

Article 6.
Communicable Diseases.
Part 1. In General.

§ 130A-133: Repealed by Session Laws 2002-179, s. 3, effective October 1, 2002.

§ 130A-134. Reportable diseases and conditions.

The Commission shall establish by rule a list of communicable diseases and communicable conditions to be reported. (1983, c. 891, s. 2; 1987, c. 782, s. 4.)

§ 130A-135. Physicians to report.

A physician licensed to practice medicine who has reason to suspect that a person about whom the physician has been consulted professionally has a communicable disease or communicable condition declared by the Commission to be reported, shall report information required by the Commission to the local health director of the county or district in which the physician is consulted. The Commission shall declare confirmed HIV infection to be a reportable communicable condition. (1893, c. 214, s. 11; Rev., s. 3448; 1917, c. 263, s. 7; C.S., s. 7151; 1921, c. 223, s. 1; 1957, c. 1357, s. 1; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 1987, c. 782, s. 5; 1989, c. 698, s. 3.)

§ 130A-136. School principals and child care operators to report.

A principal of a school and an operator of a child care facility, as defined in G.S. 110-86(3), who has reason to suspect that a person within the school or child care facility has a communicable disease or communicable condition declared by the Commission to be reported, shall report information required by the Commission to the local health director of the county or district in which the school or facility is located. (1979, c. 192, s. 2; 1983, c. 891, s. 2; 1987, c. 782, s. 6; 1997-506, s. 46.)

§ 130A-137. Medical facilities may report.

A medical facility, in which there is a patient reasonably suspected of having a communicable disease or condition declared by the Commission to be reported, may report information specified by the Commission to the local health director of the county or district in which the facility is located. (1983, c. 891, s. 2; 1987, c. 782, s. 7.)

§ 130A-138. Operators of restaurants and other food or drink establishments to report.

An operator of a restaurant or other establishment where food or drink is prepared or served for pay, as defined in G.S. 130A-247(4) and (5), shall report information required by the Commission to the local health director of the county or district in which the restaurant or food establishment is located when the operator has reason to suspect an outbreak of food-borne illness in its customers or employees or when it has reason to suspect that a food handler at the establishment has a food-borne disease or food-borne condition required by the Commission to be reported. (1917, c. 263, s. 9; C.S., s. 7153; 1921, c. 223, s. 3; 1957, c. 1357, s. 1; 1973, c. 476, s. 128; 1979, c. 192, s. 3; 1983, c. 891, s. 2; 1987, c. 782, s. 8.)

§ 130A-139. Persons in charge of laboratories to report.

A person in charge of a laboratory providing diagnostic service in this State shall report information required by the Commission to a public health agency specified by the Commission when the laboratory makes any of the following findings:

- (1) Sputa, gastric contents, or other specimens which are smear positive for acid fast bacilli or culture positive for *Mycobacterium tuberculosis*;
- (2) Urethral smears positive for Gram-negative intracellular diplococci or any culture positive for *Neisseria gonorrhoeae*;

- 1 (3) Positive serological tests for syphilis or positive darkfield examination;
- 2 (4) Any other positive test indicative of a communicable disease or
- 3 communicable condition for which laboratory reporting is required by the
- 4 Commission. (1981, c. 81, s. 1; 1983, c. 891, s. 2; 1987, c. 782, s. 9;
- 5 2001-28, s. 1.)
- 6

7 **§ 130A-140. Local health directors to report.**

8 A local health director shall report to the Department all cases of diseases or conditions or
9 laboratory findings of residents of the jurisdiction of the local health department which are
10 reported to the local health director pursuant to this Article. A local health director shall report
11 all other cases and laboratory findings reported pursuant to this Article to the local health
12 director of the county, district, or authority where the person with the reportable disease or
13 condition or laboratory finding resides. (1919, c. 206, s. 2; C.S., s. 7192; 1957, c. 1357, s. 1;
14 1961, c. 753; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 1987, c. 782, s. 10; 1997-502, s. 10.)

15
16 **§ 130A-141. Form, content and timing of reports.**

17 The Commission shall adopt rules which establish the specific information to be submitted
18 when making a report required by this Article, time limits for reporting, the form of the reports
19 and to whom reports of laboratory findings are to be made. (1983, c. 891, s. 2; 1987, c. 782, s.
20 11.)

21
22 **§ 130A-141.1. Temporary order to report.**

23 (a) The State Health Director may issue a temporary order requiring health care
24 providers to report symptoms, diseases, conditions, trends in use of health care services, or
25 other health-related information when necessary to conduct a public health investigation or
26 surveillance of an illness, condition, or symptoms that may indicate the existence of a
27 communicable disease or condition that presents a danger to the public health. The order shall
28 specify which health care providers must report, what information is to be reported, and the
29 period of time for which reporting is required. The period of time for which reporting is
30 required pursuant to a temporary order shall not exceed 90 days. The Commission may adopt
31 rules to continue the reporting requirement when necessary to protect the public health.

32 (b) For the purposes of this section, the term "health care provider" has the same
33 meaning as that term is defined in G.S. 130A-476(g). (2004-80, s. 5.)

34
35 **§ 130A-142. Immunity of persons who report.**

36 A person who makes a report pursuant to the provisions of this Article shall be immune
37 from any civil or criminal liability that might otherwise be incurred or imposed as a result of
38 making that report. (1983, c. 891, s. 2; 1987, c. 782, s. 12.)

39
40 **§ 130A-143. Confidentiality of records.**

41 All information and records, whether publicly or privately maintained, that identify a
42 person who has AIDS virus infection or who has or may have a disease or condition required to
43 be reported pursuant to the provisions of this Article shall be strictly confidential. This
44 information shall not be released or made public except under the following circumstances:

- 45 (1) Release is made of specific medical or epidemiological information for
- 46 statistical purposes in a way that no person can be identified;
- 47 (2) Release is made of all or part of the medical record with the written consent
- 48 of the person or persons identified or their guardian;
- 49 (3) Release is made for purposes of treatment, payment, research, or health care
- 50 operations to the extent that disclosure is permitted under 45 Code of Federal
- 51 Regulations §§ 164.506 and 164.512(i). For purposes of this section, the

1 terms "treatment," "payment," "research," and "health care operations" have
2 the meaning given those terms in 45 Code of Federal Regulations § 164.501;
3 (4) Release is necessary to protect the public health and is made as provided by
4 the Commission in its rules regarding control measures for communicable
5 diseases and conditions;
6 (5) Release is made pursuant to other provisions of this Article;
7 (6) Release is made pursuant to subpoena or court order. Upon request of the
8 person identified in the record, the record shall be reviewed in camera. In the
9 trial, the trial judge may, during the taking of testimony concerning such
10 information, exclude from the courtroom all persons except the officers of
11 the court, the parties and those engaged in the trial of the case;
12 (7) Release is made by the Department or a local health department to a court or
13 a law enforcement official for the purpose of enforcing this Article or Article
14 22 of this Chapter, or investigating a terrorist incident using nuclear,
15 biological, or chemical agents. A law enforcement official who receives the
16 information shall not disclose it further, except (i) when necessary to enforce
17 this Article or Article 22 of this Chapter, or when necessary to conduct an
18 investigation of a terrorist incident using nuclear, biological, or chemical
19 agents, or (ii) when the Department or a local health department seeks the
20 assistance of the law enforcement official in preventing or controlling the
21 spread of the disease or condition and expressly authorizes the disclosure as
22 necessary for that purpose;
23 (8) Release is made by the Department or a local health department to another
24 federal, state or local public health agency for the purpose of preventing or
25 controlling the spread of a communicable disease or communicable
26 condition;
27 (9) Release is made by the Department for bona fide research purposes. The
28 Commission shall adopt rules providing for the use of the information for
29 research purposes;
30 (10) Release is made pursuant to G.S. 130A-144(b); or
31 (11) Release is made pursuant to any other provisions of law that specifically
32 authorize or require the release of information or records related to AIDS.
33 (1983, c. 891, s. 2; 1987, c. 782, s. 13; 2002-179, s. 7; 2011-314, s. 4.)
34

35 **§ 130A-144. Investigation and control measures.**

36 (a) The local health director shall investigate, as required by the Commission, cases of
37 communicable diseases and communicable conditions reported to the local health director
38 pursuant to this Article.

