

DELAWARE DEPARTMENT OF AGRICULTURE
POULTRY AND ANIMAL HEALTH SECTION
Statutory Authority: 3 Delaware Code, Section 8004 (3 Del.C. §8004)

PROPOSED

PUBLIC NOTICE

906 Euthanasia of Animals in Shelters

Notice is hereby given that a public comment period for proposed **906 Euthanasia of Animals in Shelters Regulations** will open on April 1, 2013 and close on April 30, 2013. The purpose of the public comment period is to provide the public time to consider the proposed regulation; **906 Euthanasia of Animals in Shelters Regulations** and to make comment with regard to the adoption of said regulations. These proposed regulations have been developed pursuant to 3 Del.C. §8004. The proposed regulations govern the acceptable methods of euthanasia, as well as the standards for sanitation and ventilation of the euthanasia areas, for animals held animal shelters. These regulations were developed by the Poultry and Animal Health Section of the Delaware Department of Agriculture in consultation with the Delaware Board of Veterinary Medicine, Division of Professional Regulation.

The proposed regulations are posted on the Delaware Department of Agriculture website (www.dda.delaware.gov). Hard copies of the proposed regulations may be obtained from the Delaware Department of Agriculture. Comments may be submitted in writing and/or e-mail to Heather Hirst (Heather.Hirst@state.de.us) at the Delaware Department of Agriculture, on or before April 30, 2013. A public hearing on these regulations will NOT be held unless the Secretary of Agriculture receives a request within 30 days from this notice, or if the Secretary determines that a public hearing is in the public interest. A request for a hearing shall be in writing and shall state the nature of the issues to be raised at the hearing. It must show familiarity with the proposal and a reasoned statement of the proposed regulations impact. It is requested that written comments or requests for a hearing be addressed to:

Heather L. Hirst, Department of Agriculture
2320 South DuPont Highway
Dover, DE 19901
Heather.Hirst@state.de.us

906 Euthanasia of Animals in Shelters

PREAMBLE

These regulations have been developed pursuant to 3 Del.C. §8004, by the Poultry and Animal Health Section of the Delaware Department of Agriculture in consultation with the Board of Veterinary Medicine, Division of Professional Regulation (DPR). This statutory and regulatory authority establishes the requirement that animals held in shelters are euthanized humanely by trained and certified persons. The Delaware Department of Agriculture (DDA) will manage these regulations in conjunction with the Board of Veterinary Medicine, DPR. In general, the DPR will oversee training requirements for those persons performing euthanasia in animal shelters, as provided in these regulations. The certified lay person must be trained according to the guidance provided in these regulations. The "certified lay person" designation will be phased out over time. All individuals performing euthanasia in animal shelters shall be a licensed veterinarian or a licensed euthanasia technician, as of [18 months from the effective date of this Rule]. Euthanasia technicians will be trained and licensed in accordance with Title 24.

1.0 Authority, Purpose and Scope

- 1.1 Authority. These regulations are promulgated pursuant to the authority provided by 3 Del.C. §8004. The State Veterinarian or her or his designee shall have the authority to administer these regulations and shall be responsible for making the determinations required herein.
- 1.2 Purpose. The purpose of these regulations is to establish requirements for humane euthanasia of animals held in animal shelters. These regulations govern the acceptable methods of euthanasia, as well as the standards for sanitation and ventilation of the euthanasia areas, for animals held animal shelters in the State of Delaware.
- 1.3 Scope. The definitions and regulations herein apply only to animal shelters and to persons performing euthanasia in animal shelters.

2.0 Definitions

"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.

"Certified Lay Person" is the designation to be used for the individual defined according to 3 Del.C. §8004(d)(3c). "Certified lay person" means a person certified by a licensed veterinarian, after passing both a written and practical examination, as proficient to perform euthanasia. The certified lay person designation will be phased out. All individuals performing euthanasia in animal shelters shall be a licensed veterinarian or a licensed euthanasia technician, as of [18 months from the effective date of this Rule].

"Licensed Euthanasia Technician" is the designation to be used for the individual defined according to 3 Del.C. §8004(d)(3b). "Licensed euthanasia technician" means an individual licensed as a euthanasia technician pursuant to Title 24. The licensed euthanasia technician is only permitted to perform euthanasia within an animal shelter of employment.

