

# Changes to the AWA and the new euthanasia rules

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The euthanasia rules have now been entered into the Administrative Code.

This talk is designed to provide information about the rules to “direct stakeholders” through both lecture and Q&A.

These rules do not apply to hunters, they only apply to animal shelters.



# Objectives

1. Understand why rules have been written
2. Have a *brief* understanding of how rules are written and passed
3. Know the changes to the current AWA
4. Understand the issues surrounding CETs
5. Know the restrictions on which animals can be euthanized by carbon monoxide
6. Generally understand the requirements for a CO chamber

# Objectives

7. Generally understand about euthanasia under extraordinary circumstances.
8. Know our reasons for the Policy and Procedure Manual

# Enforcement

Until Monday 23 March 2009 the NCDA&CS did not have the authority to:

- require that people euthanizing animals be certified.
- require that trainers of people euthanizing animals receive permission before offering a class.
- require that CO chambers meet certain standards
- require anything *else* in the euthanasia rules

# Enforcement

As a result, it was impossible to have the necessary infrastructure in place on the date the rules went into the Administrative Code.

The NCDA&CS anticipates starting enforcement of the rules in August 2009.



# Reason for the Proposed Rules

# Reason for the Proposed Euthanasia Rules

- § 19A-24. Powers of Board of Agriculture
  - Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article.

(These rules only apply to facilities licensed under the Animal Welfare Act and the NC Administrative Code)

# Directions to the Board

- § 19A-24. Powers of Board of Agriculture
  - An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association.

# Directions to the Board

- § 19A-24. Powers of Board of Agriculture
  - If the gas method of euthanasia is approved, rules shall require
    - (i) that only commercially compressed carbon monoxide gas is approved for use, and
    - (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals.

# Directions to the Board

- § 19A-24. Powers of Board of Agriculture
  - Rules shall also mandate training for any person who participates in the euthanasia process.

# Drafting of Rules

- The initial version of the rules was drafted “in-house” using Animal Welfare Section employees, Veterinary Division employees and our attorney at the NC Dept. of Justice.

# Drafting of Rules

- The draft rules were then reviewed by a large number of private citizens and animal-related organizations including animal welfare groups, animal control personnel and national humane organizations.
- All suggested corrections were reviewed and quite a few were incorporated into these proposed rules.

