: Spay/Neuter Program.

(Public)

Sponsors: Representatives Hill; Barefoot, Gibson, Mitchell, Owens, Haire, Hurley, and Weiss.

Referred to: Finance.

May 9, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A VOLUNTARILY FUNDED STATEWIDE
3 SPAY/NEUTER PROGRAM TO PROVIDE EDUCATION ON THE BENEFITS OF
4 SPAYING AND NEUTERING PETS AND TO PROVIDE FINANCIAL
5 ASSISTANCE TO COUNTIES AND CITIES OFFERING LOW-INCOME
6 PERSONS REDUCED-COST SPAY/NEUTER SERVICES FOR DOGS AND
7 CATS.

8 The General Assembly of North Carolina enacts:

9 Section 1. Chapter 19A of the General Statutes is amended by adding a new
10 Article to read:

11 **“ARTICLE 5.**
12 **"SPAY/NEUTER PROGRAM.**
13 **"§ 19A-50. Legislative findings.**

14 The General Assembly finds that the uncontrolled breeding of cats and dogs in the
15 State has led to unacceptable numbers of unwanted dogs, puppies and cats and kittens.
16 These unwanted animals become strays and constitute a public nuisance and a public
17 health hazard. The animals themselves suffer privation and death, are impounded, and
18 most are destroyed at great expense to local governments. It is the intention of the
19 General Assembly to provide a voluntary means of funding a spay/neuter program to

1 provide financial assistance to local governments offering low-income persons reduced-
2 cost spay/neuter services for their dogs and cats and to provide a statewide education
3 program on the benefits of spaying and neutering pets.

4 "§ 19A-51. Spay/Neuter Program established.

5 There is established in the Department of Health and Human Services a statewide
6 program to foster the spaying and neutering of dogs and cats for the purpose of reducing
7 the population of unwanted animals in the State. The program shall consist of the
8 following components:

9 (a) Education Program. – The Department shall establish a statewide program to
10 educate the public about the benefits of having cats and dogs spayed and neutered. The
11 Department may work cooperatively on the program with the North Carolina School of
12 Veterinary Medicine, other State agencies and departments, county and city health
13 departments and animal control agencies, and statewide and local humane organizations.
14 The Department may employ outside consultants to assist with the education program.

15 (b) Local Spay/Neuter Assistance Program. – The Department shall administer the
16 Spay/Neuter Account established in G.S. 19A-52. Monies deposited in the account shall
17 be available to reimburse eligible counties and cities for the direct costs of spay/neuter
18 surgeries for cats and dogs made available to low-income persons.

19 **"§ 19A-52. Spay/Neuter Account established.**

20 (a) Creation. – The Spay/Neuter Account is established as a nonreverting special
21 revenue account in the Department of Health and Human Services. The Account consists
22 of the following:

23 (1) Fifty cents (50¢) of the fee imposed by G.S. 130A-190(c) on the costs
24 of obtaining rabies vaccination tags from the Department of Health and
25 Human Services.

26 (2) Ten dollars (\$10.00) of the additional fee imposed by G.S. 20-79.7 for
27 an Animal Lovers special license plate.

28 (3) Any other funds available from appropriations by the General Assembly
29 or from contributions and grants from public or private sources.

30 (b) Use. – The revenue in the Account shall be used by the Department of Health
31 and Human Services as follows:

32 (1) Twenty percent (20%) shall be used to develop and implement the
33 statewide education program component of the Spay/Neuter Program
34 established in G.S. 19A-51(a).

35 (2) Up to twenty percent (20%) of the money in the Account may be used
36 to defray the costs of administering the Spay/Neuter Program
37 established in this Article. In the first year the fund is operational, the
38 Department shall use lapsed salary dollars within the Department to
39 fund a position to administer the Spay/Neuter Program. In subsequent
40 years, lapsed salary monies shall be used to supplement funding of the
41 administration of the program if revenue from the Spay/Neuter Account
42 is insufficient.

- 1 (3) Funds remaining after deductions for the education program and
2 administrative expenses shall be distributed quarterly to eligible
3 counties and cities seeking reimbursement for reduced-cost spay/neuter
4 surgeries performed during the previous year.

5 **"§ 19A-53. Eligibility for distributions from Spay/Neuter Account.**

6 (a) A county or city is eligible for reimbursement from the Spay/Neuter Account if
7 it meets both of the following conditions:

- 8 (1) The county or city levies an animal tax on dogs and cats under either
9 G.S. 153A-153 or G.S. 160A-212, and the amount of the tax levied on a
10 dog or cat that has not been spayed or neutered is at least three times
11 higher than the amount of the tax levied on a dog or cat that has been
12 spayed or neutered. A county or city may exempt from the higher tax
13 rate a person who owns five or more dogs or five or more cats and has
14 registered with the county or city as a dog breeder or a cat breeder.
15 Registration shall be on forms provided by the county or city and
16 accompanied by a registration fee of twenty-five dollars (\$25.00). Any
17 tax owed by a registered dog breeder or registered cat breeder pursuant
18 to G.S. 153A-153 or G.S. 160A-212 during the 12-month period
19 following registration shall be calculated as if the dogs or cats owned by
20 the registrant were spayed or neutered.

