

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
4500 Office of Animal Welfare

4501 Regulations for Animals Held in Shelter

1.0 Authority and Purpose

- 1.1 These regulations are promulgated by the Delaware Department of Health and Social Services pursuant to 16 **Del.C.** §§3004F(d) and 3008F(a) pertaining to animal shelter standards and shall apply to any animal shelter as defined in Section 2.0.
- 1.2 The overall purpose of these regulations is to promote and ensure the protection and care of animals in animal shelters and to increase opportunities for their placement and adoption. They also establish requirements for humane euthanasia of animals held in animal shelters.
- 1.3 These regulations define: (1) training and certification requirements for certified euthanasia technicians; (2) minimum standards of care and treatment; (3) requirements for adoption and recovery; (4) acceptable standards, methods and procedures of euthanasia; (5) record keeping obligations; and (6) procedures for inspections and complaints.

2.0 Definitions

The following words or terms, when used in these regulations, shall have the meaning indicated, unless the context otherwise requires:

"Adoption" means the permanent transfer of ownership/guardianship of a companion animal from a shelter to a new owner/guardian.

"Animal shelter" means a public or private facility which includes a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals and that is operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" shall not include individuals providing temporary foster care to animals in their home or to animal rescue groups sheltering animals on an individual's private property.

"Applicant" means a person that has submitted an application for certification as an euthanasia technician in an animal shelter for which they work.

"Certified euthanasia technician" is the designation to be used for the individual defined according to 16 **Del.C.** §3004F(d)(4d). "Certified euthanasia technician" means a person certified by a licensed veterinarian and the Office of Animal Welfare, after passing both a written and practical examination, as proficient to perform euthanasia in an animal shelter setting.

"Department" means the Department of Health and Social Services or its duly authorized representatives.

"Euthanasia" is the act of inducing painless death.

"Euthanasia rate" is the number of animals, by animal type, in custody of an animal shelter that have been euthanized. This shall not include euthanasia of privately owned pets.

"Intake rate" means the number of live animals for which an animal shelter assumes custody and are admitted for temporary shelter and care. This shall include all animals admitted to the shelter, foster care, or a satellite location.

"Licensed veterinarian" means a veterinarian licensed to practice veterinary medicine pursuant to Title 24.

"Licensed veterinary technician" means an individual licensed as a veterinary technician pursuant to Title 24.

"Office" means the Office of Animal Welfare or its duly authorized representatives.

"Pre-euthanasia anesthetics" means drugs administered prior to the administration of the euthanasia drug, which render an animal unconscious, immobilized, and with total loss of ability to perceive pain while retaining functions vital for life.

3.0 Certification Requirements for Euthanasia Technicians

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- 3.1 Individuals who perform euthanasia in an animal shelter, other than a licensed veterinarian, a nationally certified euthanasia technician; or a licensed veterinary technician, must be trained and certified as set forth in this Section.
- 3.2 Individuals seeking certification as a euthanasia technician shall submit a written application documenting their qualifications to the Office of Animal Welfare, Carvel Building, 1901 N. Dupont Highway, New Castle, DE 19720.
- 3.3 In order to qualify for certification as a certified euthanasia technician, an applicant shall submit proof of the following requirements:
 - 3.3.1 Is eighteen (18) years of age or older;
 - 3.3.2 A criminal background check within 6 months of application showing the individual has not been convicted of any of the following:
 - 3.3.2.1 any felony offense.
 - 3.3.2.2 a crime or infraction involving animal abuse or neglect.
 - 3.3.2.3 use, possession, sale, distribution, or traffic of illegal substances.
 - 3.3.3 Is employed by a Delaware animal shelter;
 - 3.3.4 Has successfully completed an approved euthanasia training course;
 - 3.3.5 Has passed a written examination given by or approved by the Office of Animal Welfare ("Office"), and
 - 3.3.6 Demonstrates proficiency in euthanasia procedure under the direct supervision of the shelter's staff veterinarian or consulting veterinarian.
- 3.4 The Office of Animal Welfare will receive and review all applications for euthanasia technician certification and determine eligibility.
- 3.5 For any person who is currently performing euthanasia, who is not a licensed veterinarian, a nationally certified euthanasia technician, or a licensed veterinary technician, the training requirement must be met within six months of the effective date of this Rule.

