

SUBCHAPTER 52J - ANIMAL WELFARE SECTION

SECTION .0100 - RECORD KEEPING AND LICENSING

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, estimated age, sex, breed or breed type, and color markings;
- (3) location of animal, including complete address and contact information, if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded, transferred, or adopted, and the date and time of such transaction; name and address of intermediary transporter if used; in the event of death, the record shall show the date, signs of illness, and cause of death if identified; if euthanized, the record shall show date and type of euthanasia;
- (5) record of veterinary care including medications, treatments, procedures, and immunizations. The record shall include: diagnosis(es), diagnostic testing and results, date and time of administration or procedure, description of medication and initials of person administering any product, medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency, duration to include the number of dosages or days to be given and the reason for the administration; and
- (6) all records shall be created and/or updated within 48 hours of the occurrence of procedures, including but not limited to intake, change of location, medication or treatment administration and/or disposition. The record shall be accurate; creation of a misleading record or deliberate or non-incident falsification of a record including medication administration documentation during or after an investigation or inspection shall be considered a violation of this regulation.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
- (2) description of animal including breed or breed type, sex, age and color markings;
- (3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering product or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency and duration to include the number of dosages or days to be given and the reason for the administration;
- (4) all records shall be created and/or updated at the time of the occurrence such as intake, medication or treatment administration and/or release. The record shall be accurate; creation of a misleading record or deliberate or non-incident falsification of a record including medication administration during or after an investigation or inspection shall be considered a violation of this regulation;
- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and
- (6) in the event of either an animal death or escape, the licensee shall notify the Animal Welfare Section within 48 hours.

History Note: Authority G.S. 19A-24;

Eff. April 1, 1984;
Amended Eff. January 1, 2005;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the Director or his or her authorized representative on request, during the business and cleaning hours listed on the license application and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released from a boarding kennel or sold from a pet store or public auction. Animal shelters shall maintain records required by the Animal Welfare Act or this Subchapter for a period of three years after the disposition of the animal.

History Note: Authority G.S. 19A-24; 19A-25;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0104 DEFINITIONS

As used in this Subchapter:

- (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas, or objects to which an animal may have access, including, but not limited to toys, blankets, food and water utensils, and bedding.
- (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health. Adequate veterinary care means provision of veterinary care sufficient to address the relief of pain and/or suffering experienced by the animal and sufficient to address the medical condition.
- (3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
- (4) "Cage" means a primary enclosure which is enclosed on all sides including the top and bottom.
- (5) "Compatible group" means all animals in the group comingle peacefully without the presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the group.
- (6) "Common area(s)" means areas of the facility in which multiple animals may have access such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and exercise areas, and other such similar areas.
- (7) "Disposition" means the adoption, death, euthanasia, release, sale, trade, or transfer from a facility.
- (8) "Enrichment" means providing objects or activities, appropriate to the needs of the species as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's well-being.
- (9) Exercise area means an enclosed space in which an animal(s) is confined, and which is large enough for species-appropriate activity such as walking, running, climbing, jumping, socialization and/or play to occur.
- (10) "Husbandry" means the practice of daily care administered to animals.
- (11) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.
- (12) "Infirm" means not physically or mentally strong, especially through age or illness.
- (13) "Isolation" means the separation, for the period of communicability, of infected animals from others in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.
- (14) "Isolation area" means a location where animals infected with disease may be placed to contain, control, and limit the spread of the disease.
- (15) "License period" means July 1 through June 30.
- (16) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- (17) "Potable" means suitable for drinking.
- (18) "Properly cleaned" means the removal of carcasses, debris, food waste, excrement, urine, dirty or soiled accessories and other organic material with adequate frequency.

- (19) "Social interaction" means friendly physical contact or play between animals of the same species or with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is not considered social interaction.
- (20) "Special provisions" means additional procedures, protocols, and/or equipment used when caring for, housing and/or transporting animals with special needs. Examples of animals with "special needs" include, but are not limited to, brachycephalic breeds, very young or old animals, animals with a medical condition, infirm animals, and/or animals that are compromised or debilitated.
- (21) "Suitable method of drainage" means drainage that allows for the elimination of water and waste products, prevents contamination of animals, allows animals to remain dry, and complies with applicable building codes and local ordinances.
- (22) "Supervision " means at least one person (at least 16 years of age) present, at all times, able to constantly, directly view all animals within the entirety of each enclosure or exercise area.
- (23) "Surgical procedure" for the purposes of this Subchapter means any invasive procedure performed on an animal to include, but not be limited to: procedures to spay or neuter, any procedure that invades a body cavity and/or requires suturing or repairing of tissues; and/or any treatment of injuries or disorders of the body by incision, manipulation or alteration of organs or tissues with the hands or with instruments. For the purposes of this Subchapter, insertion of a microchip is not considered to be a surgical procedure.
- (24) "Veterinarian" means a veterinarian who is currently licensed by North Carolina and/or an adjacent state. The license must be valid with the appropriate state regulatory agency.

History Note: Authority G.S. 19A-24;
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 Readopted Eff. September 1, 2022.

02 NCAC 52J .0105 LICENSES AND REGISTRATIONS

All operators of an animal shelter, pet shop, public auction, dealers, and boarding kennels shall have a valid license/registration.