# Proposed Rules

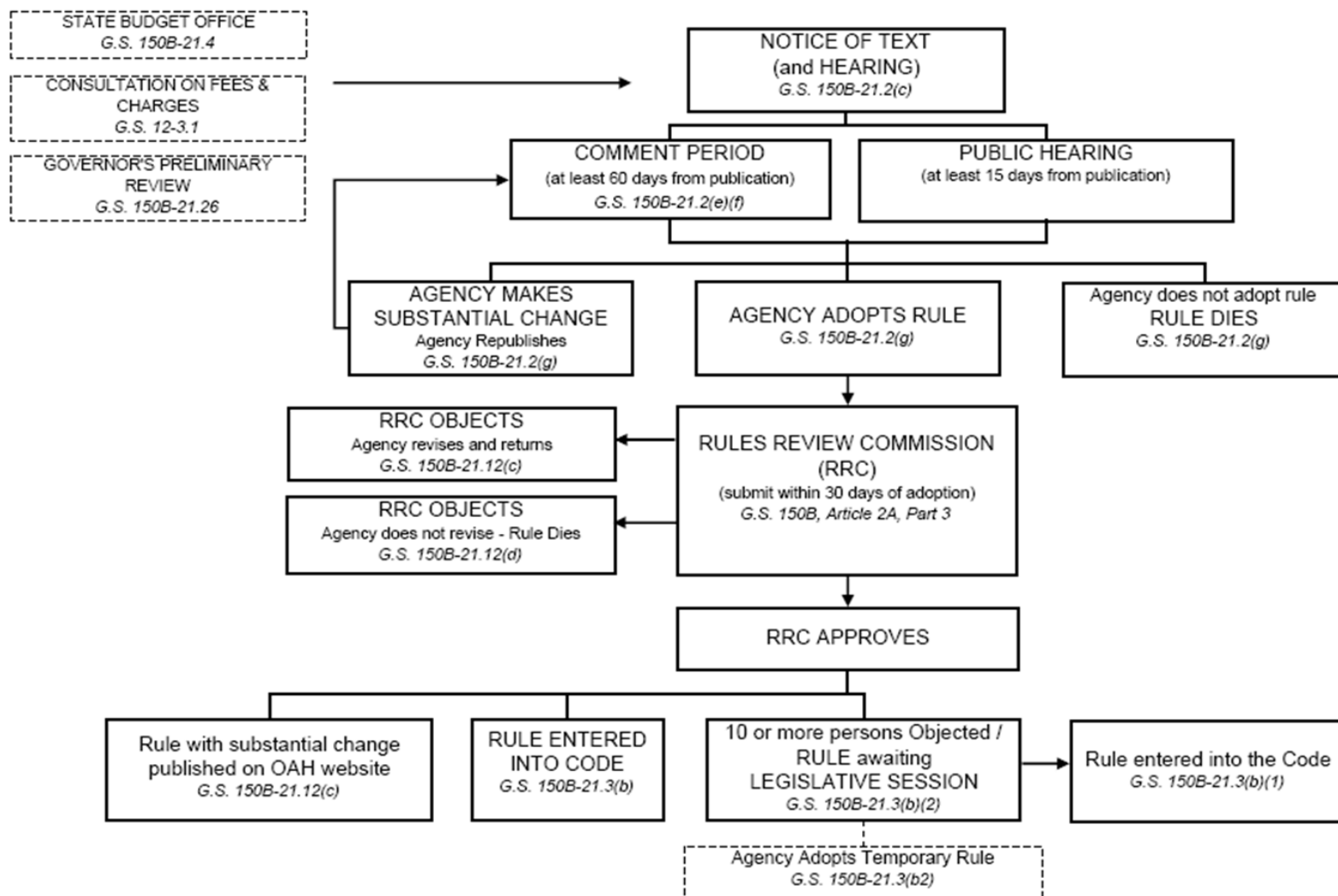
- Additionally, changes were made to the current AWA to correct issues brought to our attention or to correct language that would be incorrect because of the euthanasia rules



# Rule making process



### PERMANENT RULEMAKING PROCESS



Text in white is text unchanged in the current Administrative Code.

Text in yellow is newly added text.

Text in green is comment



Look! Kittens!

Sometimes experience is the best teacher

# Changes to the Current Administrative Code

# Changes to the Current Administrative Code

- 02 NCAC 52J .0203 (b) **Outdoor Facilities**
  - (b) Dogs and cats kept outdoors shall be provided housing to allow them to remain dry and comfortable during inclement weather. Housing shall be constructed of material which is impervious to moisture and which can be disinfected. One house shall be available for each animal within each enclosure except for a mother and its unweaned offspring.

# Changes to the Current Administrative Code

- 02 NCAC 52J .0210 (b) **Veterinary Care**
  - (b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.

# Changes to the Current Administrative Code

## ■ 02 NCAC 52J .0210 (d) **Veterinary Care**

- (d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

# Changes to the Current Administrative Code

- 02 NCAC 52J .0302 (a) **Primary Enclosures**
  - The ambient temperature shall be maintained between 50 degrees F and 85 degrees F. **A shelter shall be deemed as being in compliance if its vehicles' animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms.**



# A Fundamental Change

# Background

These euthanasia rules provide a “toolbox” for the city or county. They may choose the type or combination of types of euthanasia they believe to be best for their community. What works best for Mecklenburg County may not be what is best for Pasquotank County.

# Additions to the Current Administrative Code

- These rules would apply only to dogs or cats euthanized at facilities required to be licensed under the NC Animal Welfare Act.
- It does not apply to other species euthanized at animal shelters.
- It does not apply to animals euthanized at veterinary hospitals.