4.0 Training of Certified Euthanasia Technicians

- 4.1 The euthanasia training course shall be at least twelve (12) hours and shall include both lecture and practical instruction.
- 4.2 The course must be administered by or approved by the Office of Animal Welfare and minimum curriculum requirements shall include:
 - 4.2.1 Animal anatomy;
 - 4.2.2 The pharmacology and proper administration of euthanasia drugs and pre-euthanasia anesthetics;
 - 4.2.3 Proper dose calculation and record keeping, proper storage, handling and disposal of pre-euthanasia anesthetics and euthanasia drugs in accordance with state and federal laws;
 - 4.2.4 Proper restraint and handling with emphasis on easing trauma and stress to the animal;
 - 4.2.5 Proper injection techniques;
 - 4.2.6 Techniques for properly and accurately verifying an animal's death;
 - 4.2.7 The proper disposal of a euthanized animal; and
 - 4.2.8 Euthanasia technician stress management.
- 4.3 There shall be at least one instructor per course who can provide proof of being proficient and experienced in intravenous and intraperitoneal administration of pharmaceuticals.
- 4.4 Following the lecture training detailed in 4.2 of these regulations, the applicant shall take a written examination provided by or approved by the Office of Animal Welfare.
- 4.5 Those passing the written examination are eligible for the practical portion of the training during which the individual shall work under the direct supervision of the shelter's staff veterinarian or consulting veterinarian. Through practical training, the individual shall:
 - 4.5.1 Demonstrate competency in applying the skills outlined in 4.2; and
 - 4.5.2 Exhibit respectful, professional and compassionate behavior in regard to the euthanasia process.
- 4.6 Once the supervising veterinarian deems the individual is proficient in giving intravenous and intraperitoneal injections, as well as making a positive determination of death, the veterinarian shall sign a proficiency statement and notify the Office of Animal Welfare.

5.0 Approval of Euthanasia Training Course

- 5.1 Any organization or institution desiring to conduct a euthanasia technician certification education program shall apply to the Office of Animal Welfare and submit satisfactory evidence that it is ready and qualified to instruct students in the prescribed basic curriculum for certifying euthanasia technicians and that is prepared to meet other standards which may be established by the Office. The organization or institution may not be an animal shelter in Delaware.
- 5.2 If the Office determines that any approved educational program is not maintaining the standards required by these regulations and by the Office, written notice thereof, specifying the deficiency and the time within which the same shall be corrected, shall immediately be issued to the program. The Office shall withdraw such program's approval if it fails to correct the deficiency within the time proscribed. The organization or institution may reapply for approval to the Office once the program meets standards established by the Office.
- 5.3 A euthanasia technician certification course approved by the American Humane Association, the American Veterinary Medical Association or The Humane Society of the United States shall be deemed to have the approval of the Delaware Office of Animal Welfare.

6.0 Issuance of Certification

- 6.1 Upon receipt of the required documentation listed in section 3.3 of these regulations, the Office of Animal Welfare shall issue a certificate of course completion which will serve as certification.
- 6.2 The Office of Animal Welfare may, by endorsement, without written examination, certify an euthanasia technician who has completed a training program that meets the educational requirements for certification defined by the Office and if, in the opinion of the Office, the applicant meets the qualifications specified by these regulations for an euthanasia technician.
- 6.3 Certificates shall be kept on file at the euthanasia technician's place of employment. A shelter shall notify the Office of Animal Welfare in writing, no later than 5 business days from the date of termination or resignation, of a Certified Euthanasia Technician's employment.
- 6.4 A Certified Euthanasia Technician shall notify the Office within 5 business days of change of employment from one Delaware animal shelter to another Delaware animal shelter, if applicable.