"Policy and Procedure Manual" means a manual, or part of an animal shelter's policy and procedure manual, developed in conjunction with a shelter's consulting or staff veterinarian, which explains each shelter's protocol for euthanasia.

3.0 Standards for the euthanasia area in animal shelters

- 3.1 Each shelter shall have a specific area designated for euthanasia. That area:
 - 3.1.1 shall be a separate room; or
 - 3.1.2 an area that is physically separated from the rest of the facility by a wall, barrier or other divider; or
 - 3.1.3 an area that is not used for any other purpose while animals are being euthanized.
 - 3.1.4 shall provide a safe, quiet environment in which to perform euthanasia.
 - 3.1.5 shall provide adequate space for two persons to perform euthanasia.
- 3.2 The following information shall be posted in the euthanasia area:
 - 3.2.1 Response protocols for accidental exposure of humans to euthanasia or chemical restraint drugs maintained in the euthanasia area.
 - 3.2.2 Material Safety Data Sheets for euthanasia and chemical restraint drugs maintained in the euthanasia area.
- 3.3 The euthanasia area shall meet the following minimum standards:
 - 3.3.1 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.
 - 3.3.2 The air temperature shall be within a reasonably comfortable range for both personnel and animals. A minimum of 65 degrees and a maximum of 85 degrees Fahrenheit is recommended.
 - 3.3.3 The area shall have adequate ventilation that prevents accumulation of odors.
 - 3.3.4 The floor of the area shall provide dry, non-slip footing to prevent accidents.
 - 3.3.5 The euthanasia area shall be an area that can be easily cleaned and disinfected.
- 3.4 The euthanasia area shall have the following equipment:
 - 3.4.1 A table or other work area where animals can be handled safely while euthanasia is performed.
 - 3.4.2 A separate work area where the drug, needle, syringe and clippers can be placed.
 - 3.4.3 Holding cages available to hold an animal while waiting for the euthanasia drug to take effect (if needed following intraperitoneal injection). These cages shall be maintained in a clean and sanitary condition.
 - 3.4.4 All equipment shall be in good working order.
- 3.5 The following equipment and supplies shall be kept in the euthanasia area or shall be brought to the area each time euthanasia is performed:
 - 3.5.1 A first aid kit.
 - 3.5.2 One or more tourniquets.
 - 3.5.3 Standard electric clippers with a number 40 blade or an equivalent blade.
 - 3.5.4 Humane restraint devices for dogs and cats.
 - 3.5.5 Stethoscope.
 - 3.5.6 Towels, sponges and disinfectant.
 - 3.5.7 Sharps disposal system.
- 3.6 All drugs and other chemical agents used in the euthanasia area shall be clearly labeled.
- 3.7 Section 3.0 does not apply to livestock and horses, which may be euthanized in an outdoor environment.

