

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH**

Statutory Authority: 16 Delaware Code, Sections 3004F(d) and 3008F(a) (16 **Del.C.** §§3004F(d) & 3008F(a))

16 **DE Admin. Code** 4501

FINAL

ORDER

4501 Regulations for Animals Held in Shelter

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health initiated proceedings to amend 4501 Regulations for Animals Held in Shelter. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §§3004F(d) & 3008F(a).

On November 1, 2023 (27 **DE Reg.** 317(11/01/2023), DHSS published in the *Delaware Register of Regulations* its notice of proposed regulatory amendments, pursuant to 29 **Del.C.** §10115. It requested that written materials and suggestions from the public concerning the proposed regulations be delivered to DHSS by December 1, 2023, after which time DHSS would review information, factual evidence, and public comment to the said proposed regulations.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, the public notice regarding proposed Department of Health and Social Services (DHSS), Division of Public Health (DPH) Regulations Governing Animals Held in Shelter were posted In the November 2023, *Delaware Register of Regulations*). Written comments were received on the proposed regulations during the public comment period (November 1, 2023, through December 1, 2023).

Comments were received by Robert Wasserbach, President, Faithful Friends Animal Society.

Public comments and the DHSS (Agency) responses are as follows:

Section 10, "Euthanasia in Animal Shelters": We ask that the terms "severely aggressive" (to mean posing an imminent danger to staff) and "aggressive" (to mean exhibiting defensive but trainable behaviors, such as food/treat guarding or aggression towards other animals) be added to the list of definitions to distinguish the levels of aggression since these terms influence the outcomes of animals held in shelters. One of the reasons the Office of Animal Welfare was formed was because a shelter, many years ago, was able to skirt euthanasia requirements by labeling virtually every animal euthanized as "severely aggressive" (when there were complaints from members of the public that this was not the case).

Agency Response: The Agency appreciates and acknowledges these comments. Neither "aggressive" nor "severely aggressive" are used in the regulations and therefore cannot be included in definitions.

The regulation will remain as written.

Section 10.2.3.8: We believe the euthanasia room should be accessible to a pet owner who is requesting euthanasia so that an owner can remain with his/her pet at the very end of its life until it takes its last breath. Is the owner considered to be a "member of the public"? Does this need to be clarified?

Agency Response: The Agency appreciates and acknowledges these comments.

Privately owned pets may only be euthanized by a veterinarian in a private practice or clinic. These regulations refer to euthanasia of shelter animals, not to end of life services for private pets offered in a veterinary clinic. Subsection 10.2.3.8 states that the public should not be present when euthanasia of a shelter animal is being performed.

The regulation will remain as written.

Section 11, "Euthanasia Methods and Procedures for Animal Shelters" Section 11.7: Along with the authorization, there should be documentation (e.g., signed checklist) to support that the shelter did indeed exhaust reasonable alternatives, per the conditions under 3004F(a) and (b), before it euthanizes an animal. The regulations should require this.

Agency Response: The Agency appreciates and acknowledges these comments. Subsection 11.7 requires documentation of the authorization to be kept in the animal's record and a copy be provided to the Department upon request.

The regulation will remain as written.

Section 11.7: What is an "animal care/control manager"? Would everyone interpret this as the same? Also, the term "director" could apply to a number of positions. It should be "executive director" of the organization. Overall, the regulation should limit who can authorize a euthanasia procedure. Perhaps it should only be a veterinarian or the executive director.

Agency Response: The Agency appreciates and acknowledges these comments. It is impossible to find one title that

is used uniformly by all shelters. These terms are used to make it clear that shelter management or a veterinarian can authorize euthanasia.

The regulation will remain as written.

Section 14, "Record Keeping and Reporting for Animal Shelters." Although the number of animals at the beginning of the period is addressed in 14.1.3, I suggest that this actually be before 14.1.1, "Animal Intake Numbers by Type." This enables a more logical flow, Beginning Number plus Intake minus Outcomes= Ending Number. Also, for the Beginning Number, the regulation should make clear that this number does not include animals brought to a shelter's medical clinic for procedures such as spay/neuter and vaccines, where the animal is retrieved by its owner or colony cat caretaker after such procedure.

Agency Response: The Agency appreciates and acknowledges these comments. A format to be used for reporting animal statistics will be provided by the Department which will address the logical flow suggested above.

Animals receiving services at a shelter's veterinary clinic by an owner or colony caretaker are explicitly excluded from intake in this regulation. "Intake" is defined as "the number of live animals for which an animal shelter assumes custody and are admitted for temporary shelter and care. Intake includes all animals admitted to the shelter, foster care, or a satellite location."

The regulation will remain as written.