# Additions to the Current Administrative Code

There are five sections within the proposed rules:

- .0400 Training Certified Euthanasia Technicians
- .0500 Euthanasia by Injection
- .0600 Euthanasia by Inhalation of Gas (CO)
- .0700 Euthanasia Under Extraordinary Circumstances
- .0800 Policy and Procedure Manual

# .0400 Training Certified Euthanasia Technicians

The purpose of this section is to ensure that the people performing euthanasia are well-trained and have demonstrated proficiency to a competent instructor.

## .0402 Authorized Persons

Only a Certified Euthanasia Technician, Probationary Euthanasia Technician, or a veterinarian licensed to practice veterinary medicine in North Carolina may euthanize an animal in a certified animal shelter.

## .0404 CET Requirements

- (a) Individuals who perform euthanasia must be trained and qualified as a Certified Euthanasia Technician.
- (b) Individuals seeking certification as a Euthanasia Technician shall submit a written application

## .0405 Certification Standards

1. Applicants for certification as a Certified Euthanasia Technician shall be at least 18 years of age at the date they receive certification.
2. Applicants are not eligible for certification if they have been convicted of a felony offense or a crime or infraction involving animal abuse or neglect and shall demonstrate compliance with this Section.



## .0406 Application Requirements

- (1) submit a completed and signed application form;
- (2) provide a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has completed an approved course, passed the course written examination and passed a practical examination in the specific euthanasia techniques for which the applicant is seeking certification

# .0406 Application Requirements

(3) specify in the application form the specific euthanasia techniques the applicant is requesting certification

# .0407 Training & Examination

- (a) Training and examinations for euthanasia certification shall consist of:
  - (1) Classroom lecture
  - (2) Earning a score of 80 percent correct on a written test and
  - (3) Passing a practical examination in ... the euthanasia methods for which the applicant is seeking certification.

# .0407 Training & Examination

(b) The Animal Welfare Section shall develop Certified Euthanasia Technician training programs and materials or accredit training programs and materials to be offered by other individuals, schools, agencies or veterinary practices. ... and shall include the following topics:

# .0407 Training & Examination

- (1) The theory and history of euthanasia methods and practice;
- (2) Animal anatomy;
- (3) Proper animal restraint, handling and methods for controlling animal stress;
- (4) Proper chemical agent dosages, record keeping and usage documentation, chemical agent, instrument and equipment storage, handling and disposal in accordance with rules and the Code of Federal Regulations;
- (5) Proper injection techniques;

# .0407 Training & Examination

- (6) Proper euthanasia techniques not utilizing injected chemical agents;
- (7) Proper and accurate verification of animal death;
- (8) Proper record keeping;
- (9) Proper disposal of euthanized animals;
- (10) Stress management for euthanasia personnel;

# .0407 Training & Examination

- (11) Proper methods and techniques of euthanasia under extraordinary circumstances;
- (12) Proper methods, techniques and chemicals inducing anesthesia and sedation in animals prior to euthanasia; and
- (13) Proper methods, techniques and chemicals used in the practical examination section for Certified Euthanasia Technician.

# .0407 Training & Examination

- (c) The Animal Welfare Section shall prepare written examinations to be given to applicants...



# .0407 Training & Examination

- (e) Applicants for certification in **Euthanasia by Injection** shall demonstrate the following knowledge and competencies:
- (1) Correctly calculate chemical agent dosage based upon the species, age, weight and condition of the animal;
  - (2) Correctly complete all required documentation;
  - (3) Correctly draw the properly calculated chemical dosage into a syringe and needle of a type and size appropriate for the animal;
  - (4) Correctly administer the chemical agent to the animal;
  - (5) Properly perform intravenous and intraperitoneal injections on dogs and intravenous or intraperitoneal injections on cats;

# .0407 Training & Examination

- (7) Demonstrate ability to verify death by:
  - (A) lack of respiration;
  - (B) lack of ocular reflexes;
  - (C) lack of a heartbeat;
- (8) Knowledge about the human health risks associated with the use of chemical agents used for euthanasia including signs and symptoms associated with accidental exposure of the Certified Euthanasia Technician;
- (9) Proper first aid for a person accidentally exposed to chemical agents used for euthanasia.