39 (b) Physicians, persons in charge of medical facilities or laboratories, and other persons
40 shall, upon request and proper identification, permit a local health director or the State Health
41 Director to examine, review, and obtain a copy of medical or other records in their possession
42 or under their control which the State Health Director or a local health director determines
43 pertain to the (i) diagnosis, treatment, or prevention of a communicable disease or
44 communicable condition for a person infected, exposed, or reasonably suspected of being
45 infected or exposed to such a disease or condition, or (ii) the investigation of a known or
46 reasonably suspected outbreak of a communicable disease or communicable condition.

47 (c) A physician or a person in charge of a medical facility or laboratory who permits
48 examination, review or copying of medical records pursuant to subsection (b) shall be immune
49 from any civil or criminal liability that otherwise might be incurred or imposed as a result of
50 complying with a request made pursuant to subsection (b).

1 (d) The attending physician shall give control measures prescribed by the Commission
2 to a patient with a communicable disease or communicable condition and to patients reasonably
3 suspected of being infected or exposed to such a disease or condition. The physician shall also
4 give control measures to other individuals as required by rules adopted by the Commission.

5 (e) The local health director shall ensure that control measures prescribed by the
6 Commission have been given to prevent the spread of all reportable communicable diseases or
7 communicable conditions and any other communicable disease or communicable condition that
8 represents a significant threat to the public health. The local health department shall provide, at
9 no cost to the patient, the examination and treatment for tuberculosis disease and infection and
10 for sexually transmitted diseases designated by the Commission.

11 (f) All persons shall comply with control measures, including submission to
12 examinations and tests, prescribed by the Commission subject to the limitations of G.S.
13 130A-148.

14 (g) The Commission shall adopt rules that prescribe control measures for
15 communicable diseases and conditions subject to the limitations of G.S. 130A-148. Temporary
16 rules prescribing control measures for communicable diseases and conditions shall be adopted
17 pursuant to G.S. 150B-13.

18 (h) Anyone who assists in an inquiry or investigation conducted by the State Health
19 Director for the purpose of evaluating the risk of transmission of HIV or Hepatitis B from an
20 infected health care worker to patients, or who serves on an expert panel established by the
21 State Health Director for that purpose, shall be immune from civil liability that otherwise might
22 be incurred or imposed for any acts or omissions which result from such assistance or service,
23 provided that the person acts in good faith and the acts or omissions do not amount to gross
24 negligence, willful or wanton misconduct, or intentional wrongdoing. This qualified immunity
25 does not apply to acts or omissions which occur with respect to the operation of a motor
26 vehicle. Nothing in this subsection provides immunity from liability for a violation of G.S.
27 130A-143. (1893, c. 214, s. 16; Rev., s. 4459; 1909, c. 793, s. 8; C.S., s. 7158; 1957, c. 1357, s.
28 1; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 1987, c. 782, s. 14; 1991, c. 225, s. 1; 1995, c. 228, s.
29 1; 2001-28, s. 2; 2004-80, s. 6; 2009-501, s. 2.)
30

31 **§ 130A-145. Quarantine and isolation authority.**

32 (a) The State Health Director and a local health director are empowered to exercise
33 quarantine and isolation authority. Quarantine and isolation authority shall be exercised only
34 when and so long as the public health is endangered, all other reasonable means for correcting
35 the problem have been exhausted, and no less restrictive alternative exists.

36 (b) No person other than a person authorized by the State Health Director or local
37 health director shall enter quarantine or isolation premises. Nothing in this subsection shall be
38 construed to restrict the access of authorized health care, law enforcement, or emergency
39 medical services personnel to quarantine or isolation premises as necessary in conducting their
40 duties.

41 (c) Before applying quarantine or isolation authority to livestock or poultry for the
42 purpose of preventing the direct or indirect conveyance of an infectious agent to persons, the
43 State Health Director or a local health director shall consult with the State Veterinarian in the
44 Department of Agriculture and Consumer Services.

45 (d) When quarantine or isolation limits the freedom of movement of a person or animal
46 or of access to a person or animal whose freedom of movement is limited, the period of limited
47 freedom of movement or access shall not exceed 30 calendar days. Any person substantially
48 affected by that limitation may institute in superior court in Wake County or in the county in
49 which the limitation is imposed an action to review that limitation. The official who exercises
50 the quarantine or isolation authority shall give the persons known by the official to be
51 substantially affected by the limitation reasonable notice under the circumstances of the right to

1 institute an action to review the limitation. If a person or a person's representative requests a
2 hearing, the hearing shall be held within 72 hours of the filing of that request, excluding
3 Saturdays and Sundays. The person substantially affected by that limitation is entitled to be
4 represented by counsel of the person's own choice or if the person is indigent, the person shall
5 be represented by counsel appointed in accordance with Article 36 of Chapter 7A of the
6 General Statutes and the rules adopted by the Office of Indigent Defense Services. The court
7 shall reduce or terminate the limitation unless it determines, by the preponderance of the
8 evidence, that the limitation is reasonably necessary to prevent or limit the conveyance of a
9 communicable disease or condition to others.

10 If the State Health Director or the local health director determines that a 30-calendar-day
11 limitation on freedom of movement or access is not adequate to protect the public health, the
12 State Health Director or local health director must institute in superior court in the county in
13 which the limitation is imposed an action to obtain an order extending the period of limitation
14 of freedom of movement or access. If the person substantially affected by the limitation has
15 already instituted an action in superior court in Wake County, the State Health Director must
16 institute the action in superior court in Wake County or as a counterclaim in the pending case.
17 Except as provided below for persons with tuberculosis, the court shall continue the limitation
18 for a period not to exceed 30 days if it determines, by the preponderance of the evidence, that
19 the limitation is reasonably necessary to prevent or limit the conveyance of a communicable
20 disease or condition to others. The court order shall specify the period of time the limitation is
21 to be continued and shall provide for automatic termination of the order upon written
22 determination by the State Health Director or local health director that the quarantine or
23 isolation is no longer necessary to protect the public health. In addition, where the petitioner
24 can prove by a preponderance of the evidence that quarantine or isolation was not or is no
25 longer needed for protection of the public health, the person quarantined or isolated may move
26 the trial court to reconsider its order extending quarantine or isolation before the time for the
27 order otherwise expires and may seek immediate or expedited termination of the order. Before
28 the expiration of an order issued under this section, the State Health Director or local health
29 director may move to continue the order for additional periods not to exceed 30 days each. If
30 the person whose freedom of movement has been limited has tuberculosis, the court shall
31 continue the limitation for a period not to exceed one calendar year if it determines, by a
32 preponderance of the evidence, that the limitation is reasonably necessary to prevent or limit
33 the conveyance of tuberculosis to others. The court order shall specify the period of time the
34 limitation is to be continued and shall provide for automatic termination of the order upon
35 written determination by the State Health Director or local health director that the quarantine or
36 isolation is no longer necessary to protect the public health. In addition, where the petitioner
37 can prove by a preponderance of the evidence that quarantine or isolation was not or is no
38 longer needed for protection of the public health, the person quarantined or isolated may move
39 the trial court to reconsider its order extending quarantine or isolation before the time for the
40 order otherwise expires and may seek immediate or expedited termination of the order. Before
41 the expiration of an order limiting the freedom of movement of a person with tuberculosis, the
42 State Health Director or local health director may move to continue the order for additional
43 periods not to exceed one calendar year each. (1957, c. 1357, s. 1; 1983, c. 891, s. 2; 1987, c.
44 782, s. 15; 2002-179, s. 5; 2004-80, s. 2.)