7.0 Recertification and Revocation

- 7.1 Recertification will be required every three years by applying to the Office of Animal Welfare and may be granted provided that the euthanasia technician is currently employed by a Delaware animal shelter and has not been convicted of any felony offense, crime or infraction involving animal abuse or neglect, or the use, possession, sale, distribution, or traffic of illegal substances within the previous three years.
- 7.2 To apply for recertification, the applicant shall submit to the Office of Animal Welfare a letter signed by their employer that they still meet the criteria listed in section 3.3 of these regulations and have remained proficient in giving intravenous and intraperitoneal injections, as well as making a positive determination of death.
- 7.3 If at any time the euthanasia technician fails to meet the original terms of certification, they are no longer employed by a Delaware animal shelter, or their employer requests revocation, the Office of Animal Welfare shall revoke their certification.
- 7.4 Any concerns regarding the technical proficiency of euthanasia, the ability to accurately confirm death, professional behavior, or the handling of animals being euthanized of a certified euthanasia technician should be directed to the Office immediately.

8.0 Shelter Care and Treatment

- 8.1 Animal shelters shall follow written veterinary care protocols developed with a licensed veterinarian, to include: evaluation and testing of newly impounded animals, disease control and prevention, and adequate veterinary care. These protocols shall be updated regularly and available on site at all times, and copies provided to the Department of Health and Social Services ("Department") upon request.
- 8.2 Animal shelters shall vaccinate all dogs against canine distemper virus, canine parvovirus, and bordetella bronchiseptica and all cats against feline viral rhinotracheitis, calicivirus, and the panleukopenia virus before or upon entering the shelter or holding facility to reduce the spread of disease.

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- 8.3 Vaccines should be administered as soon as possible, but no more than 8 hours after entering the shelter. This provision shall not apply to animals in quarantine for rabies observation, or to animals having injuries, illness, or temperament that make administration of the vaccinations unsafe. If vaccines are not given to an animal due to one of these exceptions, the reason must be explained and well documented. The animal must be reassessed within a reasonable amount of time based on the condition. Vaccines shall be given as soon as safe to do so and be administered by a licensed veterinarian, veterinary technician, or trained shelter personnel under the direction of a veterinarian, veterinary technician, or animal care manager.
- 8.4 An examination of animals entering an animal shelter shall be performed within 72 hours of entry. Exam must be performed by a licensed veterinarian, veterinary technician, or shelter personnel with knowledge and training in animal health assessment under the direction of a veterinarian, veterinary technician, or animal care manager. In rare circumstances where handling of an animal may be unsafe, the exam may be done visually with the reason for a visual exam clearly documented. Written examination findings must be kept in the animal's record and a copy provided to the Department upon request.
- 8.5 This section applies to all animals in the organization's custody whether at the shelter, in foster care, or a satellite location.

9.0 Animal Adoption, Recovery, and Rehabilitation

- 9.1 Animal shelters shall post all stray animals on their website within 24 hours of intake. The posting shall contain sufficient detail to allow the animal to be recognized and claimed by their owners. Shelters may post stray animals on additional websites or through social media at their discretion.
- 9.2 Animal shelters shall be open to the public after normal business hours, including evenings and weekends, to increase access for purposes of reclaiming a lost pet or adoption. The hours for public access shall be posted at the facility and clearly visible from the outside. Hours shall also be posted on the shelter's website.