4.0 Euthanasia methods and procedures for animal shelters

4.1 Euthanasia of dogs, cats and other species in animal shelters

- 4.1.1 Except as provided in subsection 4.1.3 of this section, the use of sodium pentobarbital or a derivative of it shall be the exclusive method for euthanasia of dogs, cats, and other species by animal shelters. A lethal solution shall be used in the following order of preference, according to the standards of the most recent AVMA Guidelines on Euthanasia:
 - 4.1.1.1 Intravenous injection by hypodermic needle;
 - 4.1.1.2 Intraperitoneal injection by hypodermic needle; or
 - 4.1.1.3 Intracardiac injection by hypodermic needle.
- 4.1.2 Euthanasia shall be performed by a licensed veterinarian licensed euthanasia technician, or a certified lay person who is properly trained to perform euthanasia. Such certified lay person and licensed euthanasia technician shall perform euthanasia under direct or indirect supervision of a licensed veterinarian.
- 4.1.3 Notwithstanding subsection 4.1.1 of this section:
 - 4.1.3.1 In cases of extraordinary circumstance, or situation where the dog, cat, or other species poses a risk or danger to the veterinarian, licensed euthanasia technician, or certified lay person performing euthanasia, such person shall be allowed the use of any other substance or procedure that is humane to perform euthanasia on such dangerous dog, cat, or other species. The substances and procedures used shall be:
 - 4.1.3.1.1 Specified in the shelter's policy and procedure manual;
 - 4.1.3.1.2 Utilized under the supervision of a veterinarian in the cases where a non-veterinarian is involved; and
 - 4.1.3.1.3 According to the approved methods of the most recent AVMA Guidelines on Euthanasia.
- 4.1.4 Any substance which acts as a neuromuscular blocking agent shall not be used with, or in lieu of sodium pentobarbital for euthanasia purposes.
- 4.1.5 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 euthanasia technician, or a certified lay person, and one or more persons shall be handler(s). The handler does not have to be a licensed veterinarian, licensed euthanasia technician, or a certified lay person, but the handler should be trained in human safety and in animal handling techniques.
- 4.1.6 No animal will see another animal being euthanized.
- 4.1.7 No dog, cat, or other species may have its body disposed of until death is confirmed by a licensed veterinarian, licensed euthanasia technician, or a certified lay person. Each animal shall be checked to verify death and verification shall be made by physical examination of the individual animal. All of the following indicators of death shall be met:
 - 4.1.7.1 Complete lack of palpebral, corneal and pupillary reflexes;
 - 4.1.7.2 Complete lack of heartbeat determined by use of a stethoscope; and
 - 4.1.7.3 Complete lack of respiration.

5.0 Mandated training of certified lay persons

- 5.1 A person, except for a veterinarian licensed to practice in Delaware, shall not euthanize an animal held by or in the custody of an animal shelter unless such person has successfully completed a training course, approved by the Delaware Board of Veterinary Medicine, in the proper methods and techniques for euthanizing animals.
- 5.2 Training shall be completed not more than two (2) years prior to the date the person euthanizes an animal.
- 5.3 The training requirement is effective as of [six months after effective date of this Rule].
- 5.4 A person who has completed training, which meets the requirements of Rule 6.0, within the two (2) years preceding the effective date of this Rule, may be exempt from the requirement of completing training approved by the Delaware Board of Veterinary Medicine. Upon request, such person shall produce documentation of having completed training which meets the requirements of Rule 6.0.

6.0 Requirements for euthanasia training course

- 6.1 The euthanasia training course shall be at least sixteen (16) hours and the course curriculum shall include:
 - 6.1.1 The pharmacology, proper administration and storage of euthanasia solutions;
 - 6.1.2 Federal and state law regulating the storage and accountability of euthanasia solutions;
 - 6.1.3 Euthanasia technician stress management;

- 6.1.4 Proper restraint and handling of an animal during euthanasia;
- 6.1.5 Techniques for verifying an animal's death; and
- 6.1.6 The proper disposal of a euthanized animal.
- 6.2 There shall be at least one instructor per course who is a licensed veterinarian who can provide proof of being proficient and experienced in intravenous, intracardiac and intraperitoneal administration of pharmaceuticals.
- 6.3 The training course shall provide direct, hands-on training experience on injectable administration methods.
- 6.4 In order to successfully complete a course, the participant shall pass both a written and practical examination prepared by the course sponsor or instructor. The exams shall be designed to demonstrate that the participant has applicable knowledge of all the mandated course topics. The course sponsor shall retain examination results and shall provide a certificate of course completion to participants. The course participants shall retain proof of their training for a minimum of 3 years.

7.0 Approval of euthanasia training course

- 7.1 The euthanasia training course sponsor shall obtain approval of the course curriculum from the Delaware Board of Veterinary Medicine prior to the presentation of the course. The course sponsor shall apply for approval at least eight (8) weeks prior to the course date and shall submit the date, time, duration and location of the course; a course syllabus; and the name and credentials of the instructor(s). The course syllabus shall include a detailed list of the topics covered with a breakdown of the hours spent on each topic.
- 7.2 Once a course has been approved, subsequent sessions of the identical course, using the same instructor(s), may be given without obtaining prior approval, as long as the Board is notified of the date, time, duration and location of the additional course sessions at least two (2) weeks prior to the course date.
- 7.3 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 Board of Veterinary Medicine.

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