

## DOG LAWS 101

### NORTH CAROLINA LAWS ALREADY ON THE BOOKS (some of the main statutes)

#### **North Carolina Statutes (2011)**

Chapter 19A. Protection of Animals (§§ 19A-1 - 19A-70)

**Article 1. Civil Remedy for Protection of Animals** (§§ 19A-1 - 19A-9)

**Article 2. Protection of Black Bears** (§§ 19A-10 - 19A-19)

**Article 3. Animal Welfare Act** (§§ 19A-20 - 19A-44)

**Article 4. Animal Cruelty Investigators** (§§ 19A-45 - 19A-59)

**Article 5. Spay/Neuter Program** (§§ 19A-60 - 19A-69)

**Article 6. Care of Animal Subjected to Illegal Treatment** (§§ 19A-70)

#### **North Carolina Statutes (2011)**

**Chapter 19A. Protection of Animals** (§§ 19A-1 - 19A-70)

Article 3. Animal Welfare Act (§§ 19A-20 - 19A-44)

#### ***Article 3. Animal Welfare Act [Combined]***

**§ 19A-20. Title of Article**

**§ 19A-21. Purposes**

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**§ 19A-42 through 19A-44. Reserved for future codification purposes**

### **§ 19A-21. Purposes**

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use; (iv) to insure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the sale, trade or adoption of those animals which show physical signs of infection, communicable disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade or adoption.

### **§ 19A-23. Definitions**

For the purposes of this Article, the following terms, when used in the Article or the rules or orders made pursuant thereto, shall be construed respectively to mean:

(1) "Adequate feed" means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

(2) "Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

(3) "Ambient temperature" means the temperature surrounding the animal.

(4) "Animal" means any domestic dog (*Canis familiaris*), or domestic cat (*Felis domestica*).

(5) "Animal shelter" means a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

(5a) "Boarding kennel" means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

(6) "Commissioner" means the Commissioner of Agriculture of the State of North Carolina.

(7) "Dealer" means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate animals to another dealer, pet shop, or research facility; provided, however, that an individual who breeds and raises on his own premises no more than the offspring of five canine or feline females per year, unless bred and raised specifically for research purposes shall not be considered to be a dealer for the purposes of this Article.

(8) "Director" means the Director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture and Consumer Services.

(9) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(10) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(11) "Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(12) "Pet shop" means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

(13) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage compartment or hutch.

(14) "Public auction" means any place or location where dogs or cats are sold at auction to the highest bidder regardless of whether such dogs or cats are offered as individuals, as a group, or by weight.

(15) "Research facility" means any place, laboratory, or institution at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

(16) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health.

**History.** Amended by 2005 N.C. Sess. Laws 276, s. 11.5.(a), eff. 10/1/2005.

#### **§ 19A-35. Penalty for failure to adequately care for animals; disposition of animals**

Failure of any person licensed or registered under this Article to adequately house, feed, and water animals in his possession or custody shall constitute a Class 3 misdemeanor, and such person shall be subject to a fine of not less than five dollars (\$5.00) per animal or more than a total of one thousand dollars (\$1,000). Such animals shall be subject to seizure and impoundment and upon conviction may be sold or euthanized at the discretion of the Director and such failure shall also constitute grounds for revocation of license after public hearing.

#### **§ 19A-40. Civil Penalties**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

#### **§ 19A-41. Legal representation by the Attorney General**

It shall be the duty of the Attorney General to represent the Commissioner of Agriculture and the Department of Agriculture and Consumer Services, or to designate some member of his staff to represent the Commissioner and the Department, in all actions or proceedings in connection with this Article.

#### **§ 19A-70. Care of animal subjected to illegal treatment**

(a) In every arrest under any provision of Article 47 of Chapter 14 of the General Statutes or under G.S. 67-4.3 or upon the commencement of an action under Article 1 of this Chapter by a county or municipality, by a county-approved animal cruelty investigator, by other county or municipal official, or by an organization operating a county or municipal shelter under contract, if an animal shelter takes custody of an animal, the operator of the shelter may file a petition with the court requesting that the defendant be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses expected to be incurred by the animal shelter in caring for and providing for the animal pending the disposition of the litigation. For purposes of this section, "reasonable expenses" includes the cost of providing food, water, shelter, and care, including medical care, for at least 30 days.