45
46 **§ 130A-146. Transportation of bodies of persons who have died of reportable diseases.**

47 No person shall transport in this State the remains of any person who has died of a disease
48 declared by the Commission to be reported until the body has been encased in a manner as
49 prescribed by rule by the Commission. Only persons who have complied with the rules of the
50 Commission concerning the removal of dead bodies shall be issued a burial-transit permit.

1 (1893, c. 214, s. 16; Rev., s. 4459; C.S., s. 7161; 1953, c. 675, s. 16; 1957, c. 1357, s. 1; 1973,
2 c. 476, s. 128; 1983, c. 891, s. 2.)

3
4 **§ 130A-147. Rules of the Commission.**

5 For the protection of the public health, the Commission is authorized to adopt rules for the
6 detection, control and prevention of communicable diseases. (1983, c. 891, s. 2.)

7
8 **§ 130A-148. Laboratory tests for AIDS virus infection.**

9 (a) For the protection of the public health, the Commission shall adopt rules
10 establishing standards for the certification of laboratories to perform tests for Acquired Immune
11 Deficiency Syndrome (AIDS) virus infection. The rules shall address, but not be limited to,
12 proficiency testing, record maintenance, adequate staffing and confirmatory testing. Tests for
13 AIDS virus infection shall be performed only by laboratories certified pursuant to this
14 subsection and only on specimens submitted by a physician licensed to practice medicine. This
15 subsection shall not apply to testing performed solely for research purposes under the approval
16 of an institutional review board.

17 (b) Prior to obtaining consent for donation of blood, semen, tissue or organs, a facility
18 or institution seeking to obtain blood, tissue, semen or organs for transfusion, implantation,
19 transplantation or administration shall provide the potential donor with information about AIDS
20 virus transmission, and information about who should not donate.

21 (c) No blood or semen may be transfused or administered when blood from the donor
22 has not been tested or has tested positive for AIDS virus infection by a standard laboratory test.

23 (d) No tissue or organs may be transplanted or implanted when blood from the donor
24 has not been tested or has tested positive for AIDS virus infection by a standard laboratory test
25 unless consent is obtained from the recipient, or from the recipient's guardian or a responsible
26 adult relative of the recipient if the recipient is not competent to give such consent.

27 (e) Any facility or institution that obtains or transfuses, implants, transplants, or
28 administers blood, tissue, semen, or organs shall be immune from civil or criminal liability that
29 otherwise might be incurred or imposed for transmission of AIDS virus infection if the
30 provisions specified in subsections (b), (c), and (d) of this section have been complied with.

31 (f) Specimens may be tested for AIDS virus infection for research or epidemiologic
32 purposes without consent of the person from whom the specimen is obtained if all personal
33 identifying information is removed from the specimen prior to testing.

34 (g) Persons tested for AIDS virus infection shall be notified of test results and
35 counseled appropriately. This subsection shall not apply to tests performed by or for entities
36 governed by Article 39 of Chapter 58 of the General Statutes, the Insurance Information and
37 Privacy Protection Act, provided that said entities comply with the notice requirements thereof.

38 (h) The Commission may authorize or require laboratory tests for AIDS virus infection
39 when necessary to protect the public health.

40 A test for AIDS virus infection may also be performed upon any person solely by order of a
41 physician licensed to practice medicine in North Carolina who is rendering medical services to
42 that person when, in the reasonable medical judgment of the physician, the test is necessary for
43 the appropriate treatment of the person; however, the person shall be informed that a test for
44 AIDS virus infection is to be conducted, and shall be given clear opportunity to refuse to
45 submit to the test prior to it being conducted, and further if informed consent is not obtained,
46 the test may not be performed. A physician may order a test for AIDS virus infection without
47 the informed consent of the person tested if the person is incapable of providing or incompetent
48 to provide such consent, others authorized to give consent for the person are not available, and
49 testing is necessary for appropriate diagnosis or care of the person.

50 An unemancipated minor may be tested for AIDS virus infection without the consent of the
51 parent or legal guardian of the minor when the parent or guardian has refused to consent to

1 such testing and there is reasonable suspicion that the minor has AIDS virus or HIV infection
2 or that the child has been sexually abused.

3 (i) Except as provided in this section, no test for AIDS virus infection shall be required,
4 performed or used to determine suitability for continued employment, housing or public
5 services, or for the use of places of public accommodation as defined in G.S. 168A-3(8), or
6 public transportation.

7 Further it shall be unlawful to discriminate against any person having AIDS virus or HIV
8 infection on account of that infection in determining suitability for continued employment,
9 housing, or public services, or for the use of places of public accommodation, as defined in
10 G.S. 168A-3(8), or public transportation.

11 Any person aggrieved by an act or discriminatory practice prohibited by this subsection
12 relating to housing shall be entitled to institute a civil action pursuant to G.S. 41A-7 of the State
13 Fair Housing Act. Any person aggrieved by an act or discriminatory practice prohibited by this
14 subsection other than one relating to housing may bring a civil action to enforce rights granted
15 or protected by this subsection.

16 The action shall be commenced in superior court in the county where the alleged
17 discriminatory practice or prohibited conduct occurred or where the plaintiff or defendant
18 resides. Such action shall be tried to the court without a jury. Any relief granted by the court
19 shall be limited to declaratory and injunctive relief, including orders to hire or reinstate an
20 aggrieved person or admit such person to a labor organization.

21 In a civil action brought to enforce provisions of this subsection relating to employment, the
22 court may award back pay. Any such back pay liability shall not accrue from a date more than
23 two years prior to the filing of an action under this subsection. Interim earnings or amounts
24 earnable with reasonable diligence by the aggrieved person shall operate to reduce the back pay
25 otherwise allowable. In any civil action brought under this subsection, the court, in its
26 discretion, may award reasonable attorney's fees to the substantially prevailing party as a part
27 of costs.

28 A civil action brought pursuant to this subsection shall be commenced within 180 days after
29 the date on which the aggrieved person became aware or, with reasonable diligence, should
30 have become aware of the alleged discriminatory practice or prohibited conduct.

31 Nothing in this section shall be construed so as to prohibit an employer from:

- 32 (1) Requiring a test for AIDS virus infection for job applicants in
33 preemployment medical examinations required by the employer;
- 34 (2) Denying employment to a job applicant based solely on a confirmed positive
35 test for AIDS virus infection;
- 36 (3) Including a test for AIDS virus infection performed in the course of an
37 annual medical examination routinely required of all employees by the
38 employer; or
- 39 (4) Taking the appropriate employment action, including reassignment or
40 termination of employment, if the continuation by the employee who has
41 AIDS virus or HIV infection of his work tasks would pose a significant risk
42 to the health of the employee, coworkers, or the public, or if the employee is
43 unable to perform the normally assigned duties of the job.