- 21 (2) The county or city offers one or more of the following programs to low-
22 income persons on a year-round basis for the purpose of reducing the
23 cost of spaying and neutering procedures for dogs and cats:

- 24 a. A spay/neuter clinic operated by the county or city.
25 b. A spay/neuter clinic operated by a private organization under
26 contract or other arrangement with the county or city.
27 c. A contract or contracts with one or more veterinarians, whether
28 or not located within the county, to provide reduced-cost spaying
29 and neutering procedures.
30 d. Subvention of the spaying and neutering costs incurred by low-
31 income pet owners through the use of vouchers or other
32 procedure that provides a discount of the cost of the spaying or
33 neutering procedure fixed by a participating veterinarian or other
34 provider.
35 e. Subvention of the spaying and neutering costs incurred by
36 persons who adopt a pet from an animal shelter operated by or
37 under contract with the county or city.

38 (b) For purposes of this Article, the term "low-income person" shall mean an
39 individual who qualifies for one or more of the programs of public assistance
40 administered by the Department pursuant to Chapter 108A of the General Statutes.

41 **"§ 19A-54. Distributions to counties and cities from Spay/Neuter Account.**

42 (a) Reimbursable Costs. – Counties and cities eligible for distributions from the
43 Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter

1 surgical procedure for a dog or cat owned by a low-income person meeting the
2 Department's eligibility requirements for spay/neuter services. Reimbursable costs shall
3 include anesthesia medication, and veterinary services. Counties and cities shall not be
4 reimbursed for the administrative costs of providing reduced-cost spay/neuter services or
5 capital expenditures for facilities and equipment associated with the provision of such
6 services.

7 (b) Application. – A county or city eligible for reimbursement of spaying and
8 neutering costs from the Spay/Neuter Account shall apply to the Department of Health
9 and Human Services by the last day of January, April, July, and October of each year to
10 receive a distribution from the Account for that quarter. The application shall be
11 submitted in the form required by the Department and shall include an itemized listing of
12 the costs for which reimbursement is sought.

13 (c) Distribution. – The Department shall make payments from the Spay/Neuter
14 Account to eligible counties and cities who have made timely application for
15 reimbursement within 30 days of the closing date for receipt of applications for that
16 quarter. In the event that total requests for reimbursement exceed the amounts available
17 in the Spay/Neuter Account for distribution, the monies available will be distributed as
18 follows:

19 (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account
20 shall be reserved for reimbursement for eligible applicants within
21 enterprise tier one, two, and three areas as defined in G.S. 105-129.3.
22 The remaining fifty percent (50%) of the funds shall be used to fund
23 reimbursement requests from eligible applicants in enterprise tier four
24 and five areas as defined in G.S. 105-129.3.

25 (2) Among the eligible counties and cities in enterprise tier one, two, and
26 three areas, reimbursement shall be made to each eligible county or city
27 in proportion to the number of dogs and cats that have received rabies
28 vaccinations during the preceding fiscal year in that county or city as
29 compared to the number of dogs and cats that have received rabies
30 vaccinations during the preceding fiscal year by all of the eligible
31 applicants in enterprise tier one, two, or three areas.

32 (3) Among the eligible counties and cities in enterprise tier four and five
33 areas, reimbursement shall be made to each eligible county or city in
34 proportion to the number of dogs and cats that have received rabies
35 vaccinations during the preceding fiscal year in that county or city as
36 compared to the number of dogs and cats that have received rabies
37 vaccinations during the preceding fiscal year by all of the eligible
38 applicants in enterprise tier four and five areas.

39 (4) Should funds remain available from the fifty percent (50%) of the
40 Spay/Neuter Account designated for enterprise tier one, two, or three
41 areas after reimbursement of all claims by eligible applicants in those
42 areas, the remaining funds shall be made available to reimburse eligible
43 applicants in enterprise tier four and five areas.”