- (1) Licenses and registrations are not transferable.
- (2) In the event of a change of ownership or management of a regulated facility, the facility shall notify the director of the Animal Welfare Section ('AWS') in writing within 10 days of the change. Submission of a new license or registration application and a facility inspection is required within 10 days. A facility inspection by the AWS is required in the event of such a change.
- (3) In the event of a change of name, address, phone, email, or point of contact for the facility, the facility shall notify the director by the Change Form located on the AWS website or other written documentation within 10 days of change.
- (4) Renewal applications for license or registration renewal shall be submitted yearly to the AWS office between April 1st and June 15th. Current application forms are located on the AWS website at <https://www.ncagr.gov/vet/aws>. The contents of the applications shall include the following:
 - (a) the name, physical address, phone number, email address and mailing address for the facility;
 - (b) the name, address, phone number, and email address for the owner of the facility;
 - (c) the hours and days the facility is open to the public;
 - (d) the cleaning hours of the facility;
 - (e) the number of enclosures and the maximum number of animals on site;
 - (f) the description of the facility's program of veterinary care ('PVC') including the disinfection protocols; vaccination protocols including rabies vaccination; the isolation of ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine, emergency and after hours veterinary care;
 - (g) animal shelters shall have the PVC reviewed by a licensed veterinarian as described in 02 NCAC 52J .0210(a) and the application for the animal shelter registration shall contain the veterinarian's signature and contact information;
 - (h) statement of presence of an emergency disaster plan for the facility; and
 - (i) statement of agreement by the owner or authorized agent of the accuracy of the information contained in the application; of the willingness to comply with the rules of this Subchapter and to cooperate as required by law with the Animal Welfare Section

inspections and investigations; acknowledgement of authority to execute the application; and agreement to notify the AWS of any significant change in the operation of the facility.

*History Note: Authority G.S. 19A-24;
Eff. September 1, 2022.*

SECTION .0200 - FACILITIES AND OPERATING STANDARDS

02 NCAC 52J .0201 GENERAL

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.
- (c) Facilities shall have adequate electric power to comply with the Animal Welfare Act.
- (d) Storage of food and bedding:
 - (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;
 - (2) all open bags of food and edible treats shall be stored in airtight containers with lids;
 - (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;
 - (4) clean bedding and laundry shall be stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and
 - (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.
- (e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding and debris from the facility in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary manner.
- (f) Hot and cold running, potable water must be available. Facilities such as a washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.
- (h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.
- (i) An adequate drainage system must be provided for the facility.
- (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services ('NCDA&CS') employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
- (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
- (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
- (m) A licensee or registrant and all agents of the facility shall be truthful with NCDA&CS employees during all phases of inspections or investigations.
- (n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may abuse, harass, delay or obstruct any inspector or State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this Rule, the following definitions apply:
 - (1) "Abuse" means:
 - (A) Communicating a threat as defined by G.S. 14-277.1;
 - (B) Using profane, indecent or threatening language to any person over the telephone, annoying or harassing by repeated telephoning or making false statements over the telephone as defined by G.S. 14-196;
 - (C) Cyberstalking as defined by G.S. 14-196.3;
 - (D) Stalking as defined by G.S. 14-277.3A; and/or
 - (E) Disorderly conduct as defined by G.S. 14-288.4.

- (2) "Harass" means knowingly conduct, including oral, written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or other computerized or electronic transmissions directed at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate purpose.
- (o) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.
- (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences, as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific written consent of the owner of that animal.
- (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.
- (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or evacuation of animals in the event of a natural or manmade disaster.
- (s) For the purposes of G.S. 19A-23(5a), written standards for an "approved foster care provider" shall include but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals; feeding and watering protocols; provision and documentation of veterinary care; provision and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC Animal Welfare Act and its rules issued pursuant thereto.
- (t) For the purposes of G.S. 19A-23(5b), written standards for an "approved rescue organization" shall include but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals; feeding and watering protocols; provision and documentation of veterinary care of the shelter's animals; provision and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the shelter's animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the rescue with the North Carolina Animal Welfare Act and it's rules issued pursuant thereto.

*History Note: Authority G.S. 19A-24; 19A-30(3);
Eff. April 1, 1984;
Amended Eff. January 1, 2005;
Readopted Eff. October 1, 2022.*

02 NCAC 52J .0202 INDOOR FACILITIES

- (a) Heating and cooling of indoor facilities:
- (1) indoor facilities for dogs and cats shall be adequately heated and cooled to protect the dogs and cats from cold and heat and provide for their health and comfort;
 - (2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and
 - (3) special provisions shall be provided to any animal that cannot maintain its normal body temperature. These special provisions shall be sufficient for the animal to maintain its normal body temperature and shall be documented in the animal's record.
- (b) Ventilation of indoor facilities:
- (1) indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times; the facilities shall be provided with fresh air either by means of windows, doors, vents and/or air conditioning and shall be ventilated so as to minimize drafts;
 - (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow; and
 - (3) air flow shall be adequate to minimize odors and moisture condensation.
- (c) Indoor housing facilities for dogs and cats shall have sufficient illumination to permit routine inspections, maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.
- (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.
- (e) Drainage of indoor housing facility:

- (1) a suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing facility;
- (2) if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage; and
- (3) the drainage system shall be constructed with barriers adequate to protect the animals from cross-contamination with urine and fecal material from animals housed in adjacent and/or nearby enclosures and/or exercise areas.

*History Note: Authority G.S. 19A-24; 19A-30(3);
Eff. April 1, 1984;
Amended Eff. January 1, 2005;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0203 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures, common areas and walkways with which an animal comes in contact:

- (1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;
- (2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .0207 of this Subchapter.

(b) Exercise areas of outdoor facilities:

- (1) shall have flooring or groundcover constructed of sealed concrete or other surfaces impervious to moisture; and/or
- (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or
- (3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with 02 NCAC 52J .0207; and/or
- (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 02 NCAC 52J .0210(b) and (c).

(c) Sand and organic materials such as mulch, pine straw, or other similar non-approved material shall not be used as ground cover in primary enclosures, common areas, exercise areas and/or walkways.

(d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:

- (1) housing shall be constructed of material which is impervious to moisture and which can be cleaned and sanitized in accordance with 02 NCAC 52J .0207;
- (2) one house shall be available for each animal within each primary enclosure. The house(s) shall be of adequate size for the animal housed in the enclosure. In the case of a mother and her unweaned offspring, one house of adequate size to comfortably house the mother and all the offspring together must be provided;
- (3) housing structures in outdoor facilities must contain clean, dry bedding or a heat source when the temperature falls below 32 degrees F;
- (4) special provisions shall be provided to any animal that cannot maintain its normal body temperature when housed outside. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal body temperature even with special provisions, then that animal shall not be housed outside. No infirm animal may be housed outdoors; and
- (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.