44 (j) It shall not be unlawful for a licensed health care provider or facility to:

- 45 (1) Treat a person who has AIDS virus or HIV infection differently from
46 persons who do not have that infection when such treatment is appropriate to
47 protect the health care provider or employees of the provider or employees
48 of the facility while providing appropriate care for the person who has the
49 AIDS virus or HIV infection; or
- 50 (2) Refer a person who has AIDS virus or HIV infection to another licensed
51 health care provider or facility when such referral is for the purpose of

1 providing more appropriate treatment for the person with AIDS virus or HIV
2 infection. (1987, c. 782, s. 16; 1989, c. 698, s. 1; 1991, c. 720, s. 78.)

3
4 **§ 130A-149:** Recodified as G.S. 130A-479 by Session Laws 2002-179, s. 2, effective October
5 1, 2002.

6
7 Part 1A. Health Care-Associated Infections.

8 **§ 130A-150. Statewide surveillance and reporting system.**

9 (a) By December 31, 2011, the Department, in consultation with the State HAI
10 Advisory Group and in accordance with rules adopted by the Commission pursuant to
11 subsection (b) of this section, shall establish a statewide surveillance and reporting system for
12 specified health care-associated infections.

13 (b) The Commission shall adopt rules necessary to implement the statewide
14 surveillance and reporting system established pursuant to subsection (a) of this section. The
15 rules shall specify uniform standards for surveillance and reporting of specified health
16 care-associated infections under the statewide surveillance and reporting system. The uniform
17 standards shall include at least all of the following:

- 18 (1) A preference for electronic surveillance of specified health care-associated
19 infections to the greatest extent practicable.
20 (2) A requirement for electronic reporting of specified health care-associated
21 infections.

22 (c) Each hospital, as defined in G.S. 131E-76(3), is subject to the statewide surveillance
23 and reporting system established in accordance with subsection (a) of this section and shall be
24 responsible for health care-associated infections surveillance and reporting of specified health
25 care-associated infections data to the Department through the Centers for Disease Control and
26 Prevention National Health Care Safety Network.

27 (d) The Department shall release to the public aggregated and provider-specific data on
28 health care-associated infections that does not contain social security numbers or other personal
29 identifying information only if it deems the release of this data to be reliable and necessary to
30 protect the public's health.

31 (e) Not later than December 31, 2011, and annually thereafter, the State Department of
32 Health and Human Services shall report to the General Assembly on its efforts related to the
33 North Carolina State Plan on Healthcare Associated Infections or any other matter it considers
34 relating to Healthcare Associated Infections. The State HAI Advisory Group shall advise the
35 Department on whether current science and processes are available to adequately gather and
36 report to the public infection rates and implementation of infection prevention controls, which
37 include providing provider specific information that does not contain patient-identifiable
38 information and accounts for appropriate risk adjustment specific to the provider, and whether
39 current federal or State licensure, accreditation, or other standards are appropriate to foster an
40 appropriate and adequate infection control system in health care settings. The Department shall
41 include in its annual report findings, recommendations, and any suggested legislation.
42 (2011-386, ss. 1, 2.)

43
44 **§ 130A-151. Reserved for future codification purposes.**

45
46 Part 2. Immunization.

47 **§ 130A-152. Immunization required.**

48 (a) Every child present in this State shall be immunized against diphtheria, tetanus,
49 whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, every child
50 present in this State shall be immunized against any other disease upon a determination by the
51 Commission that the immunization is in the interest of the public health. Every parent,

1 guardian, person in loco parentis and person or agency, whether governmental or private, with
2 legal custody of a child shall have the responsibility to ensure that the child has received the
3 required immunization at the age required by the Commission. If a child has not received the
4 required immunizations by the specified age, the responsible person shall obtain the required
5 immunization for the child as soon as possible after the lack of the required immunization is
6 determined.

7 (b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

8 (c) The Commission shall adopt and the Department shall enforce rules concerning the
9 implementation of the immunization program. The rules shall provide for:

10 (1) The child's age at administration of each vaccine;

11 (2) The number of doses of each vaccine;

12 (3) Exemptions from the immunization requirements where medical practice
13 suggests that immunization would not be in the best health interests of a
14 specific category of children;

15 (4) The procedures and practices for administering the vaccine; and

16 (5) Redistribution of vaccines provided to local health departments.

17 (c1) The Commission for Public Health shall, pursuant to G.S. 130A-152 and G.S.
18 130A-433, adopt rules establishing reasonable fees for the administration of vaccines and rules
19 limiting the requirements that can be placed on children, their parents, guardians, or custodians
20 as a condition for receiving vaccines provided by the State. These rules shall become effective
21 January 1, 1994.

22 (d) Only vaccine preparations which meet the standards of the United States Food and
23 Drug Administration or its successor in licensing vaccines and are approved for use by the
24 Commission may be used.

25 (e) When the Commission requires immunization against a disease not listed in
26 paragraph (a) of this section, or requires an additional dose of a vaccine, the Commission is
27 authorized to exempt from the new requirement children who are or who have been enrolled in
28 school (K-12) on or before the effective date of the new requirement. (1957, c. 1357, s. 1; 1971,
29 c. 191; 1973, c. 476, s. 128; c. 632, s. 1; 1975, c. 84; 1977, c. 160; 1979, c. 56, s. 1; 1983, c.
30 891, s. 2; 1985, c. 158; 1993, c. 321, s. 281(a); 2002-179, s. 10; 2007-182, s. 2.)

31
32 **§ 130A-153. Obtaining immunization; reporting by local health departments; access to**
33 **immunization information in patient records; immunization of minors.**

34 (a) The required immunization may be obtained from a physician licensed to practice
35 medicine or from a local health department. Local health departments shall administer required
36 and State-supplied immunizations at no cost to uninsured or underinsured patients with family
37 incomes below two hundred percent (200%) of the federal poverty level. A local health
38 department may redistribute these vaccines only in accordance with the rules of the
39 Commission.

40 (b) Local health departments shall file monthly immunization reports with the
41 Department. The report shall be filed on forms prepared by the Department and shall state, at a
42 minimum, each patient's age and the number of doses of each type of vaccine administered.

43 (c) Immunization certificates and information concerning immunizations contained in
44 medical or other records shall, upon request, be shared with the Department, local health
45 departments, and the patient's attending physician. In addition, an insurance institution, agent,
46 or insurance support organization, as those terms are defined in G.S. 58-39-15, may share
47 immunization information with the Department. The Commission may, for the purpose of
48 assisting the Department in enforcing this Part, provide by rule that other persons may have
49 access to immunization information, in whole or in part.

50 (d) A physician or local health department may immunize a minor with the consent of a
51 parent, guardian, or person standing in loco parentis to the minor. A physician or local health

1 department may also immunize a minor who is presented for immunization by an adult who
2 signs a statement that he or she is authorized by a parent, guardian, or person standing in loco
3 parentis to the minor to obtain the immunization for the minor. (1957, c. 1357, s. 1; 1959, c.
4 177; 1965, c. 652; 1971, c. 191; 1973, c. 476, s. 128; 1979, c. 56, s. 1; 1983, c. 891, s. 2; 1985,
5 c. 743, ss. 1, 2; 1993, c. 134, s. 1; 1999-110, s. 2; 2009-451, s. 10.29A(a); 2010-31, s.
6 10.13(b).)