# .0407 Training & Examination

- (f) Applicants for certification in **Euthanasia by Gas Inhalation** shall meet the standards set forth in this Paragraph:
- (1) Demonstrate knowledge of the dangers and human health effects of exposure to carbon monoxide gas;
  - (2) Demonstrate knowledge about which animals Euthanasia by Gas Inhalation is approved and which species, age, medical or physical conditions make it improper to use Euthanasia by Gas Inhalation;
  - (3) Demonstrate proper techniques in placing animals into the chamber;
  - (4) Demonstrate knowledge about the maintenance, operation and cleaning of the chamber, fittings, gas cylinder, valves, and other parts of the equipment;
  - (5) Demonstrate proper operation of the chamber;

# .0407 Training & Examination

- (6) Demonstrate ability to verify death by:
  - (A) lack of respiration;
  - (B) lack of ocular reflexes;
  - (C) lack of a heartbeat;
- (7) Demonstrate knowledge about the human health risks associated with the use of carbon monoxide when used for euthanasia. Such knowledge shall also include signs and symptoms associated with accidental exposure of the Certified Euthanasia Technician;
- (8) Demonstrate knowledge of proper first aid for a person accidentally exposed to carbon monoxide used for euthanasia.

# .0408 Trainers

- (a) Certified Euthanasia Technician training shall be provided by the Animal Welfare Section or by companies or individuals meeting the following criteria:
- (1) Possess working knowledge of euthanasia conducted according to this Section;
  - (2) Have actual experience in euthanasia of animals;
  - (3) Have experience training staff in euthanasia; and
  - (4) Provide references from individuals or organizations previously trained.

## .0408 Trainers

- (b) Information taught shall conform to this Section and the guidelines set forth by the AVMA, HSUS or AHA.
- (c) Trainers shall disclose to their students and the Animal Welfare Section any affiliations with suppliers of equipment or supplies used in euthanasia.

## .0408 Trainers

- (d) The Animal Welfare Section may make unannounced audit of instruction and testing by trainers.
- (e) Prior to providing euthanasia training leading to certification as a Euthanasia Technician, the person or company shall obtain approval before **each class** ...

# .0409 Probationary CET

An individual who has passed the written exam, but has not taken and passed the practical examination may serve as a Probationary Euthanasia Technician under the direct supervision of:

- (1) a licensed veterinarian; or
- (2) a Certified Euthanasia Technician

for up to three consecutive months or until such time as the next practical euthanasia exam is conducted, whichever is longer.



# .0411 New Application

If the individual or applicant fails to pass the practical exam a second time and wishes to apply for certification again, the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written exam and take and pass a practical examination on euthanasia.

# .0413 Length of Certification

A Certificate issued by the *Animal Welfare Section* is valid for five years from the date of issuance unless

- it is revoked pursuant to this Section or
- upon termination of employment or volunteer status as described in this Section.

## .0414 Length of Certification

Upon termination of employment or volunteer status from a certified facility, a Certified Euthanasia Technician shall not perform animal euthanasia in a certified facility until recertified by the Animal Welfare Section. The Certified Euthanasia Technician's certification shall be canceled effectively upon termination of employment or volunteer status.

# .0414 Length of Certification

No later than 10 days from the date of the termination of ... volunteer status at that certified facility the Certified Euthanasia Technician shall complete a form notifying the Animal Welfare Section ...

# .0415 Notice of Termination

A certified facility shall notify the Animal Welfare Section in writing, no later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment or volunteer status ...

# .0416 Recertification

- (a) ... Certified Euthanasia Technician ... may request reinstatement of his/her certification from the Animal Welfare Section. The reinstated Certification shall be good for five years from the date of its initial issue.

# .0419 Grounds for Discipline

The Department may refuse to issue, renew, or reinstate the certification of a Euthanasia Technician, or may deny, revoke, suspend, sanction, or place on probation, impose other forms of discipline ...

# .0419 Grounds for Discipline

- (1) Failure to Carry Out Duties
- (2) Abuse of Chemical Substances.
- (3) Euthanizing animals without supervision as required by this subchapter;
- (4) Allowing uncertified individuals to euthanize animals



# .0419 Grounds for Discipline

- (5) Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;
- (6) Fraud, misrepresentation, or deception in obtaining certification;
- (7) Unethical or Unprofessional Conduct.

