

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 302
Committee Substitute Favorable 4/30/97

Short Title: Wildlife/Rabies Emergency.

(Public)

Sponsors:

Referred to:

February 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PROCEDURE TO AUTHORIZE THE TAKING OF
CERTAIN WILDLIFE IN COUNTIES OR DISTRICTS WHERE AN OUTBREAK
OF RABIES HAS OCCURRED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-291.2 is amended by adding the following new subsection
to read:

"(a1) A local health director in whose county or district rabies is found in the wild animal population as evidenced by a positive diagnosis of rabies in the past year in any wild animal, except a bat, may petition the Wildlife Resources Commission, through and with the concurrence of the State Health Director, for a suspension or liberalization of the statutory and regulatory restrictions on taking foxes, raccoons, skunks, or bobcats in that county or district. The State Health Director shall concur in the petition only if the State Health Director finds that a rabies emergency exists. In determining whether a rabies emergency exists, the State Health Director shall consult the Public Health Veterinarian and the State Agriculture Veterinarian, and may consult with any other source of veterinary expertise the State Health Director deems advisable. When the Executive Director of the Wildlife Resources Commission receives a petition from a local health director in which the State Health Director has concurred, the Executive Director shall

1 develop a plan to reduce the threat of rabies exposure to humans and domestic animals by
2 foxes, raccoons, skunks, or bobcats in the affected area. The plan shall be based upon the
3 best veterinary and wildlife management information and techniques available. The plan
4 may involve a suspension or liberalization of any statutory or regulatory restriction on the
5 taking of foxes, raccoons, skunks, or bobcats, except that the use of poisons shall not be
6 permitted under any circumstance. If the plan involves a suspension or liberalization of
7 any statutory or regulatory restriction on the taking of foxes, raccoons, skunks, or
8 bobcats, the Executive Director shall prepare and adopt a temporary rule setting out the
9 suspension or liberalization pursuant to G.S. 150B-21.1(1). The temporary rule shall
10 become effective as provided in G.S. 150B-21.3. The temporary rule shall expire as of
11 the adjournment of the next meeting of the Wildlife Resources Commission following the
12 adoption of the temporary rule by the Executive Director unless the temporary rule is
13 extended by the Wildlife Resources Commission. In any event the temporary rule shall
14 expire on the date that the State Health Director issues a determination that the rabies
15 emergency has passed. When the State Health Director issues a determination that the
16 rabies emergency no longer exists, the State Health Director shall immediately notify the
17 Executive Director of the Wildlife Resources Commission and the Codifier of Rules that
18 the temporary rule has expired. In the event of a conflict between any State or local law
19 establishing restrictions on taking wild animals and any temporary rule authorized by this
20 section, the temporary rule shall prevail. The Executive Director shall publicize the plan
21 and the temporary rule in the major news outlets that serve the county or district to
22 inform the public of the actions being taken and the reasons for them."

23 Section 2. This act is effective when it becomes law.