(b) Upon receipt of a petition, the court shall set a hearing on the petition to determine the need to care for and provide for the animal pending the disposition of the litigation. The hearing shall be conducted no less than 10 and no more than 15 business days after the petition is filed. The operator of the animal shelter shall mail written notice of the hearing and a copy of the petition to the defendant at the address contained in the criminal charges or the complaint or summons by which a civil action was initiated. If the defendant is in a local detention facility at the time the petition is filed, the operator of the animal shelter shall also provide notice to the custodian of the detention facility.

(c) The court shall set the amount of funds necessary for 30 days' care after taking into consideration all of the facts and circumstances of the case, including the need to care for and provide for the animal pending the disposition of the litigation, the recommendation of the operator of the animal shelter, the estimated cost of caring for and providing for the animal, and the

defendant's ability to pay. If the court determines that the defendant is unable to deposit funds, the court may consider issuing an order under subsection (f) of this section.

Any order for funds to be deposited pursuant to this section shall state that if the operator of the animal shelter files an affidavit with the clerk of superior court, at least two business days prior to the expiration of a 30-day period, stating that, to the best of the affiant's knowledge, the case against the defendant has not yet been resolved, the order shall be automatically renewed every 30 days until the case is resolved.

(d) If the court orders that funds be deposited, the amount of funds necessary for 30 days shall be posted with the clerk of superior court. The defendant shall also deposit the same amount with the clerk of superior court every 30 days thereafter until the litigation is resolved, unless the defendant requests a hearing no less than five business days prior to the expiration of a 30-day period. If the defendant fails to deposit the funds within five business days of the initial hearing, or five business days of the expiration of a 30-day period, the animal is forfeited by operation of law. If funds have been deposited in accordance with this section, the operator of the animal shelter may draw from the funds the actual costs incurred in caring for the animal.

In the event of forfeiture, the animal shelter may determine whether the animal is suitable for adoption and whether adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household. If the adopted animal is a dog used for fighting, the animal shelter shall notify any persons adopting the dog of the liability provisions for owners of dangerous dogs under Article 1A of Chapter 67 of the General Statutes. If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, the shelter shall humanely euthanize the animal.

(e) The deposit of funds shall not prevent the animal shelter from disposing of the animal prior to the expiration of the 30-day period covered by the deposit if the court makes a final determination of the charges or claims against the defendant. Upon determination, the defendant is entitled to a refund for any portion of the deposit not incurred as expenses by the animal shelter. A person who is acquitted of all criminal charges or not found to have committed animal cruelty in a civil action under Article 1 of this Chapter is entitled to a refund of the deposit remaining after any draws from the deposit in accordance with subsection (d) of this section.

(f) Pursuant to subsection (c) of this section, the court may order a defendant to provide necessary food, water, shelter, and care, including any necessary medical care, for any animal that is the basis of the charges or claims against the defendant without the removal of the animal from the existing location and until the charges or claims against the defendant are adjudicated. If the court issues such an order, the court shall provide for an animal control officer or other law enforcement officer to make regular visits to the location to ensure that the animal is receiving necessary food, water, shelter, and care, including any necessary medical care, and to impound the animal if it is not receiving those necessities.

**History.** Amended by 2006 N.C. Sess. Laws 113, s. 2.1, eff. 12/1/2006.

## **Chapter 14. Criminal Law (§§ 14-1 - 14-461)**

### **Subchapter XI. GENERAL POLICE REGULATIONS (§§ 14-289 - 14-461)**

#### **Article 47. Cruelty to Animals (§§ 14-360 - 14-363.2)**

##### **§ 14-360. Cruelty to animals; construction of section**

##### **§ 14-360.1. Immunity for veterinarian reporting animal cruelty**

##### **§ 14-361. Instigating or promoting cruelty to animals**

##### **§ 14-361.1. Abandonment of animals**

##### **§ 14-362. Cockfighting**

##### **§ 14-362.1. Animal fights and baiting, other than cock fights, dog fights and dog baiting**

##### **§ 14-362.2. Dog fighting and baiting**

##### **§ 14-362.3. Restraining dogs in a cruel manner**

##### **§ 14-363. Conveying animals in a cruel manner**

##### **§ 14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden**

##### **§ 14-363.2. Confiscation of cruelly treated animals**

#### **§ 14-360. Cruelty to animals; construction of section**

(a) If any person shall intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor.