7
8 **§ 130A-154. Certificate of immunization.**

9 (a) A physician or local health department administering a required vaccine shall give a
10 certificate of immunization to the person who presented the child for immunization. The
11 certificate shall state the name of the child, the name of the child's parent, guardian, or person
12 responsible for the child obtaining the required immunization, the address of the child and the
13 parent, guardian or responsible person, the date of birth of the child, the sex of the child, the
14 number of doses of the vaccine given, the date the doses were given, the name and address of
15 the physician or local health department administering the required immunization and other
16 relevant information required by the Commission.

17 (b) Except as otherwise provided in this subsection, a person who received
18 immunizations in a state other than North Carolina shall present an official certificate or record
19 of immunization to the child care facility, school (K-12), or college or university. This
20 certificate or record shall state the person's name, address, date of birth, and sex; the type and
21 number of doses of administered vaccine; the dates of the first MMR and the last DTP and
22 polio; the name and address of the physician or local health department administering the
23 required immunization; and other relevant information required by the Commission. (1957, c.
24 1357, s. 1; 1959, c. 177; 1965, c. 652; 1971, c. 191; 1979, c. 56, s. 1; 1983, c. 891, s. 2;
25 1999-110, s. 3.)
26

27 **§ 130A-155. Submission of certificate to child care facility, preschool and school**
28 **authorities; record maintenance; reporting.**

29 (a) No child shall attend a school (pre K-12), whether public, private or religious, a
30 child care facility as defined in G.S. 110-86(3), unless a certificate of immunization indicating
31 that the child has received the immunizations required by G.S. 130A-152 is presented to the
32 school or facility. The parent, guardian, or responsible person must present a certificate of
33 immunization on the child's first day of attendance to the principal of the school or operator of
34 the facility, as defined in G.S. 110-86(7). If a certificate of immunization is not presented on
35 the first day, the principal or operator shall present a notice of deficiency to the parent, guardian
36 or responsible person. The parent, guardian or responsible person shall have 30 calendar days
37 from the first day of attendance to obtain the required immunization for the child. If the
38 administration of vaccine in a series of doses given at medically approved intervals requires a
39 period in excess of 30 calendar days, additional days upon certification by a physician may be
40 allowed to obtain the required immunization. Upon termination of 30 calendar days or the
41 extended period, the principal or operator shall not permit the child to attend the school or
42 facility unless the required immunization has been obtained.

43 (b) The school or child care facility shall maintain on file immunization records for all
44 children attending the school or facility which contain the information required for a certificate
45 of immunization as specified in G.S. 130A-154. These certificates shall be open to inspection
46 by the Department and the local health department during normal business hours. When a child
47 transfers to another school or facility, the school or facility which the child previously attended
48 shall, upon request, send a copy of the child's immunization record at no charge to the school or
49 facility to which the child has transferred.

50 (c) The school shall file an annual immunization report with the Department by
51 November 1. The child care facility shall file an immunization report annually with the

1 Department. The report shall be filed on forms prepared by the Department and shall state the
2 number of children attending the school or facility, the number of children who had not
3 obtained the required immunization within 30 days of their first attendance, the number of
4 children who received a medical exemption and the number of children who received a
5 religious exemption.

6 (d) Any adult who attends school (pre K-12), whether public, private or religious, shall
7 obtain the immunizations required in G.S. 130A-152 and shall present to the school a certificate
8 in accordance with this section. The physician or local health department administering a
9 required vaccine to the adult shall give a certificate of immunization to the person. The
10 certificate shall state the person's name, address, date of birth and sex; the number of doses of
11 the vaccine given; the date the doses were given; the name and addresses of the physician or
12 local health department administering the required immunization; and other relevant
13 information required by the Commission. (1957, c. 1357, s. 1; 1959, c. 177; 1965, c. 652; 1971,
14 c. 191; 1973, c. 632, s. 2; 1979, c. 56, s. 1; 1981, c. 44; 1983, c. 891, s. 2; 1997-506, s. 47;
15 1999-110, s. 4; 2007-187, s. 2.)
16

17 **§ 130A-155.1. Submission of certificate to college or universities.**

18 (a) Except as otherwise provided in this section, no person shall attend a college or
19 university, whether public, private, or religious, unless a certificate of immunization or a record
20 of immunization from a high school located in North Carolina indicating that the person has
21 received immunizations required by G.S. 130A-152 is presented to the college or university.
22 The person shall present a certificate or record of immunization on or before the date the person
23 first registers for a quarter or semester during which the student will reside on the campus or
24 first registers for more than four traditional day credit hours to the registrar of the college or
25 university. If a certificate or record of immunization is not in the possession of the college or
26 university on the date of first registration, the college or university shall present a notice of
27 deficiency to the student. The student shall have 30 calendar days from the date of the student's
28 first registration to obtain the required immunization. If immunization requires a series of doses
29 and the period necessary to give the vaccine at standard intervals extends beyond the date of the
30 first registration, the student shall be allowed to attend the college or university upon written
31 certification by a physician that the standard series is in progress. The physician shall state the
32 time period needed to complete the series. Upon termination of this time period, the college or
33 university shall not permit the student to continue in attendance unless the required
34 immunization has been obtained.

35 (b) The college or university shall maintain on file immunization records for all
36 students attending the school which contain the information required for a certificate of
37 immunization as specified in G.S. 130A-154. These certificates shall be open to inspection by
38 the Department and the local health department during normal business hours. When a student
39 transfers to another college or university, the college or university which the student previously
40 attended shall, upon request, send a copy of the student's immunization record at no charge to
41 the college or university to which the student has transferred.

42 (c) Within 60 calendar days after the commencement of a new school year, the college
43 or university shall file an immunization report with the Department. The report shall be filed on
44 forms prepared by the Department and shall state the number of students attending the school
45 or facility, the number of students who had not obtained the required immunization within 30
46 days of their first attendance, the number of students who received a medical exemption and the
47 number of students who received a religious exemption.

48 (d) Repealed by Session Laws 1999-110, s. 5.

49 (e) The provisions of this section shall not apply to:

- 50 (1) Educational institutions established under Chapter 115D of the General
51 Statutes.

- 1 (2) Students residing off-campus and registering for any combination of:
2 a. Off-campus courses.
3 b. Evening courses.
4 c. Weekend courses.
5 d. No more than four traditional day credit hours in on-campus courses.
6 (1985, c. 692, s. 1; 1987, c. 782, s. 17; 1991, c. 381, s. 1; 1999-110, s.
7 5; 2007-99, s. 1.)
8

9 **§ 130A-156. Medical exemption.**

10 The Commission for Public Health shall adopt by rule medical contraindications to
11 immunizations required by G.S. 130A-152. If a physician licensed to practice medicine in this
12 State certifies that a required immunization is or may be detrimental to a person's health due to
13 the presence of one of the contraindications adopted by the Commission, the person is not
14 required to receive the specified immunization as long as the contraindication persists. The
15 State Health Director may, upon request by a physician licensed to practice medicine in this
16 State, grant a medical exemption to a required immunization for a contraindication not on the
17 list adopted by the Commission. (1957, c. 1357, s. 1; 1959, c. 177; 1965, c. 652; 1971, c. 191;
18 1979, c. 56, s. 1; 1983, c. 891, s. 2; 1987, c. 782, s. 18; 1989, c. 122; 1999-110, s. 6; 2007-182,
19 s. 2.)
20

21 **§ 130A-157. Religious exemption.**

22 If the bona fide religious beliefs of an adult or the parent, guardian or person in loco
23 parentis of a child are contrary to the immunization requirements contained in this Chapter, the
24 adult or the child shall be exempt from the requirements. Upon submission of a written
25 statement of the bona fide religious beliefs and opposition to the immunization requirements,
26 the person may attend the college, university, school or facility without presenting a certificate
27 of immunization. (1957, c. 1357, s. 1; 1959, c. 177; 1965, c. 652; 1971, c. 191; 1979, c. 56, s. 1;
28 1983, c. 891, s. 2; 1985, c. 692, s. 2; 2002-179, s. 17.)
29