1 Section 2. G.S. 130A-190 reads as rewritten:

2 **"§ 130A-190. Rabies vaccination tags.**

3 (a) A licensed veterinarian or a certified rabies vaccinator who administers rabies
4 vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The
5 rabies vaccination tag shall show the year issued, a vaccination number, the words "North
6 Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs and cats shall wear
7 rabies vaccination tags at all times. However, cats may be exempted from wearing the
8 tags by local ordinance. Rabies

9 (b) Rabies vaccination tags, links and rivets may be obtained from the Department.
10 The Secretary is authorized to establish by rule a fee for the rabies tags, links and rivets.
11 Except as otherwise authorized in this section, the fee shall not exceed the actual cost of
12 the rabies tags, links and rivets, plus transportation costs. The Secretary may increase the
13 fee beyond the actual cost plus transportation, by an amount not to exceed five cents
14 (\$.05) per tag, to fund rabies education and prevention programs.

15 (c) The Department shall make available a special edition rabies tag to be known
16 as the "I Care" tag. This tag shall be different in shape from the standard tag and shall
17 carry the inscription "I Care" in addition to the information required by subsection (a) of
18 this section. The Secretary is authorized to establish a fee for the "I Care" rabies tag equal
19 to the amount set forth in subsection (b) of this section plus an additional fifty cents
20 (\$.50). The additional fifty cents (\$.50) shall be credited to the Spay/Neuter Account
21 established in G.S. 19A-52."

22 Section 3. G.S. 20-81.12(b10) reads as rewritten:

23 "(b10) Animal Lovers Plates. – The Division must receive 300 or more applications
24 before an animal lovers plate may be developed. The Division shall transfer quarterly the
25 money in the Collegiate and Cultural Attraction Plate Account derived from the sale of
26 the animal lovers plate to the ~~Department of Health and Human Services to create a statewide~~
27 ~~program to promote spaying and neutering of dogs and cats.~~ Spay/Neuter Account established
28 in G.S. 19A-50."

29 Section 4. G.S. 130A-197 reads as rewritten:

30 **"§ 130A-197. Infected dogs and cats to be destroyed; protection of vaccinated dogs**
31 **and cats.**

32 ~~A~~ When the local health director reasonably suspects that a dog or cat bitten by has
33 been exposed to the saliva or nervous tissue of a proven rabid animal or animal
34 reasonably suspected of having rabies that is not available for laboratory diagnosis
35 diagnosis, the dog or cat shall be considered to have been exposed to rabies. A dog or cat
36 exposed to rabies shall be destroyed immediately by its owner, the county Animal
37 Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies
38 in accordance with this Part and the rules of the Commission more than three weeks prior
39 to being bitten, exposed, and is given a booster dose of rabies vaccine within three days of
40 the bite exposure. As an alternative to destruction, the dog or cat may be quarantined at a
41 veterinary hospital or animal control facility for a period of six months at the discretion
42 of, and under conditions imposed by, the local health director."

1 Section 5. Every county or city animal shelter, or animal shelter operated
2 under contract with a county or city or otherwise in receipt of State or local funding shall
3 prepare an annual report setting forth the numbers, by species, of animals received into
4 the shelter, the number adopted out, the number returned to owner, and the number
5 destroyed. The report shall also contain the total operating expenses of the shelter and
6 the cost per animal handled. The report shall be filed with the Department of Health and
7 Human Services by August 1 of each year.

8 Section 6. The Department of Health and Human Services shall establish a
9 pilot program for animal control in one of the counties within the enterprise tier one area,
10 as defined in G.S. 105-29.3, that does not have an existing animal control program and
11 that meets the qualifications established in this section.

12 The Department shall select a county to participate from among those
13 counties applying to the Department for consideration for the pilot program. Counties
14 wishing to participate should submit a written application to the Department describing in
15 detail the animal control problems in the county, the proposed animal control program to
16 be implemented with the funding available through the pilot program, and the expected
17 results from the program. The Department shall make its selection based on its
18 determination of where the pilot program would most effectively reduce the population of
19 unwanted cats and dogs and enhance public health and safety. The decision of the
20 Department as to the county chosen to participate in the pilot program shall be final.

21 To qualify to participate in the program, a county shall establish a
22 differentiated tax on dogs and cats and offer a reduced cost spay/neuter program to low-
23 income persons as provided in G.S. 19A-53(a). The county selected shall be required to
24 provide a fifty percent (50%) match to any State funds that are allocated for the local
25 animal control program. The county shall keep records of the number of cats and dogs
26 spayed and neutered under the reduced cost spay/neuter program and shall report the
27 results of the pilot program on animal control problems in the county to the Department
28 on a semiannual basis.

29 Funding for the program shall be from the Spay/Neuter Account established
30 pursuant to G.S. 19A-52 from funds received from the sale of Animal Lovers special
31 license plates pursuant to G.S. 20-79.7 and shall not exceed fifty percent (50%) of the
32 funds available from the sale of the special license plate or fifty thousand dollars
33 (\$50,000), whichever is less.

34 Section 7. This act becomes effective January 1, 2001.