(a1) If any person shall maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.

(b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class H felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(c) As used in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an act committed knowingly and without justifiable excuse, while the word "maliciously" means an act committed intentionally and with malice or bad motive. As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. However, this section shall not apply to the following activities:

(1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds exempted by the Wildlife Resources Commission from its definition of "wild birds" pursuant to G.S. 113-129(15a).

(2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.

(2a) Lawful activities conducted for the primary purpose of providing food for human or animal consumption.

(3) Activities conducted for lawful veterinary purposes.

(4) The lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health.

(5) The physical alteration of livestock or poultry for the purpose of conforming with breed or show standards.

**History.** Amended by 2010 N.C. Sess. Laws 16, ss. 1, 2, eff. 12/1/2010.

Amended by 2007 N.C. Sess. Laws 211, s. 2, eff. 7/11/2007, s. 1, eff. 12/1/2007.

#### **§ 14-361. Instigating or promoting cruelty to animals**

If any person shall willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, he shall be guilty of a Class 1 misdemeanor.

##### **§ 14-361.1. Abandonment of animals**

Any person being the owner or possessor, or having charge or custody of an animal, who willfully and without justifiable excuse abandons the animal is guilty of a Class 2 misdemeanor.

#### **§ 14-363. Conveying animals in a cruel manner**

If any person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhuman manner, he shall be guilty of a Class 1 misdemeanor. Whenever an offender shall be taken into custody therefor by any officer, the officer may take charge of such vehicle or other conveyance and its contents, and deposit the same in some safe place of custody. The necessary expenses which may be incurred for taking charge of and keeping and sustaining the vehicle or other conveyance shall be a lien thereon, to be paid before the same can be lawfully reclaimed; or the said expenses, or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of such animal in an action therefor.

## EXAMPLE OF LAWS INTRODUCED IN NC IN 2011

*House Bill 426/Senate Bill 2*, called "Chamberlin's Law," would have expanded the state's cruelty laws and lowered the standard for the definition of cruelty from an act that is "intentional" to an act that is only "reckless." While exceptions are made in current law for physical alteration of livestock and poultry to conform to breed standards, no exception is made for dogs. Anyone who is found guilty could have been prohibited from owning or having custody of dogs for an established period of time, and ordered to receive a psychiatric or psychological evaluation at his own expense. HB 426 was referred to the House Committee on Judiciary B. SB 2 was re-referred to the Committee on Rules and Operations of the Senate. Neither bill was scheduled for a hearing.

### A BILL to amend the laws regarding cruelty to animals.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-360 reads as rewritten:

#### **"§ 14-360. Cruelty to animals; construction of section.**

(a) If any person shall ~~intentionally~~recklessly overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor.

(a1) If any person shall ~~maliciously~~recklessly kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.

(b) If any person shall ~~maliciously~~or intentionally torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class H felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(b1) If any person pleads guilty or nolo contendere or is found guilty under subsection (b) of this section, the court may, in addition to the penalties provided for in G.S. 15A-1340.17, do any of the following:

(1) Prohibit the person convicted from having custody of animals for any period of time the court determines to be reasonable or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals. If any person violates any prohibition or restriction imposed by the sentencing court under this subdivision, that person shall be guilty of a Class 1 misdemeanor.

(2) Order the person convicted to receive a psychiatric or psychological evaluation and, if determined appropriate, to receive psychiatric or psychological counseling or treatment. The cost of any evaluation, counseling, or treatment ordered under this section shall be paid by the person ordered to receive the evaluation, counseling, or treatment.