30 **§ 130A-158. Restitution required when vaccine spoiled due to provider negligence.**

31 Immunization program providers shall be liable for restitution to the State for the cost of
32 replacement vaccine when vaccine in the provider's inventory has become spoiled or unstable
33 due to the provider's negligence and unreasonable failure to properly handle or store the
34 vaccine. (2001-424, s. 21.86(a).)
35

36 **§ 130A-159. Reserved for future codification purposes.**
37

38 Part 3. Venereal Disease.

39 **§§ 130A-160 through 130A-166: Repealed by Session Laws 1991, c. 225, s. 2.**
40

41 **§§ 130A-167 through 130A-170. Reserved for future codification purposes.**
42

43 Part 4. Inflammation of Eyes of Newborn.

44 **§§ 130A-171 through 130A-174: Repealed by Session Laws 1991, c. 225, s. 2.**
45

46 **§ 130A-175. Reserved for future codification purposes.**
47

48 **§ 130A-176. Reserved for future codification purposes.**
49

50 Part 5. Tuberculosis.

51 **§§ 130A-177 through 130A-178: Repealed by Session Laws 1991, c. 225, s. 2.**

1
2 **§ 130A-179. Repealed by Session Laws 1987, c. 782, s. 20.**

3
4 **§§ 130A-180 through 130A-183. Reserved for future codification purposes.**

5
6 Part 6. Rabies.

7 **§ 130A-184. Definitions.**

8 The following definitions apply in this Part:

- 9 (1) Animal Control Officer. – A city or county employee whose responsibility
10 includes animal control. The term "Animal Control Officer" also includes
11 agents of a private organization that is operating an animal shelter under
12 contract with a city or county whenever those agents are performing animal
13 control functions at the shelter.
- 14 (2) Cat. – A domestic feline of the genus and species *Felis catus*.
- 15 (3) Certified rabies vaccinator. – A person appointed and certified to administer
16 rabies vaccine to animals in accordance with this Part.
- 17 (4) Dog. – A domestic canine of the genus, species, and subspecies *Canis lupus*
18 *familiaris*.
- 19 (4a) Feral. – An animal that is not socialized.
- 20 (4b) Ferret. – A domestic mammal of the genus, species, and subspecies *Mustela*
21 *putorius furo*.
- 22 (5) Rabies vaccine. – An animal rabies vaccine licensed by the United States
23 Department of Agriculture and approved for use in this State by the
24 Commission.
- 25 (6) State Public Health Veterinarian. – A person appointed by the Secretary to
26 direct the State public health veterinary program.
- 27 (6a) Stray. – An animal that meets both of the following conditions:
28 a. Is beyond the limits of confinement or lost.
29 b. Is not wearing any tags, microchips, tattoos, or other methods of
30 identification.
- 31 (7) Vaccination. – The administration of rabies vaccine by a person authorized
32 to administer it under G.S. 130A-185. (1935, c. 122, s. 1; 1949, c. 645, s. 1;
33 1953, c. 876, s. 1; 1957, c. 1357, s. 3; 1973, c. 476, s. 128; 1983, c. 891, s. 2;
34 2009-304, s. 2; 2009-327, s. 1.)

35
36 **§ 130A-185. Vaccination required.**

37 (a) Vaccination required. – The owner of an animal listed in this subsection over four
38 months of age shall have the animal vaccinated against rabies:

- 39 (1) Cat.
40 (2) Dog.
41 (3) Ferret.

42 (b) Vaccination. – Only animal rabies vaccine licensed by the United States Department
43 of Agriculture and approved by the Commission shall be used on animals in this State. A rabies
44 vaccine may only be administered by one or more of the following:

- 45 (1) A licensed veterinarian.
46 (2) A registered veterinary technician under the direct supervision of a licensed
47 veterinarian.
48 (3) A certified rabies vaccinator. (1935, c. 122, s. 1; 1941, c. 259, s. 2; 1953, c.
49 876, s. 2; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 2009-327, s. 2.)

50
51 **§ 130A-186. Appointment and certification of certified rabies vaccinator.**

1 In those counties where licensed veterinarians are not available to participate in all
2 scheduled county rabies control clinics, the local health director shall appoint one or more
3 persons for the purpose of administering rabies vaccine to animals in that county. Whether or
4 not licensed veterinarians are available, the local health director may appoint one or more
5 persons for the purpose of administering rabies vaccine to animals in their county and these
6 persons will make themselves available to participate in the county rabies control program. The
7 State Public Health Veterinarian shall provide at least four hours of training to those persons
8 appointed by the local health director to administer rabies vaccine. Upon satisfactory
9 completion of the training, the State Public Health Veterinarian shall certify in writing that the
10 appointee has demonstrated a knowledge and procedure acceptable for the administration of
11 rabies vaccine to animals. A certified rabies vaccinator shall be authorized to administer rabies
12 vaccine to animals in the county until the appointment by the local health director has been
13 terminated. (1935, c. 122, s. 3; 1941, c. 259, s. 3; 1953, c. 876, s. 3; 1957, c. 1357, s. 4; 1983, c.
14 891, s. 2.)
15

16 **§ 130A-187. County rabies vaccination clinics.**

17 (a) Local Clinics. – The local health director shall organize or assist other county
18 departments to organize at least one countywide rabies vaccination clinic per year for the
19 purpose of vaccinating animals required to be vaccinated under this Part. Public notice of the
20 time and place of rabies vaccination clinics shall be published in a newspaper having general
21 circulation within the area.

22 (b) Fee. – The county board of commissioners may establish a fee to be charged for a
23 rabies vaccination given at a county rabies vaccination clinic. The fee amount may consist of
24 the following:

- 25 (1) A charge for administering and storing the vaccine, not to exceed ten dollars
26 (\$10.00).
- 27 (2) The actual cost of the rabies vaccine, the vaccination certificate, and the
28 rabies vaccination tag. (1983, c. 891, s. 2; 1987, c. 219; 2009-327, s. 3.)
29

30 **§ 130A-188:** Repealed by Session Laws 2009-327, s. 4, effective October 1, 2009.
31

32 **§ 130A-189. Rabies vaccination certificates.**

33 A person who administers a rabies vaccine shall complete a rabies vaccination certificate.
34 The Commission shall adopt rules specifying the information that must be included on the
35 certificate. An original rabies vaccination certificate shall be given to the owner of the animal
36 that receives the rabies vaccine. A copy of the rabies vaccination certificate shall be retained by
37 the licensed veterinarian or the certified rabies vaccinator. A copy shall also be given to the
38 county agency responsible for animal control, provided the information given to the county
39 agency shall not be used for commercial purposes. (1935, c. 122, s. 6; 1941, c. 259, s. 5; 1959,
40 c. 352; 1983, c. 891, s. 2; 1993, c. 245, s. 1; 2009-327, s. 5.)
41

42 **§ 130A-190. Rabies vaccination tags.**

43 (a) Issuance. – A person who administers a rabies vaccine shall issue a rabies
44 vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year
45 issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words
46 "rabies vaccine." Dogs shall wear rabies vaccination tags at all times. Cats and ferrets must
47 wear rabies vaccination tags unless they are exempt from wearing the tags by local ordinance.