(e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

(f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be properly cleaned and sanitized as set forth in 02 NCAC 52J .0207 to protect the animals from injury and/or illness.

- (g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will be kept in outside facilities. This shall be documented in the animal's record.
- (h) A suitable method of drainage shall be provided so that water is adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the animal(s) does/do not have access to standing water.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0204 PRIMARY ENCLOSURES

- (a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture excluding the ground cover options of gravel and grass allowed for in Rule .0203 of this Section.
- (b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.
- (c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.
- (d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure or the sides or top covering of the enclosure.
- (e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural play behaviors typical of the species.
- (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five feet tall.
- (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.
- (h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.
- (i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet.
- (j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed or confined or comingled with adult dogs other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.
- (k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined in an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within the exercise area or primary enclosure such that the person(s) has/have immediate access to the animals in the event of an emergency, aggression or fight between animals.
- (l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure, the sides, or top covering of the enclosure and to leave the whelping/queening area for exercise.
- (m) In addition to Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed in any primary enclosure or exercise area shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet.
- (n) Not more than 12 cats shall be housed or confined in the same primary enclosure or exercise area.
- (o) In all cat primary enclosures and exercise areas, a clean receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required for each primary enclosure and exercise area.
- (p) Pools in primary enclosures and/or exercise areas:

- (1) Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area, an ingress-egress area shall be provided;
- (2) No dog shall have access to the pool or pool area other than a typical kiddie wading pool without supervision;
- (3) Facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and death resulting from access to pools or pool areas;
- (4) Pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured filtration and cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation and water quality; and
- (5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation, repair and maintenance.

History Note: Authority G.S. 19A-24;
 Eff. April 1, 1984;
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 Readopted Eff. September 1, 2022.

02 NCAC 52J .0205 FEEDING

- (a) Adult dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour period.
- (b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.
- (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this Rule for a specific animal, documentation of such veterinary care is required and shall include:
 - (1) the original veterinary directive signed by the veterinarian issuing it;
 - (2) the printed name of the veterinarian;
 - (3) the reason for the restriction;
 - (4) the specific feeding directions;
 - (5) the origination and review dates of the directive;
 - (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer required;
 - (7) the date of the cessation of the directive; and
 - (8) documentation by the facility of each feeding as prescribed by the veterinarian.
- (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner.
- (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.
- (f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste.
- (g) For every adult animal, there shall be at least one food receptacle offered. When multiple animals are housed together, caretakers shall observe each animal feeding to ensure that each animal receives adequate feed.
- (h) Food receptacles shall be durable and shall be kept clean and sanitized.
- (i) Uneaten food within food receptacles shall be discarded within 24 hours or sooner if spoiled or contaminated.
- (j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but shall be discarded after each feeding.
- (k) Food and water receptacles in outdoor facilities shall be protected from the elements.
- (l) This Rule is applicable only to animals, as defined in G.S. 19A-23(4), subject to the Animal Welfare Act.

History Note: Authority G.S. 19A-24;
 Eff. April 1, 1984;
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02 NCAC 52J .0206 WATERING

- (a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.

(b) Veterinary care for a specific animal that requires water to be withheld, given in intervals, or any variation other than continuous access by an animal can only be prescribed by a veterinarian and shall be documented in writing by the facility. The documentation shall include:

- (1) the original veterinary directive signed by the veterinarian issuing it;
- (2) the printed name of the veterinarian;
- (3) the reason for the restriction;
- (4) the specific watering directions;
- (5) the origination and review dates of the directive;
- (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no longer required;
- (7) the date of the cessation of the directive; and
- (8) documentation by the facility of each watering as prescribed by the veterinarian.

(c) Water in receptacles shall be changed daily and whenever visibly soiled.

(d) Watering receptacles shall be durable and kept clean and sanitized.

(e) Damaged receptacles shall be replaced.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures, exercise areas and common areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats shall be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris.

(b) When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in clean enclosures from being contaminated with water and other wastes.

(c) Cross contamination barriers shall be in place in primary enclosures and be sufficient to prevent feces, urine and cleaning waste water from entering another occupied primary enclosure.

(d) Sanitation shall be as follows:

- (1) prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;
- (2) in addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more days;
- (3) primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:
 - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or degreaser solution, followed by the application, at the correct concentration, of an animal-safe disinfectant labeled to be effective against common pathogens. The disinfectant is to be left on the surfaces for the time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried prior to returning the animal(s) to this area; or
 - (C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the return of the animal(s).
- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;

- (5) food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;
- (6) soiled linens and cloth products shall be mechanically washed with detergent and sanitized;
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and
- (8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust and biological material.

(e) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

(f) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

- (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males, except for planned breeding purposes. Breeding shall not be allowed in animal shelters.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.
- (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.
- (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.
- (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.

- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:
 - (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and
 - (b) Exemptions from these long-term care provisions are allowed only for safety or health reasons and must be approved by a veterinarian. This exemption must be reviewed and renewed every 30 days if the continuation is necessary. Documentation of the exemption must include the reason for the exemption, the name and contact information of the veterinarian authorizing the exemption, the original exemption date and the dates of review and renewal and alternative(s) offered if any.
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0210 VETERINARY CARE

(a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia (animal shelters only), disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes. The following is required of each PVC:

- (1) The PVC for animal shelters and pet stores shall be established with the assistance of a veterinarian and the veterinarian's information and signature shall be included in the appropriate section of the license/registration application/renewal application;
- (2) The PVC for boarding kennels shall be submitted as part of the license/registration application/renewal and must be approved by the Animal Welfare Section Inspector assigned to the facility;
- (3) The facility shall implement and follow the PVC; and
- (4) Changes to the PVC shall be submitted for approval to the Animal Welfare Section within 10 days of the effective date.

(b) If there is an infectious disease outbreak that persists for more than seven days at the facility, the facility operator shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be documented by the facility.

(c) 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. These recommendations shall include, at a minimum: sanitation of primary enclosures, common areas, exercise areas and accessories, and protocols for animal intake, evaluation, isolation, disease recognition and treatment and euthanasia (in animal shelters).

