

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 1184
RATIFIED BILL

AN ACT TO ESTABLISH A VOLUNTARILY FUNDED STATEWIDE SPAY/NEUTER PROGRAM TO PROVIDE EDUCATION ON THE BENEFITS OF SPAYING AND NEUTERING PETS AND TO PROVIDE FINANCIAL ASSISTANCE TO COUNTIES AND CITIES OFFERING LOW-INCOME PERSONS REDUCED-COST SPAY/NEUTER SERVICES FOR DOGS AND CATS.

The General Assembly of North Carolina enacts:

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

**"ARTICLE 5.
"SPAY/NEUTER PROGRAM.**

"§ 19A-50. Legislative findings.

The General Assembly finds that the uncontrolled breeding of cats and dogs in the State has led to unacceptable numbers of unwanted dogs, puppies and cats and kittens. These unwanted animals become strays and constitute a public nuisance and a public health hazard. The animals themselves suffer privation and death, are impounded, and most are destroyed at great expense to local governments. It is the intention of the General Assembly to provide a voluntary means of funding a spay/neuter program to provide financial assistance to local governments offering low-income persons reduced-cost spay/neuter services for their dogs and cats and to provide a statewide education program on the benefits of spaying and neutering pets.

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

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

- (1) Education Program. – The Department shall establish a statewide program to educate the public about the benefits of having cats and dogs spayed and neutered. The Department may work cooperatively on the program with the North Carolina School of Veterinary Medicine, other State agencies and departments, county and city health departments and animal control agencies, and statewide and local humane organizations. The Department may employ outside consultants to assist with the education program.
- (2) Local Spay/Neuter Assistance Program. – The Department shall administer the Spay/Neuter Account established in G.S. 19A-52. Monies deposited in the account shall be available to reimburse eligible counties and cities for the direct costs of spay/neuter surgeries for cats and dogs made available to low-income persons.

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

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

- (1) Fifty cents (50¢) of the fee imposed by G.S. 130A-190(c) on the costs of obtaining rabies vaccination tags from the Department of Health and Human Services.
- (2) Ten dollars (\$10.00) of the additional fee imposed by G.S. 20-79.7 for an Animal Lovers special license plate.
- (3) Any other funds available from appropriations by the General Assembly or from contributions and grants from public or private sources.

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

- (1) Twenty percent (20%) shall be used to develop and implement the statewide education program component of the Spay/Neuter Program established in G.S. 19A-51(a).
- (2) Up to twenty percent (20%) of the money in the Account may be used to defray the costs of administering the Spay/Neuter Program established in this Article.
- (3) Funds remaining after deductions for the education program and administrative expenses shall be distributed quarterly to eligible counties and cities seeking reimbursement for reduced-cost spay/neuter surgeries performed during the previous year.

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

(a) A county or city is eligible for reimbursement from the Spay/Neuter Account if it meets the following condition:

- (1) The county or city offers one or more of the following programs to low-income persons on a year-round basis for the purpose of reducing the cost of spaying and neutering procedures for dogs and cats:
 - a. A spay/neuter clinic operated by the county or city.
 - b. A spay/neuter clinic operated by a private organization under contract or other arrangement with the county or city.
 - c. A contract or contracts with one or more veterinarians, whether or not located within the county, to provide reduced-cost spaying and neutering procedures.
 - d. Subvention of the spaying and neutering costs incurred by low-income pet owners through the use of vouchers or other procedure that provides a discount of the cost of the spaying or neutering procedure fixed by a participating veterinarian or other provider.
 - e. Subvention of the spaying and neutering costs incurred by persons who adopt a pet from an animal shelter operated by or under contract with the county or city.

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

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

(a) Reimbursable Costs. – Counties and cities eligible for distributions from the Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter surgical procedure for a dog or cat owned by a low-income person meeting the Department's eligibility requirements for spay/neuter services. Reimbursable costs shall include anesthesia, medication, and veterinary services. Counties and cities shall not be reimbursed for the administrative costs of providing reduced-cost spay/neuter services or capital expenditures for facilities and equipment associated with the provision of such services.

(b) Application. – A county or city eligible for reimbursement of spaying and neutering costs from the Spay/Neuter Account shall apply to the Department of Health and Human Services by the last day of January, April, July, and October of each year to

receive a distribution from the Account for that quarter. The application shall be submitted in the form required by the Department and shall include an itemized listing of the costs for which reimbursement is sought.

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

- (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account shall be reserved for reimbursement for eligible applicants within enterprise tier one, two, and three areas as defined in G.S. 105-129.3. The remaining fifty percent (50%) of the funds shall be used to fund reimbursement requests from eligible applicants in enterprise tier four and five areas as defined in G.S. 105-129.3.
- (2) Among the eligible counties and cities in enterprise tier one, two, and three areas, reimbursement shall be made to each eligible county or city in proportion to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year in that county or city as compared to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year by all of the eligible applicants in enterprise tier one, two, or three areas.
- (3) Among the eligible counties and cities in enterprise tier four and five areas, reimbursement shall be made to each eligible county or city in proportion to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year in that county or city as compared to the number of dogs and cats that have received rabies vaccinations during the preceding fiscal year by all of the eligible applicants in enterprise tier four and five areas.
- (4) Should funds remain available from the fifty percent (50%) of the Spay/Neuter Account designated for enterprise tier one, two, or three areas after reimbursement of all claims by eligible applicants in those areas, the remaining funds shall be made available to reimburse eligible applicants in enterprise tier four and five areas."

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

"§ 130A-190. Rabies vaccination tags.

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

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

(c) The Department shall make available a special edition rabies tag to be known as the "I Care" tag. This tag shall be different in shape from the standard tag and shall carry the inscription "I Care" in addition to the information required by subsection (a) of this section. The Secretary is authorized to establish a fee for the "I Care" rabies tag equal to the amount set forth in subsection (b) of this section plus an additional fifty

cents (\$.50). The additional fifty cents (\$.50) shall be credited to the Spay/Neuter Account established in G.S. 19A-52."

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

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

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

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

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

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

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

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

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

Funding for the program shall be from the Spay/Neuter Account established pursuant to G.S. 19A-52 from funds received from the sale of Animal Lovers special license plates pursuant to G.S. 20-79.7 and shall not exceed fifty percent (50%) of the

funds available from the sale of the special license plate or fifty thousand dollars (\$50,000), whichever is less.

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

In the General Assembly read three times and ratified this the 12th day of July, 2000.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 2000