# .0419 Grounds for Discipline

- (8) Conviction of any criminal offense as described in this Section;
- (9) Improper Record Keeping.
- (10) Improper Security and Storage for Chemical Agents.
- (11) Improper Disposal of Chemical Agents and Equipment.

# .0419 Grounds for Discipline

- (12) Improper Labeling of Approved Chemical Agents.
- (13) Revocation, Suspension or Limitation.
- (14) Failure of any applicant or certificate holder to cooperate with the North Carolina Department of Agriculture and Consumer Services during any investigation or inspection.

# .0500 Euthanasia by Injection

# .0501 Euthanasia by Injection

Intracardiac injection shall only be used on animals that have been anesthetized or heavily sedated.

# .0501 Euthanasia by Injection

Purchase and use of sodium pentobarbital is regulated by the DEA and by NC DHHS.

# .0501 Euthanasia by Injection

Methods used to obtain controlled substances for animal euthanasia

1. Contracting with a licensed DVM to provide euthanasia services either on-site or off-site
2. Working with a DVM to use their DEA number on-site
3. Obtaining your own DEA number but using veterinary oversight
4. H 424 - now being considered by the General Assembly

.0600 Euthanasia by CO



# .0601 CO equipment

If carbon monoxide is used for euthanasia in a certified facility, the following requirements shall be met:

- (1) Only commercially compressed, bottled gas shall be used;
- (2) The gas shall be delivered in a commercially manufactured chamber ...
- (3) Animals placed inside of the chamber shall be of the same species;

# .0601 CO equipment

- (4) The chamber shall achieve a minimum six percent uniform concentration of carbon monoxide within two minutes ...
- (5) Death shall occur within five minutes of beginning the administration of the gas; and
- (6) Animals shall remain in the chamber ... for a minimum of 20 minutes.

## .0602 Prohibited uses

- (1) Animals that appear to be less than 16 weeks of age;
- (2) Animals that are pregnant;
- (3) Animals that are near death.

## .0603 Dead animals

Live animals shall not be placed into a euthanasia chamber with dead animals in certified facilities.

## .0604 Individual separation

Animals shall be individually separated within a euthanasia chamber in a certified facility.

## .0605 Chamber requirements

- (a) A euthanasia chamber in a certified facility shall be located in a well-ventilated place, preferably outdoors.
- (b) The chamber shall be in good working order.
- (c) The chamber shall have strong airtight seals around the doors and viewports.
- (d) The chamber shall have at least one port for viewing of the animals during euthanasia.
- (e) The chamber shall be lit sufficiently to allow observation of an animal in any part of the chamber.

## .0605 Chamber requirements

- (f) Any chamber electrical wiring or components exposed to carbon monoxide must be warranted by the manufacturer to be explosion proof.
- (g) Any light inside of the chamber shall be shatterproof.
- (h) The chamber shall use exhaust ventilation to evacuate the gas from the chamber before the doors are opened upon completion of the process.

# .0605 Chamber requirements

(i) If the chamber is located outdoors:

(1) The exhaust shall be vented at least eight feet above ground level.

The minimum stack velocity shall be at least 3,000 feet per minute;

(3) If there is a roof above the chamber, the exhaust shall be vented at least three feet above the highest point of the roof; and

(4) The exhaust shall not be located within eight feet of any building air intakes.



# .0605 Chamber requirements

- (j) If the chamber is located indoors:
  - (1) The exhaust shall be vented to the outdoors at least three feet above the highest point of the roof;
  - (2) The exhaust shall not be located within eight feet of any building air intakes;
  - (3) The minimum stack velocity shall be at least 3,000 feet per minute; and
  - (4) At least two carbon monoxide detectors shall be placed in the room.

## .0606 Inspections and records

- (a) Chamber seals, exhaust flow, carbon monoxide monitors and other equipment used in the euthanasia process in certified facilities shall be inspected at least monthly and repaired or replaced as necessary.