(d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period and does not meet the criteria of G.S. 19A-32.1(b)(2), then adequate veterinary care shall be provided to the animal.

(e) A certified facility shall maintain a list of authorized personnel pursuant to 02 NCAC 52J .0402 and shall maintain this list in the Policy and Procedure Manual pursuant to 02 NCAC 52J .0800.

(f) Diseased, injured, infirm or deformed animals shall be sold or adopted only under the policy set forth in the PVC.

(g) Full written disclosure of the medical condition of the animal and all veterinary medical treatments provided to the animal shall be provided to the person or organization receiving, adopting, purchasing or otherwise acquiring the animal. Proof of written disclosure signed by the person or organization receiving the animal shall be maintained as part of the animal's record.

(h) 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. This subsection shall not apply to animals which have been in the facility less than 15 days.

(i) If surgical procedures are performed at the registered/licensed facility, the facility shall:

- (1) only perform surgical procedures on animals owned by the facility. The facility shall not perform surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under the jurisdiction of the North Carolina Board of Veterinary Medicine;
- (2) appoint a North Carolina ('NC') licensed veterinarian to be the supervising veterinarian to direct, oversee and be responsible for the performance of all surgical procedures and for the condition of the surgical facility;
- (3) ensure all surgical procedures are performed by a NC licensed veterinarian and performed within the designated surgical area;
- (4) ensure that the designated surgical area meets the minimum standards for surgery in 21 NCAC 66 .0207(b)(9), the drug procedures meet the minimum standards in 21 NCAC 66 .0207(b)(11) and the recordkeeping procedures meet the minimum standards in 21 NCAC 66 .0207(b)(12);
- (5) ensure that the minimum standards for after-hours emergency service in 21 NCAC 66 .0207(b)(19) for the provision of after-hours emergency veterinary care for an animal receiving surgical procedure(s) are met; and
- (6) ensure that surgical procedures are not performed until the inspection of the surgical facility and supporting procedures noted in this section has occurred and all deficiencies have been corrected.

(j) Boarding kennels shall not administer a prescription medication, tranquilizer, sedative, or any pharmaceutical drug designed to calm an animal unless the medication or drug is administered under the direction of or by prescription from the animal's veterinarian, and written permission from the animal's owner. In the event a boarding kennel agrees to administer such medications or substances, the medications shall be in the original container issued by the veterinarian or pharmacy and administered according to label directions. The administration of these medications or substances shall be documented as required by 02 NCAC 52J .0102.

(k) Nothing in these rules allows the practice of veterinary medicine in North Carolina beyond what is otherwise authorized by the NC Veterinary Medical Board pursuant to the NC Veterinary Practice Act.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005;
Readopted Eff. September 1, 2022.

SECTION .0300 - TRANSPORTATION STANDARDS

02 NCAC 52J .0301 VEHICLES

(a) Vehicles used in transporting dogs and cats subject to the Animal Welfare Act shall be mechanically sound and equipped to provide fresh air to all animals transported.

(b) The animal cargo space shall be constructed and maintained so as to prevent engine exhaust fumes from entering the animal holding space.

(c) The interior of the animal holding space shall be properly cleaned after the transport of each animal. The holding space shall be sanitized between use for shipments.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Readopted Eff. October 1, 2022.

02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

(a) Primary enclosures such as compartments or transport cages, cartons, or crates used by persons subject to the Animal Welfare Act to transport cats and dogs shall be constructed, ventilated and designed to protect the health and ensure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

- (1) Each animal in the vehicle has adequate fresh air for normal breathing.
- (2) The openings of such enclosures are always easily accessible for emergency removals.
- (3) The animals are adequately protected from the elements.

- (4) The temperature in any area of a vehicle holding an animal shall be maintained between 50 degrees F and 85 degrees F. A facility shall be deemed as being in compliance if its vehicles' animal holding areas are equipped with operable heating and air-conditioning or forced-air heating and cooling, or other temperature control that are adequately utilized. A functional thermometer shall be present in the animal holding area of the vehicle.
- (b) Animals transported in the same primary enclosure shall be of the same species. Puppies or kittens less than four months of age shall not be transported in the same primary enclosure with adult dogs and cats other than their dams.
- (c) Primary enclosures used to transport dogs and cats shall be large enough for each animal to turn about freely, and to easily stand, sit, or lie down in a natural position. Primary enclosures used to transport dogs and cats shall be secured to the vehicle to prevent sliding or tipping of the enclosure during transit.
- (d) Special provisions during transport shall be provided to any animal that cannot maintain its normal body temperature during the transport. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record.
- (e) Animals shall not be placed in primary enclosures over other animals in transit unless such enclosure is constructed to prevent animal excreta from entering lower enclosures.
- (f) All primary enclosures used to transport dogs and cats shall be sanitized between use for shipments.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

If dogs and cats are transported for a period of more than six hours:

- (1) The transportation vehicle shall stop a minimum of once every six hours for a period of no less than one hour. Dogs shall be removed from their respective primary enclosures and provided exercise, if it is safe to do so. The reason for the exclusion of any animal from this requirement during a transport shall be documented. During this one-hour period dogs and cats shall be continuously provided a supply of potable water.
- (2) No dog or cat shall be subject to vehicular transport which has not been adequately fed within 24 hours of any time during transportation. No puppy or kitten less than six months of age shall be subject to vehicular transport which has not been adequately fed within six hours of any time during transportation.
- (3) The primary enclosure used for transportation of cats shall be equipped with a properly cleaned litter box and clean litter.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0304 CARE IN TRANSIT

- (a) Drivers or traveling attendants shall inspect each animal in transit with adequate frequency to determine the animal's comfort, health, and safety, and to obtain or provide relief or emergency care if needed.
- (b) If a transport lasts more than six hours, the transporter shall log the start and end times of the transport, the species, identification of the transported animal(s), any visible injury, illness or other medical condition, and care provided including stops, exercise, watering, feeding and veterinary care. This documentation shall be kept by the facility for a minimum of one year after the transport.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Readopted Eff. September 1, 2022.*