Section 14.1.1: The regulations should make it clear that animal intake numbers must exclude:

- Intra-agency transfers (i.e., transfers between branches of the same organization), except interagency transfers from out of state into Delaware.
- Animals brought to a shelter's medical clinic for procedures such as spay/neuter and vaccines, where the animal is retrieved by its owner or colony cat caretaker after such procedure.
- Animals to be euthanized at the request of the owner. Instead, there should be a separate paragraph (perhaps 14.1.8) on records regarding owner-requested euthanasia performed by the shelter, a private veterinarian at the request of or by referral from the shelter, or in a clinic, including, but not limited to, a community clinic, medical clinic, or health clinic, at the request of, referral from, or run by the shelter. These records should be periodically reviewed by the Office of Animal Welfare to ensure that the decision to euthanize was done in accordance with 3004F (b) and (c) of Title 16 Chapter 30F of the Code.

Agency Response: The Agency appreciates and acknowledges these comments. Regarding transfers in and out, per subsection 14.2, a format to be used for reporting animal statistics will be provided by the Department. This will include instruction on proper calculation of intakes and outcomes. Intra-agency transfers within the same agency and within the state would not be recorded in intakes or outcomes.

As stated in question 1, the definition of "Intake" excludes animals brought to a veterinary clinic for care, as they are not being admitted into the shelter's custody.

Regarding owner-requested euthanasia, only a veterinarian may euthanize a privately owned pet. Euthanasia of privately owned pets by a veterinary practice or veterinary clinic do not fall under authority of the Department and therefore are not included in statistics for shelter animals. Euthanasia of shelter pets only is governed by 16 **Del.C.** §3004. Subsection 11.7 states that euthanasia authorization documentation for shelter animals is required to be kept in the animal's record. Annual inspections include a review of euthanasia records.

The regulation will remain as written.

Section 14.1.2.7: The regulations should make it clear that euthanasia outcome numbers must include:

- Number of animals euthanized at the direction of the shelter (does not include owner-requested euthanasia); and
- Number of animals transferred to an out-of-state branch of the same organization that were subsequently euthanized. Otherwise, how do we know Delaware animals are not being transferred to an out-of-state branch and euthanized there (and not reported)?

Agency Response: The Agency appreciates and acknowledges these comments. Subsection 14.1.2.7 requires animal shelters to report the number of shelter pets euthanized. Subsection 14.1.2.6 requires animal shelters to record transfers out to out-of-state animal welfare organizations. The Department captures statistics for Delaware shelters only and has no authority to capture shelter animal statistics in other states.

The regulation will remain as written.

FINDINGS OF FACT:

No changes were made to the regulations since publication as proposed. The Department finds that the proposed regulations, as set forth in the attached copy should be adopted in the best interest of the general public of the State of Delaware.

THEREFORE, IT IS ORDERED, that the proposed amendments to 4501 Regulations for Animals Held in Shelter are adopted and shall become effective January 11, 2024 (ten days), after publication of the final regulation in the *Delaware Register of Regulations*.

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 a 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 means 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~~ Intake includes all animals admitted to the shelter, foster care, or a satellite location.

"Isolation" means the physical separation and confinement of an animal or group of animals who are infected with a communicable disease from non-isolated animals to prevent or limit the transmission of the disease.

"Licensed veterinarian" means a veterinarian licensed to practice veterinary medicine pursuant to Title 24 of the Delaware Code.

"Licensed veterinary technician" means an individual licensed as a veterinary technician pursuant to Title 24 of the Delaware Code.

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

"Outcome" means number of animals that left the shelter's custody.

"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.

"Quarantine" means the physical separation and confinement of an animal or group of animals who have or may have been exposed to a contagious disease and who do not show signs or symptoms of communicable disease from nonquarantined animals to prevent or limit the transmission of the disease.

"Return to field" means a program whereby community cats that have been admitted to an animal shelter are returned to the place they were found after being processed as an intake, sterilized, ear-tipped, and vaccinated against rabies.

3.0 Certification Requirements for Euthanasia Technicians

- 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)~~ 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~~ Any felony offense.
 - 3.3.2.2 ~~a~~ A crime or infraction involving animal abuse or neglect.
 - 3.3.2.3 ~~use~~ 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"~~, "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~~ 6 months of the effective date of this ~~Rule~~ regulation.

4.0 Training of Certified Euthanasia Technicians

- 4.1 The euthanasia training course shall be at least ~~twelve (12)~~ 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~~ 1 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 subsection 4.2 of these regulations this regulation, 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 subsection 4.2; and

4.5.2 Exhibit respectful, ~~professional~~ professional, and compassionate behavior ~~in regard to~~ regarding 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~~ subsection 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~~ a 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~~ certified euthanasia technician's employment.

6.4 A ~~Certified Euthanasia Technician~~ certified euthanasia technician shall notify the Office within 5 business days of change of employment from ~~one~~ 1 Delaware animal shelter to another Delaware animal shelter, if applicable.

7.0 Recertification and Revocation

7.1 Recertification will be required every ~~three~~ 3 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~~ 3 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~~ subsection 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. In addition, animal shelters shall have a protocol for behavioral enrichment. Protocols shall take into consideration any species of animal for which the shelter provides care. These protocols shall be updated

regularly and annually, approved by their advising veterinarian, available on site at all times, and with 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 ~~bronticeptica~~ 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.