(c) As used in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an act committed knowingly and without justifiable excuse, while the word "maliciously" means an act committed intentionally and with malice or bad motive. As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. However, this section shall not apply to the following activities:

- (1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds exempted by the Wildlife Resources Commission from its definition of "wild birds" pursuant to G.S. 113-129(15a).
- (2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
- (2a) Lawful activities conducted for the primary purpose of providing food for human or animal consumption.
- (3) Activities conducted for lawful veterinary purposes.
- (4) The lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health.
- (5) The physical alteration of livestock or poultry for the purpose of conforming with breed or show standards."

**SECTION 2.** Article 47 of Chapter 14 of the General Statutes is amended by adding a new section to read:

#### **"§ 14-362.4. Failing to provide adequate shelter to dogs.**

(a) For the purposes of this section, "adequate shelter" means, at a minimum, an artificial shelter with a waterproof roof that reasonably may be expected to protect a dog from physical suffering or impairment of health due to exposure to the elements of adverse weather. A metal or plastic barrel is not adequate shelter for a dog.

(b) A person who owns or has custody of a dog and intentionally fails to provide the dog with adequate shelter is guilty of a Class 1 misdemeanor."

**SECTION 3.** This act becomes effective December 1, 2011, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

## POTENTIALLY GOOD LEGISLATION

A BILL TO BE ENTITLED to establish the Spay/Neuter advisory board and the spay/neuter donation and memorial fund.

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 4A.

"Spay/Neuter Advisory Board and Spay/Neuter Donation and Memorial Fund.

**"§ 19A-59. Spay/Neuter Advisory Board.**

(a) There is established the Spay/Neuter Advisory Board of the Department of Agriculture and Consumer Services. The duties of the Spay/Neuter Advisory Board are to promote spay/neuter initiatives and to oversee the expenditure of funds in the Spay/Neuter Donation and Memorial Fund established in G.S. 19A-59.1.

(b) The Spay/Neuter Advisory Board shall consist of eight members as follows:

- (1) One person with experience in advocating spay/neuter, to be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- (2) One person with experience in advocating spay/neuter, to be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (3) Two veterinarians, one to be appointed by the North Carolina Veterinary Board and one to be appointed by the faculty of the North Carolina School of Veterinary Medicine.
- (4) Two managers of animal shelters or their designees, one to be appointed by the North Carolina Association of County Commissioners and one to be appointed by the North Carolina League of Municipalities.
- (5) The President of the North Carolina Federation of Dog Clubs, or the President's designee.
- (6) The Director of the Animal Welfare Section, Animal Health Division, Department of Agriculture and Consumer Services, or the Director's designee.

(c) In order for the terms of members to be staggered, one initial member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one initial member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, the initial veterinarian appointed by the North Carolina Veterinary Board, and the initial animal shelter manager appointed by the North Carolina Association of County Commissioners shall serve two-year terms. The remainder of the initial appointees shall serve for four-year terms. Subsequent terms shall be for four years. Initial terms shall begin July 1, 2011.

(d) All current members shall continue to serve until the expiration of their terms unless a member is removed or the position becomes vacant, in which case the vacancy shall be filled in accordance with subsection (e) of this section.

(e) The appointing authorities provided for in subsection (a) of this section may remove any member for good cause shown and shall fill any vacancies on the Board. Members appointed to fill vacancies shall serve the remainder of the unexpired term and until their successors have been appointed and qualified.

(f) Members of the Board shall serve as volunteers and shall not receive reimbursement for expenses.

**"§ 19A-59.1. Spay/Neuter Donation and Memorial Fund.**

(a) The Spay/Neuter Donation and Memorial Fund is established as a nonreverting, interest-bearing special account in the Department of Agriculture and Consumer Services. The Fund shall consist of donations, memorials, and other private contributions made to the Fund for the purpose of spaying and neutering dogs and cats in order to reduce the population of unwanted animals in the State. The Fund shall be separate from the Spay/Neuter Account established in G.S. 19A-62. Monies in the Fund shall be used only to reimburse eligible counties, cities, and nonprofit organizations for the direct costs of spay/neuter surgeries for dogs and cats, including feral cats; provided that up to two percent (2%) of the fund annually may be used to defray the administrative costs for the Fund.