SECTION .0400 - EUTHANASIA STANDARDS

02 NCAC 52J .0401 ADOPTION BY REFERENCE

A person required to obtain a certificate of registration pursuant to G.S. 19A, Article 3 may use any method of euthanasia approved by the American Veterinary Medical Association ('AVMA'), and/or the Humane Society of the United States ('HSUS') which are hereby incorporated by reference, including subsequent amendments and editions. Copies of these documents may be obtained as follows:

- (1) AVMA Guidelines on Euthanasia may be accessed at no cost on their website at www.avma.org.
- (2) The HSUS Euthanasia Reference Manual can be accessed at no cost via the link: <https://humanepro.org/sites/default/files/documents/euthanasia-reference-manual.pdf>.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0402 AUTHORIZED PERSONS

Only a Certified Euthanasia Technician pursuant to 02 NCAC 52J .0403(1) or a veterinarian licensed to practice veterinary medicine in North Carolina, may euthanize an animal in a certified facility.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0403 DEFINITIONS

As used in this Subchapter:

- (1) "Certified Euthanasia Technician" means a person who has:
 - (a) been instructed in the proper methods of humane euthanasia, security and records keeping;
 - (b) has passed the written examination and the practical examination pursuant to 02 NCAC 52J .0410;
 - (c) has been issued a Euthanasia Technician Certificate pursuant to 02 NCAC 52J .0412; and
 - (d) is employed by a certified facility.
- (2) "Certified facility" means a registered animal shelter that employs at least one Certified Euthanasia Technician or North Carolina ('NC') licensed veterinarian to perform euthanasia on animals at that facility.
- (3) "Approved Certified Euthanasia Technician trainer" means an individual who has received permission from the Animal Welfare Section to provide training to applicants or individuals seeking to be Certified Euthanasia Technicians and has met the criteria pursuant to 02 NCAC 52J .0408.
- (4) "Chemical Agent" means any chemical approved by the American Veterinary Medical Association and/or the Humane Society of the United States which is used to induce death.
- (5) "Applicant" means a person who has submitted an application to the Animal Welfare Section (AWS) seeking certification as a Certified Euthanasia Technician, pursuant to Rule .0412 of this Section.
- (6) "Conviction of a criminal offense" means having been convicted or entered a plea of guilty or nolo contendere to any offense described in G.S. 19A-24(b)(7).
- (7) Euthanasia by injection ('EBI') means the injection of an approved commercially-manufactured euthanasia medication via an intravenous, intraperitoneal or intracardiac (subject to additional conditions) injection into an animal to cause the death of that animal.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0404 CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS

- (a) Individuals who perform euthanasia shall be trained and qualified as a Certified Euthanasia Technician as set forth in this Section.
- (b) Individuals seeking certification as a Euthanasia Technician shall submit a written application documenting their qualifications to the Animal Welfare Section, North Carolina Department of Agriculture and Consumer Services, 1030 Mail Service Center, Raleigh, NC 27699-1030, on the form provided by the Animal Welfare Section.

(c) The Animal Welfare Section shall receive and review all applications and examination results for Euthanasia Technician certification and determine whether or not to issue the individual applicant proof of certification in the form of a printed certificate, pursuant to 02 NCAC 52J .0412.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0405 CERTIFICATION STANDARDS

Applicants for certification as a Certified Euthanasia Technician shall be at least 18 years of age at the date they receive certification and shall demonstrate compliance with this Section. 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.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0406 APPLICATION REQUIREMENTS

An applicant for certification shall:

- (1) Submit a completed and signed application which can be obtained by calling the Animal Welfare Section ('AWS') office at (919) 707-3280.
- (2) The contents of the applications shall include the following:
 - (a) the name, phone number, email address and mailing address for the applicant;
 - (b) the name, registration number, and address of the shelter employing the applicant;
 - (c) a checkbox to be filled in if the applicant has been convicted of a criminal offense as defined in 02 NCAC 52J .0403(6); and
 - (d) a notarized signature of the applicant.
- (3) Provide a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has completed an Animal Welfare Section approved course pursuant to 02 NCAC 52J .0407, passed the course written examination and passed a practical examination in the euthanasia by injection (EBI) techniques.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0407 TRAINING AND EXAMINATIONS

(a) Training and examinations for euthanasia certification shall consist of:

- (1) Classroom lecture covering the entire list of subjects in Paragraph (b) of this Rule;
- (2) A written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; and
- (3) A pass/fail practical examination in Euthanasia by Injection ('EBI') techniques and the subjects in Paragraph (e) of this Rule.

(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. The programs and materials shall conform to the processes set forth by the American Veterinary Medical Association and/or the Humane Society of the United States and shall include the following topics:

- (1) The theory and history of euthanasia methods and practice;
- (2) Relevant 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;
- (6) Proper dosing for the specific route of administration for the Euthanasia by Injection;
- (7) Proper and accurate verification of lack of pain perception;

- (8) Proper and accurate verification of animal death;
- (9) Proper record keeping including documentation of justification for intracardiac and for early euthanasia;
- (10) Proper disposal of euthanized animals;
- (11) Stress management for euthanasia personnel;
- (12) Proper methods and techniques of euthanasia under extraordinary circumstances;
- (13) Proper methods, techniques and chemicals inducing anesthesia and sedation in animals prior to euthanasia; and
- (14) Proper methods, techniques and chemicals used in the practical examination section for Certified Euthanasia Technician.

(c) The Animal Welfare Section shall prepare written examinations to be given to applicants. Following the classroom training detailed in Paragraph (b) of this Rule, the applicant shall take a written examination provided by the Animal Welfare Section. Notes or other assistance are not allowed during the taking of the written examination. The applicant must achieve a score of at least 80 percent correct to pass the written examination. Those passing the written examination for that classroom training session are eligible to take the practical examination on the EBI techniques. Those failing this written examination shall attend another classroom training session and shall pass a different version of the written examination provided by the Animal Welfare Section before they are eligible to take the practical examination.

(d) The applicant must pass a practical examination on the EBI techniques.