10.0 Euthanasia in Animal Shelters

- 10.1 Euthanasia shall be performed by a licensed veterinarian, a licensed veterinary technician, a nationally certified euthanasia technician, or a person certified by a licensed veterinarian as proficient to perform euthanasia (hereby referred to as certified euthanasia technician) after completion of the requirements outlined in regulation 3.0. The certified euthanasia technician is only permitted to perform euthanasia on shelter animals within the animal shelter of which they are employed. No one other than the shelter or consulting veterinarian may perform euthanasia on privately owned animals.
- 10.2 Standards for the euthanasia area in animal shelters
- 10.2.1 Each shelter shall have a specific area designated for euthanasia. That area shall be:
- 10.2.1.1 A separate room;
 - 10.2.1.2 An area that is physically separated from the rest of the facility by a wall, barrier or other divider; or
 - 10.2.1.3 An area that is not used for any other purpose while animals are being euthanized.
- 10.2.2 The following information shall be kept in the euthanasia area:
- 10.2.2.1 A written copy of the policy and procedure manual regarding euthanasia drafted by a licensed veterinarian of the shelter's choice;
 - 10.2.2.2 Response protocols for accidental exposure of humans to euthanasia drugs or pre-euthanasia anesthetics;
 - 10.2.2.3 Material Safety Data Sheets for euthanasia drugs and pre-euthanasia anesthetics; and
 - 10.2.2.4 Current copy of euthanasia reference manual issued by the American Veterinary Medical Association, the American Humane Association, or The Humane Society of the United States.
- 10.2.3 The euthanasia area shall meet the following minimum standards:
- 10.2.3.1 Shall provide a safe, quiet environment in which to perform euthanasia.
 - 10.2.3.2 Shall provide adequate space for two persons to perform euthanasia.
 - 10.2.3.3 Lighting shall be bright and even and provide adequate illumination for inspection and identification of animals, performance of euthanasia procedures, and safe working conditions for personnel.
 - 10.2.3.4 The air temperature shall be within a range of 65 degrees and 85 degrees Fahrenheit, a comfortable range for both personnel and animals.
 - 10.2.3.5 The area shall have adequate ventilation that prevents accumulation of odors.

- 10.2.3.6 The floor of the area shall provide dry, non-slip footing to prevent accidents.
- 10.2.3.7 The area shall be one that can be easily cleaned and disinfected.
- 10.2.3.8 The area shall not be accessible to the public when euthanasia is being performed
- 10.2.4 The euthanasia area shall have the following equipment and supplies:
 - 10.2.4.1 A table or other work area where animals can be handled safely while euthanasia is performed.
 - 10.2.4.2 Holding cages of the appropriate size available to hold an animal while waiting for a pre-euthanasia anesthetic or euthanasia drug to take effect, if needed, should be easily accessible in or near the room. These cages shall be maintained in a clean and sanitary condition. If these cages are in the euthanasia room, and occupied, no other animal may be euthanized at the same time pursuant to subsection 11.9.
 - 10.2.4.3 Variety of syringes and needles. Needles are to be used only once.
 - 10.2.4.4 A first aid kit.
 - 10.2.4.5 One or more tourniquets.
 - 10.2.4.6 Electric clippers with a number 40 blade in good working order.
 - 10.2.4.7 Humane restraint devices for use on dogs and cats.
 - 10.2.4.8 Stethoscope.
 - 10.2.4.9 Towels, sponges and disinfectant.
 - 10.2.4.10 Sharps disposal system.
 - 10.2.4.11 Universal microchip scanner in good working order.
 - 10.2.4.12 Log book to record animal ID, weight of animal, drug names and amounts utilized for the euthanasia procedure.
- 10.2.5 All chemical agents, pre-euthanasia anesthetics, and euthanasia drugs used in the euthanasia area shall be clearly labeled, logged, and stored according to state and federal laws.
- 10.3 Subsections 10.1 and 10.2 do not apply to livestock and horses, which may be euthanized in an outdoor environment.
- 10.4 When deemed necessary due to severe injury or illness, and when it can be performed without risk to personal safety, humane euthanasia may be performed outdoors or in a transport vehicle as long as the animal is on shelter property.