8.3 Vaccines should be administered as soon as possible, but no more than 8 hours after entering the shelter. For animals admitted overnight, such vaccines shall be given no later than noon. 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~~ 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~~ Each animal entering an animal shelter shall be evaluated at intake to check for signs of infectious disease or an injury or illness requiring emergency medical care. A full examination of animals entering an animal shelter shall be performed within 72 48 hours of entry and prior to adoption. Exam The examination 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 examination may be done visually with the reason for a visual exam examination clearly documented. Written examination findings must be kept in the animal's record and a copy provided to the Department upon request.

8.4.1 An examination shall include a minimum of the following information.

8.4.1.1 ID Check;

8.4.1.2 Weight;

8.4.1.3 Body condition score;

8.4.1.4 Check for external parasites;

8.4.1.5 Infectious/non-infectious disease status;

8.4.1.6 Any signs of injury or illness;

8.4.1.7 Treatment or vaccines given, dosage and provider; and

8.4.1.8 Behavior of the animal.

8.4.2 Animals in the shelter's custody for 1 year or more shall receive an examination by a veterinarian every 12 months.

8.5 Animals in isolation or quarantine shall not be in areas accessible by the public. Enclosures of animals with suspected contagious disease must be clearly marked to indicate the condition and any necessary precautions. Isolation and quarantine areas must be separated by species and meet the medical and behavioral needs of sick animals.

8.5 8.6 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, except for kittens under 12 weeks of age, on Delaware Animal Services Lost and Found Registry and their website within 24 hours of intake. The website posting requirement may be satisfied by posting a prominent link to the registry on the shelter website: <https://animalservices.delaware.gov>. The posting shall contain a clear photo and 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~~ Section 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~~ 2 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~~ 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~~ Logbook 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~~ if 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~~ dangerous, or impractical and the animal is less than 10 ~~lb~~ lbs; 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~~ subsection 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~~ 2 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~~ 1 or more persons shall be ~~handler(s)~~ a handler. 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.
- 11.7 Euthanasia must be authorized by the animal care/control manager, ~~director~~ 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~~ 2 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.
- 14.1.1 Animal intake numbers by type:
 - 14.1.1.1 Stray/at large;
 - 14.1.1.2 Relinquished by owner;
 - 14.1.1.3 Transfer in from in-state animal welfare organizations;
 - 14.1.1.4 Transfer in from out-of-state animal welfare organizations;
 - 14.1.1.5 Transfer in from international animal welfare organizations;
 - 14.1.1.6 Impound/seizure; and
 - 14.1.1.7 Other intakes.
- 14.1.2 Animal outcome numbers by type:
 - 14.1.2.1 Adoption;
 - 14.1.2.2 Return to owner;
 - 14.1.2.3 Return to field;
 - 14.1.2.4 Transfer out to in-state animal welfare organization;
 - 14.1.2.5 Transfer out to out-of-state animal welfare organization;
 - 14.1.2.6 Transfer out to international animal welfare organization;
 - 14.1.2.7 Euthanasia;
 - 14.1.2.8 Died in care; and
 - 14.1.2.9 Lost in care.
- 14.1.3 Number of Animals at beginning and end of period. This shall include all animals in the organization's custody whether at the shelter, in foster care, or a satellite location.
- 14.1.4 Number of spay/neuter surgeries performed for shelter and public animals broken down by species.
- 14.1.5 Records showing compliance with vaccination requirements.
- 14.1.6 Records regarding medical treatment provided.
- 14.1.7 Location and date of return for cats returned to field.
- 14.2 Animal statistics outlined in subsections 14.1.1 - 14.1.8 14.1.4 must be posted on the shelter's website on a quarterly basis, and annual basis in a format determined by the Department. These statistics shall be posted 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 ~~The~~ origin of ~~the~~ 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 ~~The~~ unique identification number for each animal;
 - 14.3.3 ~~The~~ description including species, estimated age, sex, color markings, and if spayed/neutered;
 - 14.3.4 ~~The~~ location of ~~the~~ animal if not kept at shelter facility;
 - 14.3.5 ~~The~~ medical condition at ~~initial exam~~ intake evaluation and full examination given within ~~72~~ 48 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~~ Vaccination history including date and time of all vaccines given, name of medication, and name of ~~the~~ provider; and

- 14.3.7 ~~disposition~~ Disposition of animal and animal, disposition date, name and address of person or organization if adopted or transferred; in the event of death of the animal, cause of death if known; if euthanized, the date, reason, method, person administering the 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, and behavior including known bite history 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)~~ representative or representatives 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: The Department shall ~~conduct an investigation~~ investigate 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~~ the Director's designee or any of ~~his/her~~ the Director's 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~~ ensure 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.
 - 15.3.1.4 Any other corrective action deemed necessary for proper compliance with ~~the Regulations~~ this regulation 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 provided and the hearing shall be conducted in accordance with the Administrative Procedures Act, Chapter 101 of Title 29, and the Freedom of Information Act, Chapter 100 of Title 29.

18 DE Reg. 866 (05/01/15)
27 DE Reg. 530 (01/01/24) (Final)