(e) Applicants for certification in Euthanasia by Injection shall demonstrate the following knowledge and competencies to pass the practical examination:

- (1) Correctly calculate chemical agent dosage based upon the species, age, weight and condition of the animal and the route of administration;
- (2) Correctly complete all required documentation and demonstrate proper technique for scanning an animal for a microchip;
- (3) Correctly draw the properly calculated chemical dosage into a syringe and needle of a type and size appropriate for the animal and for the route of administration;
- (4) Correctly administer the chemical agent to the animal;
- (5) Properly perform intravenous injections on dogs and intravenous or intraperitoneal injections on cats;
- (6) Knowledge of the current euthanasia guidelines, medical procedures including lack of pain perception verification and drugs necessary for an animal to be euthanized by cardiac injection;
- (7) Demonstrate ability to verify death by a combination of the following:
 - (A) lack of respiration;
 - (B) lack of ocular reflexes;
 - (C) lack of a heartbeat verified by the use of a stethoscope;
 - (D) greying of mucous membranes;
 - (E) lack of response to firm toe pinch; and
 - (F) rigor mortis.
- (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; and
- (9) Proper first aid for a person accidentally exposed to chemical agents used for euthanasia.

*History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .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) be a NC licensed veterinarian that has euthanized dogs and cats; or
- (2) be a CET formerly or currently registered with the Animal Welfare Section that has a minimum of six months CET experiences.

(b) Information taught shall conform to this Section and the guidelines set forth by the American Veterinary Medical Association Guidelines on Euthanasia or the Humane Society of the United States.

(c) Trainers shall disclose to their students and the Animal Welfare Section any affiliations with suppliers of equipment or supplies used in euthanasia.

(d) The Animal Welfare Section may make unannounced audits 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 for its training program from the Animal Welfare Section. The application for the approval of the CET class shall contain:

- (1) the name of the trainer;
- (2) the contact information for the trainer;
- (3) the date and location for the proposed CET class;
- (4) an area to initial an agreement that the trainer has read and understood the North Carolina Animal Welfare Act and its associated North Carolina Administrative Code rules, the American Veterinary Medical Association Guidelines on Euthanasia and the Humane Society of the United States Euthanasia Reference Manual;
- (5) an area to initial the agreement to:
 - (A) teach the euthanasia information in accordance with the requirements of this Subchapter;
 - (B) provide a copy of the class material to the Animal Welfare Section upon request;
 - (C) allow the Animal Welfare Section to audit the class;
 - (D) not to copy the answer key or test other than for the purposes of administering the test at the end of the class;
 - (E) to collect the answer key and all copies of the test and return them to the Animal Welfare Section within 10 calendar days of the administration of the test; and
 - (F) to grade the tests and return the test results to the Animal Welfare Section within 10 calendar days of the administration of the test.

(f) Trainers shall return to the Animal Welfare Section office copies of the written tests, notification of results for the written examinations and notification of results for the practical examinations within 10 days of the date of the tests. These results shall include all examination outcomes for all applicants.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. October 1, 2022.

02 NCAC 52J .0409 PROBATIONARY EUTHANASIA TECHNICIANS

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Repealed Eff. September 1, 2022.

02 NCAC 52J .0410 EXAM REQUIRED

An individual who has not passed the written exam and the practical examination may not serve as a Certified Euthanasia Technician.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0411 NEW APPLICATION

The Animal Welfare Section shall deny the application of any applicant who fails the written examination twice or the practical examination twice. If the individual 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 examination and the practical examination before a certification can be issued.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0412 ISSUANCE OF CERTIFICATION

Upon the receipt of materials specified in this Section the Animal Welfare Section shall issue a Euthanasia Technician Certificate.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0413 LENGTH OF CERTIFICATION

A Euthanasia Technician 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 as described in this Section.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0414 TERMINATION OF EMPLOYMENT

Upon termination of employment by voluntary or involuntary separation from the certified facility or closure of the certified facility, a Certified Euthanasia Technician shall not perform animal euthanasia in a certified facility until reinstated by the Animal Welfare pursuant to 02 NCAC 52J .0416. The Certified Euthanasia Technician's certification shall be canceled effectively upon termination of employment. No later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment from a certified facility the Certified Euthanasia Technician shall notify the Animal Welfare Section of the termination of employment.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0415 NOTICE OF TERMINATION

A certified facility shall notify the Animal Welfare Section of the termination of any Certified Euthanasia Technician within 10 days of the termination. Said notice shall be in writing and mailed to Animal Welfare Section; 1030 Mail Service Center; Raleigh, NC 27699 or emailed to agr.aws@ncagr.gov.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0416 REINSTATEMENT

If a former Certified Euthanasia Technician is employed at a certified facility before the expiration of his or her certification, the employer may request reinstatement of the certification from the Animal Welfare Section ('AWS'). The AWS shall reinstate the Certified Euthanasia Technician if a review of the request shows that the initial certification has not expired and there are no active AWS investigations or suspension or revocation actions pending or active against the certification. The reinstated Certification shall be good for five years from the date of its initial issue. The Certified Euthanasia Technician shall not euthanize animals until the certification has been reinstated by the Animal Welfare Section.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0417 CERTIFICATION RENEWAL

(a) Certifications may be renewed every five years provided that:

- (1) within the 12 months immediately preceding the application for certification renewal the Certified Euthanasia Technician has taken and passed a practical examination in current Euthanasia by Injection ('EBI') techniques pursuant to 02 NCAC 52J .0407;
- (2) the applicant attends a euthanasia re-certification course which reviews the current standards and guidelines on EBI; and

- (3) the applicant attends a training about stress management.
- (b) The applicant shall submit an application for certification renewal to the Animal Welfare Section. The application can be obtained by calling the Animal Welfare Section ('AWS') office at (919) 707-3280 and shall include a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has passed a practical examination in the techniques of EBI.
- (c) The contents of the application shall include the following:
 - (1) the name, phone number, email address, and mailing address for the applicant;
 - (2) the name, registration number, and address of the shelter employing the applicant;
 - (3) a checkbox to be filled in if the applicant has been convicted of a criminal offense as defined in the 02 NCAC 52J .0403(6); and
 - (4) a notarized signature of the applicant.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0418 DUTIES

