

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 1116

Short Title: Fiona Mae Wagglebottom's Act. (Public)

Sponsors: Representatives Dahle and Harrison (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 31, 2022

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO
PROVIDE ADEQUATE SPACE OR SHELTER.

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~~ Persons who (i) intentionally overdrive, overload, wound, injure, torment, ~~kill, or kill an animal,~~ or deprive any animal of necessary sustenance, adequate shelter, or adequate space or (ii) cause or procure any animal to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, ~~any animal, every such offender shall for every such offense be~~ adequate shelter, or adequate space are guilty of a Class 1 ~~misdemeanor.~~ misdemeanor, with each act constituting a separate offense.

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

(b) ~~If any person shall~~ Persons who 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~~ animal are guilty of a Class H ~~felony.~~ felony, with each act constituting a separate offense. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(c) ~~As used~~ The following definitions apply 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 section:

(1) Adequate shelter. – Shelter that meets all of the conditions of this subdivision. Adequate shelter does not include the outdoor tethering of an animal during any period of extreme weather at the site where the animal is tethered.

a. The shelter is suitable for the species, age, condition, size, and type of each animal.

b. The shelter protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health.

c. The shelter is properly lighted and cleaned and enables each animal to remain clean and dry, except when detrimental to the species.



- 1 d. The shelter is properly shaded and does not readily conduct heat during
2 periods when the ambient air temperature at the shelter is greater than
3 85 degrees Fahrenheit.
- 4 e. The shelter provides a windbreak at its entrance and, during periods
5 when the ambient air temperature at the shelter is less than 32 degrees
6 Fahrenheit, bedding material consisting of straw, cedar shavings, or
7 the equivalent sufficient to protect the animal from cold and promote
8 the retention of body heat.
- 9 f. For dogs and cats, the shelter provides a solid surface, resting platform,
10 pad, floormat, or similar device that is large enough for the animal to
11 lie on in a normal manner and can be maintained in a sanitary manner.
- 12 g. The shelter's wire, grid, or slat floors (i) do not permit the animals' feet
13 to pass through the openings, (ii) do not sag under the animals' weight,
14 and (iii) protect the animals' feet and toes from injury.
- 15 (2) Adequate space. – Sufficient space to allow each animal freedom of
16 movement. Adequate space for an animal that is tethered means all of the
17 following:
- 18 a. The tether to which the animal is attached permits freedom of
19 movement and is appropriate to the age and size of the animal; is
20 attached to the animal by a properly applied collar, halter, or harness
21 configured so as to protect the animal from injury and prevent the
22 animal or tether from becoming entangled with other objects or
23 animals or from extending over an object or edge that could result in
24 the strangulation or injury of the animal.
- 25 b. The tether is at least 15 feet in length or four times the length of the
26 animal, as measured from the tip of its nose to the base of its tail,
27 whichever is greater, except when the animal is being walked on a
28 leash or is attached by a tether to a lead line; does not, by its material,
29 size, or weight or any other characteristic, cause injury or pain to the
30 animal.
- 31 c. The tether does not weigh more than one-tenth of the animal's body
32 weight and does not have weights or other heavy objects attached to
33 it.
- 34 d. Tethering does not include the walking of an animal on a leash.
- 35 (3) Animal. – Every living vertebrate in the classes Amphibia, Reptilia, Aves, and
36 Mammalia except human beings.
- 37 (4) Extreme weather. – Any of the following:
- 38 a. The effective period of a hurricane warning or tropical storm warning
39 issued for the area by the National Weather Service.
- 40 b. The effective period for a heat advisory issued by a local or State
41 authority.
- 42 c. Any period when the actual or effective outdoor temperature is above
43 85 degrees Fahrenheit or below 32 degrees Fahrenheit.
- 44 d. The effective period for a severe weather warning issued for the area
45 by the National Weather Service, including a winter storm, tornado, or
46 severe thunderstorm warning.
- 47 (5) Freedom of movement. – With respect to an animal, means the animal can (i)
48 easily stand, sit, lie, turn around, and make all other normal body movements
49 in a comfortable, normal position for the animal and (ii) interact safely with
50 other animals in the same enclosure.

- 1 (6) Intentionally. – With respect to an act, that the act was committed knowingly
- 2 and without justifiable excuse, ~~while the word "maliciously" means an excuse.~~
- 3 (7) Lawful hunt. – The pursuit or taking of game animals in compliance with
- 4 applicable laws and rules of the Wildlife Resources Commission.
- 5 (8) Maliciously. – With respect to an act, that the act was committed intentionally
- 6 and with malice or bad motive. ~~As used in this section, the term "animal"~~
- 7 ~~includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and~~
- 8 ~~Mammalia except human beings. However, this~~
- 9 (9) Torture, torment, or cruelly. – Includes any act, omission, or neglect causing
- 10 or permitting unjustifiable pain, suffering, or death.
- 11 (d) Exclusions. – This section shall not apply to the following activities:
- 12 (1) The lawful taking of animals under the jurisdiction and regulation of the
- 13 Wildlife Resources Commission, except that this section shall apply to those
- 14 birds other than pigeons exempted by the Wildlife Resources Commission
- 15 from its definition of "wild birds" pursuant to G.S. 113-129(15a).
- 16 (2) Lawful activities conducted for purposes of biomedical research or training or
- 17 for purposes of production of livestock, poultry, or aquatic species.
- 18 (2a) Lawful activities conducted for the primary purpose of providing food for
- 19 human or animal consumption.
- 20 (3) Activities conducted for lawful veterinary purposes.
- 21 (4) The lawful destruction of any animal for the purposes of protecting the public,
- 22 other animals, property, or the public health.
- 23 (5) The physical alteration of livestock or poultry for the purpose of conforming
- 24 with breed or show standards.
- 25 (6) The use of a dog in a lawful hunt."

26 **SECTION 2.** One hundred thousand dollars (\$100,000) in nonrecurring funds for
 27 the 2022-2023 fiscal year is appropriated to the Department of Agriculture and Consumer
 28 Services for a public awareness campaign by the Department's Animal Welfare Section regarding
 29 the changes to animal cruelty laws made by this act.

30 **SECTION 3.** Section 2 of this act becomes effective July 1, 2022. The remainder of
 31 this act becomes effective December 1, 2022, and applies to offenses committed on or after that
 32 date.