48 (b) Fee. – Rabies vaccination tags, links, and rivets may be obtained from the
49 Department of Health and Human Services. The Secretary is authorized to collect a fee for the
50 rabies tags, links, and rivets in accordance with this subsection. The fee for each tag is the sum
51 of the following:

- 1 (1) The actual cost of the rabies tag, links, and rivets.
- 2 (2) Transportation costs.
- 3 (3) Fifteen cents (15¢). This portion of the fee shall be used to fund rabies
- 4 education and prevention programs.
- 5 (4) Repealed by Session Laws 2010-31, s. 11.4(h), effective October 1, 2010.

6 (c) Repealed by Session Laws 2007-487, s. 1, effective January 1, 2008. (1935, c. 122,
7 s. 6; 1941, c. 259, s. 5; 1959, c. 352; 1983, c. 891, s. 2; 1997-69, s. 1; 2000-163, s. 2; 2007-487,
8 s. 1; 2009-327, s. 6; 2010-31, s. 11.4(h).)

9
10 **§ 130A-191. Possession and distribution of rabies vaccine.**

11 It shall be unlawful for persons other than licensed veterinarians, certified rabies
12 vaccinators and persons engaged in the distribution of rabies vaccine to possess rabies vaccine.
13 Persons engaged in the distribution of vaccines may distribute, sell and offer to sell rabies
14 vaccine only to licensed veterinarians and certified rabies vaccinators. (1987, c. 218.)

15
16 **§ 130A-192. Animals not wearing required rabies vaccination tags.**

17 (a) The Animal Control Officer shall canvass the county to determine if there are any
18 animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is
19 found not wearing one, the Animal Control Officer shall check to see if the owner's
20 identification can be found on the animal. If the animal is wearing an owner identification tag
21 with information enabling the owner of the animal to be contacted, or if the Animal Control
22 Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner
23 in writing to have the animal vaccinated against rabies and to produce the required rabies
24 vaccination certificate to the Animal Control Officer within three days of the notification. If the
25 animal is not wearing an owner identification tag and the Animal Control Officer does not
26 otherwise know who the owner is, the Animal Control Officer may impound the animal. The
27 duration of the impoundment of these animals shall be established by the county board of
28 commissioners, but the duration shall not be less than 72 hours. During the impoundment
29 period, the Animal Control Officer shall make a reasonable effort to locate the owner of the
30 animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a
31 microchip scanning device, the Animal Control Officer may scan the animal and utilize any
32 information that may be available through a microchip to locate the owner of the animal, if
33 possible. If the animal is not reclaimed by its owner during the impoundment period, the animal
34 shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by
35 a new owner; sold to institutions within this State registered by the United States Department of
36 Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a
37 procedure approved by rules adopted by the Department of Agriculture and Consumer Services
38 or, in the absence of such rules, by a procedure approved by the American Veterinary Medical
39 Association, the Humane Society of the United States or of the American Humane Association.

40 (a1) Before an animal may be sold or put to death, it shall be made available for adoption
41 under procedures that enable members of the public to inspect the animal, except in cases in
42 which the animal is found by the operator of the shelter to be unadoptable due to injury or
43 defects of health or temperament. An animal that is seriously ill or injured may be euthanized if
44 the manager of the animal shelter determines, in writing, that it is appropriate to do so. Nothing
45 in this subsection shall supercede (i) any rules adopted by the Board of Agriculture which
46 specify the number of animals allowed for kennel space in animal shelters, or (ii) the duration
47 of impoundment established by the county board of commissioners, or the 72-hour holding
48 period, as provided in subsection (a) of this section.

49 (a2) (**See note**) Except as otherwise provided in this subsection, a person who comes to
50 an animal shelter attempting to locate a lost pet is entitled to view every animal held at the
51 shelter, subject to rules providing for such viewing during at least four hours a day, three days a

1 week. If the shelter is housing animals that must be kept apart from the general public for
2 health reasons, public safety concerns, or in order to preserve evidence for criminal
3 proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine
4 whether their lost pets are among those animals.

5 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
6 this section which shall include the date of impoundment, the length of impoundment, the
7 method of disposal of the animal and the name of the person or institution to whom any animal
8 has been released.

9 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
10 provisions of subsection (a) of this section concerning the holding of animals for at least 72
11 hours and the permissible means of disposition of animals after expiration of that holding
12 period also apply to all of the following:

- 13 (1) Dogs and cats that are wearing rabies tags but are taken into custody for
14 violation of statutes or ordinances not related to rabies control, such as
15 ordinances requiring the leashing or restraining of dogs and cats.
- 16 (2) Dogs and cats surrendered to an animal shelter by the owners of the animals,
17 unless an owner provides to the shelter the following:
 - 18 a. Some proof of ownership of the animal, and
 - 19 b. A signed written consent to the disposition of the animal, in a manner
20 authorized by this section, before the expiration of the 72-hour
21 holding period or of a longer period established by ordinance or local
22 rule to which the shelter is subject.

23 (c) If an animal is not wearing tags, or other mode of identification indicating its owner,
24 and is delivered to an animal shelter by (i) a person who has found and captured the animal, or
25 (ii) by an approved rescue organization that received the animal from a person who found and
26 captured the animal, then the shelter may, in writing, appoint the finder or approved rescue
27 organization to be the agent of the shelter. For purposes of this subsection, the term "approved
28 rescue organization" means a nonprofit corporation or association that cares for stray animals
29 that has been favorably assessed by the operator of the animal shelter through the application of
30 written standards.

- 31 (1) If the animal is a dog or cat, the finder or approved rescue organization shall
32 hold the animal for the 72-hour holding period provided for in subsection (a)
33 of this section or such longer holding period that may be applicable to the
34 shelter by ordinance or local rule. If the animal is not a dog or cat, then the
35 holding period shall be by agreement between the animal shelter and the
36 person or organization receiving the animal.
- 37 (2) After the expiration of the applicable holding period, the shelter may:
 - 38 a. Transfer the animal by adoption to the person or organization that
39 has held it as agent, or
 - 40 b. Extend the period of time the finder or rescue organization holds the
41 animal as agent of the shelter.
- 42 (3) A shelter may terminate an agency created under this subsection at any time
43 by directing the finder or rescue organization to deliver the animal to the
44 shelter.
- 45 (4) The city, county, or organization operating the animal shelter, as principal in
46 the agency relationship, shall not be liable to reimburse the agent for the
47 costs of care of the animal and shall not be liable to the owner of the animal
48 for harm to the animal caused by the agent, absent a written contract
49 providing otherwise.

50 (d) During the 72-hour or longer holding period established under subsection (a) of this
51 section, an animal shelter may place an animal it is holding in foster care.

1 (e) If an animal shelter transfers physical possession of a dog or cat under subsection
2 (c) or (d) of this section, so that the animal is no longer on the animal shelter premises, at least
3 one photograph which depicts the head and face of the animal shall (i) be displayed at the
4 shelter in a conspicuous location that is available to the general public during hours of
5 operation, and (ii) remain posted for the 72-hour or longer holding period established under
6 subsection (a) of this section. (1935, c. 122, s. 8; 1983, c. 891, s. 2; 2009-304, s. 1; 2009-327,
7 s. 7.)
8

9 **§ 130A-193. Vaccination and confinement of animals brought into this State.**

10 (a) Vaccination Required. – An animal brought into this State that is required to be
11 vaccinated under this Part shall immediately be securely confined and shall be vaccinated
12 against rabies within one week after entry. The animal shall remain confined for two weeks
13 after vaccination.