11.0 Euthanasia Methods and Procedures for Animal Shelters

- 11.1 The use of sodium pentobarbital or sodium pentobarbital in combination with phenytoin sodium shall be the exclusive drugs for euthanasia of dogs and cats by animal shelters, given by the following acceptable methods:
 - 11.1.1 Intravenous injection by hypodermic needle;
 - 11.1.2 Intraperitoneal injection with sodium pentobarbital alone by hypodermic needle, if intravenous access is distressful, dangerous or impractical and the animal is less than 10 lb; or
 - 11.1.3 Intracardiac injection by hypodermic needle may be performed only by a licensed veterinarian and only when performed on a deeply anesthetized or unconscious animal to whom intravenous or intraperitoneal cannot be successfully administered due to animal's physical condition.
- 11.2 Pre-euthanasia anesthetics shall be administered to animals who are aggressive, severely distressed, or frightened as directed by the shelter veterinarian. This does not prevent the use of pre-euthanasia anesthetics for other animals as instructed by the shelter veterinarian.
- 11.3 Small animal species other than dogs and cats should be humanely euthanized by the preferred methods recommended by the manuals listed in section 10.2.2.4.
- 11.4 Large animal species shall be euthanized by a licensed veterinarian proficient with the handling of horses and livestock.
- 11.5 To assure safe and humane euthanasia technique, a minimum of two persons shall be required for any euthanasia procedure. One person shall be a licensed veterinarian, licensed veterinary technician, or a certified euthanasia technician, and one or more persons shall be handler(s). The handler should be trained in safe and humane animal handling techniques.
- 11.6 The identity of each animal to be euthanized must be determined with certainty prior to the procedure. This includes but is not limited to scanning for a microchip, verification of sex, breed, shelter ID number and distinguishing markings, and verifying that the animal is properly designated for the procedure.

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- 11.7 Euthanasia must be authorized by the animal care/control manager, director or veterinarian as appropriate for each animal for which euthanasia is performed. Documentation of this authorization shall be kept in the animal's record and a copy provided to the Department upon request.
- 11.8 No animal shall be left unattended between the time euthanasia procedures are first begun and the verification of death.
- 11.9 No animal shall be permitted to observe or hear the euthanasia of another animal, nor permitted to view the bodies of dead animals. This provision shall not apply to puppies and kittens with their mothers. When selected for euthanasia by the shelter veterinarian, mother animals should be euthanized prior to their offspring. The puppies or kittens should be euthanized immediately following the mother.

12.0 Handling and Restraint of Animals for Euthanasia

- 12.1 To minimize stress, fear and discomfort, the least amount of restraint that is necessary to perform the procedure safely shall be used. All animals shall be handled in a gentle and compassionate manner.
- 12.2 When animals are fearful, fractious or highly aroused, human contact should be minimized as to prevent injury and reduce stress to both the animal and the handler. For these animals, pre-euthanasia anesthesia shall be administered.
- 12.3 Catch poles are not to be used on cats.

13.0 Confirmation of Death

- 13.1 No dog, cat, or other species may have its body disposed of until death is confirmed by a licensed veterinarian, licensed veterinary technician, or a certified euthanasia technician. Verification of death shall be made by physical examination of the individual animal.
- 13.2 Methods for confirmation of death must be preceded by ensuring that the animal has neither a blink nor toe pinch reflex.
- 13.3 Methods for confirmation of death:
 - 13.3.1 Complete lack of heartbeat and respiration as determined by stethoscope;
 - 13.3.2 Lack of movement of a cardiac stick syringe; or
 - 13.3.3 Onset of rigor mortis
- 13.4 Verification of death is to be performed by two individuals.

14.0 Record Keeping and Reporting for Animal Shelters

- 14.1 Animal shelters shall maintain records regarding the following information:
 - 14.1.1 Intake rate;
 - 14.1.2 Euthanasia rate including age (infant, juvenile, and adult), by animal;
 - 14.1.3 Number of adoptions;
 - 14.1.4 Number reclaimed by owner;
 - 14.1.5 Number transferred to other agencies for adoption;
 - 14.1.6 Number of animals spayed or neutered. This shall include shelter and public animals;
 - 14.1.7 Number of animals in the shelter. This shall include all animals in the organization's custody whether at the shelter, in foster care, or a satellite location;
 - 14.1.8 Records showing the number of animals that died or were lost/stolen;
 - 14.1.9 Records showing compliance with vaccination requirements; and
 - 14.1.10 Records regarding medical treatment provided.
- 14.2 Animal statistics outlined in 14.1.1 - 14.1.8 must be posted on the shelter's website on a quarterly basis, no later than 30 days after the close of the quarter. A final annual report for each calendar year shall also be provided to the Department by February 28 of the year following the year for which the statistics were compiled.
- 14.3 There shall be kept at each shelter a record of all animals received and their disposition. Such record shall state:
 - 14.3.1 origin of animal, including the name and address of the organization or individual from whom the animal was acquired, if applicable, and date animal was received;