## .0606 Inspections and records

- (b) The chamber must be inspected at least annually by the manufacturer, its authorized representative or an industrial hygienist knowledgeable about the manufacture and operation of the chamber.

# Where to find an Industrial Hygienist

1. Some counties have them on staff
2. Marilyn Parker, OEE, NC DHHS can provide you with a listing of IH's in this state

## .0606 Inspections and records

- (c) A record shall be made of each inspection recording the results, the date of the inspection, and the name of the person performing the inspection. The record shall be maintained in the policy and procedure manual for at least two years.

## .0609 Persons required to be present

A euthanasia chamber in a certified facility shall not be operated unless a CET or DVM and one other adult are present at the time of its use.

# .0700 Extraordinary Circumstances

# .0700 Extraordinary Circumstances

We recognize that circumstances exist in which euthanasia cannot wait for normal working hours or that a CET will work 24 hours per day, 7 days per week.





# .0701 Methods permitted

extraordinary circumstance or situation includes

1. a situation which is offsite from the shelter,
2. in which an animal poses an immediate risk to animal, human or public health and
3. in which no alternative, less extreme measure of euthanasia is feasible. It also includes circumstances or situations in which it would be inhumane to transport an animal to another location to perform euthanasia.

## .0703 Methods and standards

Methods of euthanasia used by a certified facility under an extraordinary circumstance or situation must be approved by the *AVMA*, *HSUS* or *AHA*.

# .0704 Technician not required

If an extraordinary circumstance or situation occurs and euthanasia is necessary, the person performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified facility.

# .0705 Reports

A licensee or registrant shall prepare a report of any euthanasia performed under extraordinary circumstances or situations, and keep the report on file for at least two years. The report shall include the date, time, identification of the animal, the name of the person performing the final euthanasia, the method of euthanasia and the reason for euthanasia of the animal as permitted by this Section.

.0800 Policy and procedure manual

# .0801 Manual required

Any animal shelter performing euthanasia shall have a current policy and procedure manual about euthanasia.

## .0803 Additional contents

- (1) A copy of the current North Carolina Animal Welfare Act and the rules ...;
- (2) A copy of the 2000 Report of the AVMA Panel on Euthanasia ...;
- (3) A current copy of the Euthanasia Training Manual of the HSUS;
- (4) A copy of the publication on euthanasia by the AHA

## .0803 Additional contents

- (5) A list of methods of euthanasia allowed at the shelter and the policy and procedures for each method;
- (6) A list of Certified Euthanasia Technicians, the methods of euthanasia in which they have received training, and the date of training;
- (7) The name, address and contact information for the veterinarian responsible for the Annual Program of Veterinary Care;
- (8) The name, address and contact information for veterinarians responsible for the veterinary medical care of the animals. The contact information shall include telephone numbers for working hours, weekends, nights and holidays;



## .0803 Additional contents

- (9) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- (10) Procedures to follow if no Certified Euthanasia Technician is present and euthanasia of an animal is necessary;
- (11) Methods of verifying death of an animal after a euthanasia process is performed;
- (12) The name and contact information of the supplier of materials.

## .0803 Additional contents

- (13) Original of U.S. DEA certification permitting the use of controlled substances;
- (14) A MSDS for any chemical or gas used for euthanasia in that shelter;
- (15) A MSDS for any anesthetic or tranquilizer used in that facility;
- (16) Notice of the signs and symptoms associated with human exposure to the agents used for euthanasia at the facility;

## .0803 Additional contents

- (17) First aid for people accidentally exposed to the agents used for euthanasia at the facility; and
- (18) Contact information of the physician or medical facility providing medical treatment to employees of the facility.

# Bills now before the General Assembly

# Bills that may directly affect the euthanasia rules

1. H6 aka: Davie's law  
would allow only the use of sodium pentobarbital
2. H27 Regulate Euthanasia  
would allow the use of CO but only under certain circumstances

# Bills that may indirectly affect the euthanasia rules

## 1. H424

would require DHHS to allow mid-level practitioners to directly purchase sodium pentobarbital without the use of a veterinarian's DEA number

## 2. S473

essentially the same bill as H424

# Questions?