A Certified Euthanasia Technician shall:

- (1) Prepare animals for euthanasia in accordance with 02 NCAC 52J .0401;
- (2) Scan for a microchip, and attempt to reach the individual(s) or organization associated with the microchip present in the animal unless emergency circumstances preclude such an attempt;
- (3) Document the presence or absence of a microchip in the animal and the attempt to contact the individual(s) or organization associated with the microchip or the emergency circumstance that precluded such an attempt. The documentation of the attempt to contact the owner shall include the date and time of phone call and/or email sent to the individual(s) or organization associated with the microchip. If another method was used to attempt to reach the individual(s) or organization associated with the microchip, the method of the attempt shall be documented;
- (4) Accurately record the facility's identification number of the animal, its species, sex, breed or breed type, description and date, dosages and route of administration for drugs that are administered for sedation and euthanasia and amounts for drugs wasted;
- (5) Order euthanasia supplies;
- (6) Maintain the security of all controlled substances and other drugs in accordance with applicable State and federal laws and regulations;
- (7) Report to the appropriate government agencies violations or suspicions of a violation of the rules in this Subchapter or any abuse of drugs;
- (8) Euthanize animals in accordance with the rules of this Section; and
- (9) Dispose of euthanized animals, expired or unwanted chemical agent(s) or the containers, instruments and equipment used in the administration of drugs in accordance with all applicable federal, State and local laws and regulations.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. October 1, 2022.

02 NCAC 52J .0419 GROUNDS FOR DISCIPLINE - CERTIFIED EUTHANASIA TECHNICIANS

The Department may refuse to issue, renew, or reinstate the certification of a Euthanasia Technician, or may deny, revoke, suspend, sanction, place on probation, or impose other forms of discipline upon any Certified Euthanasia Technician for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. Improper use of any drug or chemical substance by:
 - (a) Selling, diverting or giving away drugs or chemical substances;
 - (b) Stealing drugs or chemical substances;
 - (c) Misusing chemical substances by using them for any use other than it's intended use as prescribed by the American Veterinary Medical Association Euthanasia Guidelines and the Humane Society of the United States Euthanasia Reference Manual; or

- (d) Abetting anyone in the foregoing activities;
- (3) Euthanizing animals without supervision as required by this Subchapter;
- (4) Enabling or abetting the euthanasia of animals by uncertified individuals except in extraordinary circumstances pursuant to 02 NCAC 52J .0702;
- (5) Fraud, misrepresentation, or deception in obtaining certification;
- (6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes:
 - (a) engaging in fraud, misrepresentation, or deception in the performance of Euthanasia Technician duties;
 - (b) working in conjunction with any organization or person illegally practicing as a Certified Euthanasia Technician;
 - (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal;
 - (d) euthanizing animals in a manner that endangers the health or welfare of the public, for example, improper handling, transport or storage of drugs related to the sedation or euthanasia of animals, or improper handling or disposal of the body of a euthanized animal;
 - (e) ignorance or incompetence in the euthanizing of animals;
 - (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not certified;
 - (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician; or
 - (h) failing to provide requested information or the provision of inaccurate or misleading information during an investigation or inspection by the Animal Welfare Section;
- (7) Conviction of a criminal offense;
- (8) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the rules in this Subchapter and/or entering of inaccurate or misleading information into the records of a certified facility;
- (9) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper security and storage for euthanasia and restraint drugs as established under applicable United States Drug Enforcement Administration and North Carolina Department of Health and Human Services statutes and rules;
- (10) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the containers, instruments and equipment in a manner permitted by this Subchapter;
- (11) Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia and restraint chemical agents;
- (12) Revocation, Suspension or Limitation. The revocation, suspension, limitation of a license or certificate or registration or any other disciplinary action by another state or United States jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee; and
- (13) Failure of any applicant or certificate holder to be truthful with the North Carolina Department of Agriculture and Consumer Services during any investigation or inspection.

History Note: Authority G.S. 19A-24;
 Eff. March 23, 2009;
 Readopted Eff. October 1, 2022.

SECTION .0500 – EUTHANASIA BY INJECTION

02 NCAC 52J .0501 INTRACARDIAC INJECTION

Intracardiac injection for euthanasia shall only be administered under the following conditions:

- (1) due to injury or other medical condition, the animal is unconscious, or the animal has been rendered unconscious by administration of a general anesthetic;
- (2) due to medical condition of the animal and/or size of the animal, intravenous or intraperitoneal administration is not practical or humane;
- (3) the absence of a pain response has been verified prior to the administration of the intracardiac injection and this verification is documented in the animal's record; and

- (4) the justification for an intracardiac injection rather than an intravenous or intraperitoneal route of administration has been documented in the animal's record.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

SECTION .0600 - EUTHANASIA BY CARBON MONOXIDE

02 NCAC 52J .0601	CARBON MONOXIDE EQUIPMENT
02 NCAC 52J .0602	PROHIBITED USES
02 NCAC 52J .0603	DEAD ANIMALS
02 NCAC 52J .0604	INDIVIDUAL SEPARATION
02 NCAC 52J .0605	CHAMBER REQUIREMENTS
02 NCAC 52J .0606	INSPECTIONS AND RECORDS
02 NCAC 52J .0607	CLEANING CHAMBER
02 NCAC 52J .0608	OPERATIONAL GUIDES AND INSTRUCTION MANUALS
02 NCAC 52J .0609	PERSONS REQUIRED TO BE PRESENT

History Note: Authority G.S. 19A-24; 19A-24(5);
Eff. March 23, 2009;
Expired Eff. April 1, 2019 pursuant to G.S. 150B-21.3A.

SECTION .0700 - EXTRAORDINARY CIRCUMSTANCES

02 NCAC 52J .0701 EUTHANASIA UNDER EXTRAORDINARY CIRCUMSTANCES

For purposes of this Section, an extraordinary circumstance is one in which an animal is offsite from a shelter and is an immediate risk to animals, humans, or public health, or in which it would be inhumane to transport the animal, and no 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.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS

Under extraordinary circumstances a shelter employee may use gunshot or other extreme method of euthanasia as set forth and in accordance with the American Veterinary Medical Association or the Humane Society of the United States incorporated by reference in 02 NCAC 52J .0401.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. October 1, 2022.