- 14.3.2 unique identification number for each animal;
 - 14.3.3 description including species, estimated age, sex, color markings, and if spayed/neutered;
 - 14.3.4 location of animal if not kept at shelter facility;
 - 14.3.5 medical condition at initial exam given within 72 hours of intake, and any subsequent medical care including examinations, treatments date and time, name and dosage of medication, and name of provider;
 - 14.3.6 vaccination history including date and time of all vaccines given, name of medication, and name of provider; and
 - 14.3.7 disposition of animal and disposition date, name and address of person or organization if adopted or transferred; in the event of death, cause of death if known; if euthanized, the date, reason, method, person administering procedure and handler.
- 14.4 Records shall be kept in accordance with these regulations and this section and shall be made available for review by the Department during any inspection or upon request.
- 14.5 Records must be maintained for a minimum period of 48 months from the date created unless otherwise directed by the Department.
- 14.6 A medical history to include examinations, vaccinations, and all medical treatment shall be provided in written form with the animal at the time of adoption or transfer.

15.0 Inspections and Complaints of Animal Shelters

- 15.1 Inspections of animal shelters shall be conducted in accordance with 16 **Del.C.** §3008F.
- 15.1.1 Unannounced inspections will be performed at least annually. Additional inspections may be conducted to follow up on previous violations, in response to complaints, or as the Department deems necessary to ensure the health and well-being of the animals.
 - 15.1.2 The Department or its duly authorized representative(s) shall have the power to enter at all reasonable times, during ordinary business hours, for the purpose of determining whether or not there is compliance with or violations of 16 **Del.C.** Ch. 30F. If violations outside the scope of authority of the Department are discovered, such as violations that could be considered crimes under Title 9, the Department will notify the proper authorities.
 - 15.1.3 The Department has the right to inspect any and all records pertaining to the animals that are the subject of these regulations and will be given access to view and copy such records.
 - 15.1.4 All inspection findings will be documented in writing and a copy provided to the animal shelter within 30 days. Such notice may be sent by Certified Mail or hand delivered. Once provided to the animal shelter, findings will also be posted on the Department web site.
- 15.2 Complaints: Department shall conduct an investigation upon receipt of a written complaint of alleged violations of Title 16 Delaware Code.
- 15.2.1 All complaints shall be reviewed and complaints concerning violations of this chapter will be investigated by the Department or its designee.
 - 15.2.2 The Department shall notify the animal shelter of the complaint within 30 days of receipt of said complaint. Based on nature of complaint, the Department may request assistance from the appropriate law enforcement agency having jurisdiction over the shelter.
 - 15.2.3 The Department shall issue a final written report of violations to the animal shelter, sent by Certified Mail or hand delivered. The final report will also be posted to the Department web site at the conclusion of the proceedings and after the animal shelter is notified.
- 15.3 The Department shall have the power to issue orders to correct deficiencies and to impose penalties pursuant to 16 **Del.C.** §107(a).
- 15.3.1 Notice of a violation shall be accompanied by an order that requires corrective action be taken. Violations must be corrected within the timeframe established by the Department. The order shall be signed by the Director or his/her designee or any of his/her appointed representatives and may require:
 - 15.3.1.1 In instances where the health and welfare of animals is in imminent danger, the closure of the facility until correction of the violation is proven.
 - 15.3.1.2 The acquisition or use of additional equipment, supplies, training, or personnel to insure that the violation does not recur.
 - 15.3.1.3 The submission of a plan to prevent future violations to the Department for review and approval.

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15.3.1.4 Any other corrective action deemed necessary for proper compliance with the Regulations including interim remedies pending correction of violations.

15.4 Hearing Request: An animal shelter may request a hearing if they wish to contest the findings of the investigation.

15.4.1 The request shall be made in writing to the Department within 30 days after publication of the findings. Within 30 days of receipt of the request for public hearing, the Department shall set a time and place to conduct a hearing on the complaint.

15.4.2 Notice of the hearing shall be given and the hearing conducted in accordance with the Administrative Procedures Act, Chapter 101 of Title 29, and the Freedom of Information Act, Chapter 100 of Title 29.

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