(b) A county, city, or nonprofit organization is eligible for reimbursement from the Spay/Neuter Donation and Memorial Fund if the Spay/Neuter Advisory Board established in G.S. 19A-59 determines that the county, city, or nonprofit organization 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. For purposes of this section, the term "low-income person" shall mean an individual whose income is less than three hundred percent (300%) of the federal poverty guidelines. Programs offered also shall provide reduced-cost spaying and neutering procedures for feral cats, regardless of the income status of the person presenting the feral cat for spaying or neutering.

- (1) A spay/neuter clinic operated by the county, city, or nonprofit organization.
- (2) A spay/neuter clinic operated by a private organization under contract or other arrangement with the county, city, or nonprofit organization.
- (3) A contract or contracts with one or more veterinarians, whether or not located within the county, to provide reduced-cost spaying and neutering procedures.

(4) Subvention of the spaying and neutering costs incurred by 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.

(5) 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, city, or nonprofit organization.

(c) In February of each year, the Department shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all contributions made to the Fund and all reimbursements made by the Fund as provided in this section."

**SECTION 2.** This act becomes effective July 1, 2011.

## OTHER LEGISLATION LIKELY FOR 2012 and BEYOND

Breeder's Licensing Laws at State and local levels. (See Federal Legislation below, outlining problems with that potential legislation)

Additional Amendments on the Definition to "Cruelty to Animals".

Problems (Part of the Discussion):

1. Definitions are often overbroad. For instance: a breeder, by "definition" may include someone who occasionally breeds a litter of puppies (but may have ownership interests in several dogs for breeding and showing purposes). The major problem is that definitions are vague and subject to interpretation by "policing authorities", who may have no experiencing and training in the area, often interpreted arbitrarily, and often without recourse. Many proposed laws change the standard for "criminal intent" to a lower standard, which may be a violation of one's constitutional rights.
2. Regulations are unduly burdensome on the average responsible owner of dogs who may be unaware of new laws. This violates the basic liberties to own animals, and in particular, family pets, without interference from government or "do gooders" who "know better".
3. North Carolina already has effective laws criminalizing animal negligence and cruelty, as well as regulation of "dealers". More legislation does not necessarily protect against certain people who are abusing dogs and should be prosecuted under existing laws; at best it puts average people who are responsible owners and who love their dogs being at risk that they may be violating an unreasonable law, arbitrarily enforced against them. Most new proposed laws will do nothing to protect the health or welfare of dogs in North Carolina. North Carolina's existing animal protection statutes, if properly enforced, actually do a better job of protecting dogs.
4. To adequately enforce proposed new laws, the state would have to add enforcement officials at a significant cost. Most new legislation creates new, unfunded mandates for counties; they do not, however, provide funding for this. In this difficult economic climate, it is unnecessary and unwise to create costly new programs that requires North Carolina counties and their taxpayers to find the funding to properly implement them.

## FEDERAL LEGISLATION IN THE WORKS

### **111Federal Puppy Uniform Protection and Safety Act (PUPS) HR 5434 and S3424**

#### **Who is Included and The Effects**

PUPS would create a new category of breeder, "High Volume Retail Breeder." High Volume Retail Breeders would be required to be licensed by USDA under the Animal Welfare Act/AWA. They would be defined based on their ownership of or of having of ownership interests in one or more "breeding female dogs," and sales, or offer to sell, by any means, of more than 50 of the offspring of those "breeding female dogs" in any 1-year period. In the past, legislation has excluded home/hobby breeders since they are exempt under the AWA from federal licensing. However, in this bill, home/hobby breeders would be required to follow USDA rules and regulations, should they meet the High Volume Retail Breeder definition. This bill would, for the first time, require home/hobby breeders to follow the strict USDA requirements, such as engineering standards designed for large commercial kennels and not homes. Such regulations would exceedingly difficult to meet in a home/residential breeding environment. This bill would affect all breeders who sell directly to the public, including show/hobby/working dog breeders.

If passed, PUPS would disastrously reduce purposely-bred pups for the public.