



1 shelter, food and water, offer grooming or other services for dogs  
2 and/or cats.

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

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

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

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

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

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

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

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

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

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

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

39 **SECTION 2.** G.S. 19A-24 reads as rewritten:

40 **"§ 19A-24. Powers of Board of Agriculture.**

41 The Board of Agriculture ~~may~~:shall:

42 (1) Establish standards for the care of animals at animal shelters, boarding  
43 kennels, pet shops, and public auctions. A boarding kennel that offers  
44 dog day care services and has a ratio of dogs to employees or

1 supervisors, or both employees and supervisors, of not more than 10 to  
2 one, shall not as to such services be subject to any regulations that  
3 restrict the number of dogs that are permitted within any primary  
4 enclosure.

5 (2) Prescribe the manner in which animals may be transported to and from  
6 registered or licensed premises.

7 (3) Require licensees and holders of certificates to keep records of the  
8 purchase and sale of animals and to identify animals at their  
9 establishments.

10 (4) Adopt rules to implement this Article, including federal regulations  
11 promulgated under Title 7, Chapter 54, of the United States Code.

12 (5) Adopt rules on the euthanasia of animals in the possession or custody  
13 of any person licensed under this Article. An animal shall only be put  
14 to death by a method and delivery of method approved by the  
15 American Veterinary Medical Association, the Humane Society of the  
16 United States, or the American Humane Association. The Department  
17 shall establish rules for the euthanasia process using any one or  
18 combination of methods and standards prescribed by the three  
19 mentioned organizations. The rules shall address the equipment,  
20 the process, and the separation of animals, in addition to the animals'  
21 age and condition. If the gas method of euthanasia is approved, rules  
22 shall require (i) that only commercially compressed carbon monoxide  
23 gas is approved for use, and (ii) that the gas must be delivered in a  
24 commercially manufactured chamber that allows for the individual  
25 separation of animals. Rules shall also mandate training for any person  
26 who participates in the euthanasia process."

27 **SECTION 3.** Chapter 19A of the General Statutes is amended by adding a  
28 new section to read:

29 **§ 19A-41. Legal representation of the Department of Agriculture and Consumer**  
30 **Services.**

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

34 **SECTION 4.** This act becomes effective October 1, 2005.