14 (b) Exceptions. – The provisions of subsection (a) shall not apply to:

- 15 (1) An animal brought into this State for exhibition purposes if the animal is
16 confined and not permitted to run at large.
17 (2) An animal brought into this State accompanied by a certificate issued by a
18 licensed veterinarian showing that the animal is apparently free from and has
19 not been exposed to rabies and that the animal is currently vaccinated against
20 rabies. (1935, c. 122, s. 11; 1983, c. 891, s. 2; 2009-327, s. 8.)
21

22 **§ 130A-194. Quarantine of districts infected with rabies.**

23 An area may be declared under quarantine against rabies by the local health director when
24 the disease exists to the extent that the lives of persons are endangered. When quarantine is
25 declared, each animal in the area that is required to be vaccinated under this Part shall be
26 confined on the premises of the owner or in a veterinary hospital unless the animal is on a leash
27 or under the control and in the sight of a responsible adult. (1935, c. 122, s. 12; 1941, c. 259, s.
28 9; 1949, c. 645, s. 3; 1953, c. 876, s. 8; 1957, c. 1357, s. 8; 1983, c. 891, s. 2; 2009-327, s. 9.)
29

30 **§ 130A-195. Destroying stray or feral animals in quarantine districts.**

31 When quarantine has been declared and stray or feral animals continue to run uncontrolled
32 in the area, any peace officer or Animal Control Officer shall have the right, after reasonable
33 effort has been made to apprehend the animals, to destroy the stray or feral animals and
34 properly dispose of their bodies. (1935, c. 122, s. 13; 1953, c. 876, s. 9; 1983, c. 891, s. 2;
35 2009-327, s. 10.)
36

37 **§ 130A-196. Notice and confinement of biting animals.**

38 (a) Notice. – When a person has been bitten by an animal required to be vaccinated
39 under this Part, the person or parent, guardian or person standing in loco parentis of the person,
40 and the person owning the animal or in control or possession of the animal shall notify the local
41 health director immediately and give the name and address of the person bitten and the owner
42 of the animal. If the animal that bites a person is a stray or feral animal, the local agency
43 responsible for animal control shall make a reasonable attempt to locate the owner of the
44 animal. If the owner cannot be identified within 72 hours of the event, the local health director
45 may authorize the animal be euthanized, and the head of the animal shall be immediately sent
46 to the State Laboratory of Public Health for rabies diagnosis. If the event occurs on a weekend
47 or State holiday the time period for owner identification shall be extended 24 hours.

48 A physician who attends a person bitten by an animal known to be a potential carrier of
49 rabies shall report the incident within 24 hours to the local health director. The report must
50 include the name, age, and sex of the person.

1 (b) Confinement. – When an animal required to be vaccinated under this Part bites a
2 person, the animal shall be immediately confined for 10 days in a place designated by the local
3 health director. The local health director may authorize a dog trained and used by a law
4 enforcement agency to be released from confinement to perform official duties upon
5 submission of proof that the dog has been vaccinated for rabies in compliance with this Part.
6 After reviewing the circumstances of the particular case, the local health director may allow the
7 owner to confine the animal on the owner's property. An owner who fails to confine an animal
8 in accordance with the instructions of the local health director shall be guilty of a Class 2
9 misdemeanor. If the owner or the person who controls or possesses the animal that has bitten a
10 person refuses to confine the animal as required by this subsection, the local health director
11 may order seizure of the animal and its confinement for 10 days at the expense of the owner.
12 (1935, c. 122, s. 17; 1941, c. 259, s. 11; 1953, c. 876, s. 13; 1957, c. 1357, s. 9; 1977, c. 628;
13 1983, c. 891, s. 2; 1985, c. 674; 1989, c. 298; 1993, c. 539, s. 950; 1994, Ex. Sess., c. 24, s.
14 14(c); 2009-327, s. 11.)
15

16 **§ 130A-197. Infected animals to be destroyed; protection of vaccinated animals.**

17 When the local health director reasonably suspects that an animal required to be vaccinated
18 under this Part has been exposed to the saliva or nervous tissue of a proven rabid animal or
19 animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the
20 animal shall be considered to have been exposed to rabies. An animal exposed to rabies shall be
21 destroyed immediately by its owner, the county Animal Control Officer or a peace officer
22 unless the animal has been vaccinated against rabies in accordance with this Part and the rules
23 of the Commission more than 28 days prior to being exposed, and is given a booster dose of
24 rabies vaccine within five days of the exposure. As an alternative to destruction, the animal
25 may be quarantined at a facility approved by the local health director for a period up to six
26 months, and under reasonable conditions imposed by the local health director. (1935, c. 122, s.
27 14; 1953, c. 876, s. 10; 1983, c. 891, s. 2; 2000-163, s. 4; 2009-327, s. 12.)
28

29 **§ 130A-198. Confinement.**

30 A person who owns or has possession of an animal which is suspected of having rabies
31 shall immediately notify the local health director or county Animal Control Officer and shall
32 securely confine the animal in a place designated by the local health director. The animal shall
33 be confined for a period of 10 days. Other animals may be destroyed at the discretion of the
34 State Public Health Veterinarian. (1935, c. 122, s. 15; c. 344; 1941, c. 259, s. 10; 1953, c. 876,
35 s. 11; 1983, c. 891, s. 2; 2009-327, s. 13.)
36

37 **§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of**
38 **Public Health.**

39 An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its
40 head sent to the State Laboratory of Public Health. The heads of all animals that die during a
41 confinement period required by this Part shall be immediately sent to the State Laboratory of
42 Public Health for rabies diagnosis. (1935, c. 122, s. 16; 1953, c. 876, s. 12; 1973, c. 476, s.
43 128; 1983, c. 891, s. 2; 2009-327, s. 14.)
44

45 **§ 130A-200. Confinement or leashing of vicious animals.**

46 A local health director may declare an animal to be vicious and a menace to the public
47 health when the animal has attacked a person causing bodily harm without being teased,
48 molested, provoked, beaten, tortured or otherwise harmed. When an animal has been declared
49 to be vicious and a menace to the public health, the local health director shall order the animal
50 to be confined to its owner's property. However, the animal may be permitted to leave its

1 owner's property when accompanied by a responsible adult and restrained on a leash. (1935, c.
2 122, s. 18; 1953, c. 876, s. 14; 1983, c. 891, s. 2.)

3
4 **§ 130A-201. Rabies emergency.**

5 A local health director in whose county or district rabies is found in the wild animal
6 population as evidenced by a positive diagnosis of rabies in the past year in any wild animal,
7 except a bat, may petition the State Health Director to declare a rabies emergency in the county
8 or district. In determining whether a rabies emergency exists, the State Health Director shall
9 consult with the Public Health Veterinarian and the State Agriculture Veterinarian and may
10 consult with any other source of veterinary expertise the State Health Director deems advisable.
11 Upon finding that a rabies emergency exists in a county or district, the State Health Director
12 shall petition the Executive Director of the Wildlife Resources Commission to develop a plan
13 pursuant to G.S. 113-291.2(a1) to reduce the threat of rabies exposure to humans and domestic
14 animals by foxes, raccoons, skunks, or bobcats in the county or district. Upon determination by
15 the State Health Director that the rabies emergency no longer exists for a county or district, the
16 State Health Director shall immediately notify the Executive Director of the Wildlife Resources
17 Commission. (1997-402, s. 1.)

18
19 **§ 130A-202. Reserved for future codification purposes.**

20
21 **§ 130A-203. Reserved for future codification purposes.**

22
23 **§ 130A-204. Reserved for future codification purposes.**