02 NCAC 52J .0703 METHODS AND STANDARDS

The methods of euthanasia used by a certified facility under an extraordinary circumstance must be a method approved by the American Veterinary Medical Association and/or the Humane Society of the United States for use on that species of animal and must conform to standards set forth by that organization.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .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.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009.

02 NCAC 52J .0705 REPORTS

A certified facility 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 euthanasia, the method of euthanasia and the reason for euthanasia of the animal as authorized by this Section.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

SECTION .0800 – POLICY AND PROCEDURE MANUAL

02 NCAC 52J .0801 MANUAL REQUIRED

Any certified facility performing euthanasia shall have a current policy and procedure manual about euthanasia.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0802 CONTENTS

The policy and procedure manual shall set forth the shelter's equipment, process, procedures and documentation requirements for the euthanasia of animals pursuant to G.S. 19A 32.1(b)(2) and (g)(ii) and 02 NCAC 52J .0101(4); .0418(1) and (2); and .0501.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009;
Readopted Eff. September 1, 2022.

02 NCAC 52J .0803 ADDITIONAL CONTENTS

A certified facility's policy and procedure manual shall be kept consistent with the publications listed below and reflect the current information for each. The manual shall include:

- (1) A copy of the current North Carolina Animal Welfare Act and the rules in this Subchapter;
- (2) A copy of the most recent American Veterinary Medical Association ('AVMA') Guidelines for the Euthanasia of Animals and any future revisions, replacements, supplements or changes thereto issued by that organization;
- (3) A copy of the most recent Euthanasia Reference Manual of the Humane Society of the United States;
- (4) A copy of the facility's policies and/or procedures for euthanasia by injection;
- (5) A list of Certified Euthanasia Technicians and the date of certification;
- (6) The name, address and contact information for the veterinarian responsible for the written program of veterinary care as described in 02 NCAC 52J .0210(a);
- (7) 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;
- (8) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- (9) Procedures to follow if no Certified Euthanasia Technician is present and euthanasia of an animal is necessary;
- (10) Procedures to follow including the names(s) of shelter manager designee(s) when the shelter manager is not available to make the decisions necessary and complete the required paperwork when an animal is to be euthanized prior to the end of the 72-hour holding period;
- (11) Methods of verifying death of an animal after a euthanasia process is performed;
- (12) The name and contact information of the suppliers of:

- (a) Injectable euthanasia solution;
- (b) Tranquilizer, sedation, and anesthetic medications;
- (13) Original of U.S. Drug Enforcement Administration certification permitting the use of controlled substances;
- (14) Original of the North Carolina Health and Human Services certificate permitting the storage and use of controlled substances;
- (15) Material safety data sheets for all chemical, anesthetic, tranquilizing, sedation and euthanasia medications used in that facility;
- (16) Information detailing the signs and symptoms associated with human exposure to the agents used for euthanasia at the facility;
- (17) Information detailing 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. The information shall include the name of the medical facility, the telephone number for both working and after-hours contact and directions to the medical facility from the certified facility including a map. If the medical facility does not provide service after-hours, on weekends or on holidays, there must be contact information as described in this item for the nearest medical facility, urgent care clinic or emergency room that does provide care during that time.

History Note: Authority G.S. 19A-24;
 Eff. March 23, 2009;
 Readopted Eff. September 1, 2022.

SECTION .0900 – ANIMAL SHELTER SUPPORT FUND

02 NCAC 52J .0901 ELIGIBLE EXPENSES

Eligible expenses include:

- (1) Veterinary costs – Reimbursement may be requested for veterinary expenditures incurred for the assessment, diagnostic and triage evaluation, medical treatment, minor surgical treatment, medications, first aid and minor medical supplies, vaccinations, parasite control/treatment, or euthanasia of animals housed at the shelter at the time of the event or impounded during the interim or transition period.
- (2) Sanitation costs – Reimbursement may be requested for expenditures related to sanitation of the affected shelter, including detergent/disinfectant supplies, cleaning supplies, labor costs for the sanitation of the shelter, and waste and carcass disposal costs.
- (3) Animal sustenance and supplies – Reimbursement may be requested for expenditures for animal food, provision of water to the shelter, and food and water bowls or buckets, as well as labor costs for the feeding and watering of the shelter animals.
- (4) Temporary housing and sheltering of animals – Reimbursement may be requested for expenditures for animal cages and kennels, animal transport carriers, fencing panels for runs, tarps, fencing, dog or cat houses and other construction supplies, as well as labor costs or equipment or facility leasing expenses incurred during the construction or repair of temporary animal housing.

History Note: Authority G.S. 19A-67; 19A-68;
 Temporary Adoption Eff. November 29, 2016;
 Temporary Adoption Expired Eff. September 11, 2017;
 Eff. November 1, 2017;
 Readopted Eff. September 1, 2022.

02 NCAC 52J .0902 APPLICATION GUIDELINES

- (a) A local government applying for reimbursement from the Fund shall submit the request for reimbursement to the Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services.
- (b) The request shall:
 - (1) be received by AWS by mail, email, or fax within 60 days of the date the eligible expense was incurred;

- (2) include a completed "Animal Shelter Support Fund Reimbursement Application" with the county name, tier of county, facility name, facility license number, and contact information. This application can be found on the AWS website (<http://www.ncagr.gov/vet/AWS/>);
- (3) include an itemized listing of eligible expenses for which reimbursement is sought;
- (4) include proof that matching funds have been provided; and
- (5) include proof of payment of the eligible expense. If the payment of expense occurs after the application was submitted, proof of payment shall be submitted to AWS within 30 days of payment of the expense.

History Note: Authority G.S. 19A-67; 19A-68;
Temporary Adoption Eff. November 29, 2016;
Temporary Adoption Expired Eff. September 11, 2017;
Eff. November 1, 2017;
Readopted Eff. September 1, 2022.