

## Burgos, Alexander N

---

**From:** Peaslee, William W  
**Sent:** Friday, November 4, 2022 3:38 PM  
**To:** Hayworth, Anna  
**Cc:** Burgos, Alexander N; Mclennan, Christopher; Snyder, Ashley B  
**Subject:** RE: 02 NCAC 52J .0208, .0704  
**Attachments:** 11.2022 02 NCAC 52J .0208 and .0704 Rule Return Letter.pdf

Good afternoon:

Attached please find the letter returning the above captioned rules to the agency per your request.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Thursday, November 3, 2022 2:50 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>  
**Subject:** RE: 02 NCAC 52J .0208, .0704

Good afternoon Mr. Peaslee,

I understand that you spoke with Jon Lanier today regarding the Board of Agriculture meetings and he was able to assist you. If there is anything further I can help with in that area or you have additional questions, please let me know.

Regarding 02 NCAC .0208 and .0704, we would like to request that they be returned to the agency.

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, November 2, 2022 1:50 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 02 NCAC 52J .0208, .0704

Good afternoon:

I have been unable to locate on the Department of Agriculture's website the 2022 schedule of meetings for the Board of Agriculture. Please let me know if and when the Board has met since the Letter of Objection concerning the above captioned rules has been received. Also, please provide me the regular meeting schedule.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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To

Bcc

Cc

Fw: 02 NCAC 52J .0208, .0704

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Thursday, November 3, 2022 6:49 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>
Subject: RE: 02 NCAC 52J .0208, .0704

Good afternoon Mr. Peaslee,

I understand that you spoke with Jon Lanier today regarding the Board of Agriculture meetings and he was able to assist you. If there is anything further I can help with in that area or you have additional questions, please let me know.

Regarding 02 NCAC .0208 and .0704, we would like to request that they be returned to the agency.

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Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

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## 02 NCAC 52J .0208, .0704

PW

Peaslee, William W  
To: Hayworth, Anna  
Cc: Burgos, Alexander N

👍    ↩    ⏪    ⏩    ⋮

Wed 11/2/2022 5:49 AM

Good afternoon:

I have been unable to locate on the Department of Agriculture’s website the 2022 schedule of meetings for the Board of Agriculture. Please let me know if and when the Board has met since the Letter of Objection concerning the above captioned rules has been received. Also, please provide me the regular meeting schedule.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Friday, September 16, 2022 9:33 AM  
**To:** Hayworth, Anna  
**Cc:** Norris, Patricia; Burgos, Alexander N  
**Subject:** 02 NCAC 52J .0208 and .0704 Objections letters  
**Attachments:** 09.2022 Board of Agriculture Objection Letter 02 NCAC 52J.pdf; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0208 post objection.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0704 post objection.doc

Good morning,

Attached please find the written statement of objection for the above captioned rules pursuant to G.S. 150B-21.12.

As always if you have any questions, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0201  
**Attachments:** 02 NCAC 52J .0201.docx; 02 NCAC 52J .0205.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0702.docx;  
02 NCAC 52J .0408.docx; 02 NCAC 52J .0301.docx; 02 NCAC 52J .0418.docx

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Thursday, September 15, 2022 10:56 AM  
**To:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Cc:** McLennan, Christopher <cmclennan@ncdoj.gov>; Norris, Patricia <Patricia.Norris@ncagr.gov>  
**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0201

Good morning Alex,

Per our conversation at the Rules Review Commission meeting, attached is the language requested with the corrected version of .0201.

Please let me know if you need anything additional. Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## **Burgos, Alexander N**

---

**Subject:** FW: [External] RE: 02 NCAC 52J Letter of Objection Rules

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Wednesday, September 14, 2022 1:03 PM

**To:** McLennan, Christopher <cmclennan@ncdoj.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Subject:** RE: [External] RE: 02 NCAC 52J Letter of Objection Rules

Thank you for your email.

I am unaware of any provision by which an agency can file an amendment to a previously adopted and submitted rule in the absence of a change request. Which makes sense, because an agency could continue to submit amendments right up until the time for the meeting at which the rule would be considered. In short, once a staff opinion has been issued an opinion, staff does not continue to review changes submitted in response to the staff opinion. When would the review end?

However, you can certainly ask the RRC if it would like to consider the rule changes submitted post staff opinion.

Thank you.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

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Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 02 NCAC 52J Letter of Objection Rules .0419,  
**Attachments:** RE: 02 NCAC 52J Letter of Objection Rules .0201; RE: 02 NCAC 52J Letter of Objection Rules .0419,

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**From:** McLennan, Christopher <Cmclennan@ncdoj.gov>  
**Sent:** Wednesday, September 14, 2022 12:29 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** [External] RE: 02 NCAC 52J Letter of Objection Rules .0419,

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Mr. Peaslee:

Good afternoon. In regards to the revised staff opinion for 02 NCAC 52J .0201 that was sent on 9/14/22 at 11:24AM (attached), yesterday Ms. Hawyworth submitted a revised version of this rule correcting the reference from "G.S. 12-277.1" to "GS 14-277.1" and removing any reference to G.S. 14.277.3 (attached). These were simply minor typographical errors that have been easily corrected. Does this change resolve your objection based upon G.S. 150B-21.9(a)(2)?

I understand you may still have objections based upon G.S. 150B-21.9(a)(1) and (3), but I was hoping to clarify what objections remain. I just want to ensure I'm clear on what issues will be before the RRC. Thank you for your time.

Best regards,  
Chris



**Christopher R. McLennan**  
Special Deputy Attorney General  
Services to State Agencies Section  
Phone: 919-716-6507 & 919-707-3029  
Email: [cmclennan@ncdoj.gov](mailto:cmclennan@ncdoj.gov)  
114 W. Edenton St., Raleigh, NC 27603  
P.O. Box 629, Raleigh, NC 27602-0629  
ncdoj.gov

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## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,  
**Attachments:** Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0201 post objection revised.doc

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Wednesday, September 14, 2022 11:24 AM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

My apologies. I attached the wrong version of the staff opinion to my email. Attached please find the correct version.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
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## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0704  
**Attachments:** Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0704 post objection.doc

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Wednesday, September 14, 2022 9:33 AM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0704

Well, I did it again. The caption to the last email was in error. The staff opinion is for Rule 704.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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1711 New Hope Church Road  
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**From:** Peaslee, William W  
**Sent:** Wednesday, September 14, 2022 9:25 AM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Norris, Patricia <[Patricia.Norris@ncagr.gov](mailto:Patricia.Norris@ncagr.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Mclennan, Christopher  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Good morning,

Attached please find the staff opinion for the above captioned Rule which will be considered by the Rules Review Commission on Thursday, September 15, 2022 at 9:00 am.

As always, if you have any questions, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Wednesday, September 14, 2022 8:44 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Good morning,

My apologies. You are correct. I intended .0704.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Tuesday, September 13, 2022 5:39 PM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Mr. Peaslee,

Just for clarification, we would be interested in a future repeal of .0704, not .0419. I had attached corrections for .0419 earlier. Are you referring to .0704 in regards to the repeal below or is there a separate issue with .0419?

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

1002 Mail Service Center | Raleigh, NC 27699

**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## Burgos, Alexander N

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0201  
**Attachments:** 02 NCAC 52J .0201.docx

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Tuesday, September 13, 2022 5:37 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0201

Good afternoon Mr. Peaslee,

I understand that this will not satisfy the full objection, however, since the two typos were noted, we have corrected the attached language to rectify those two specific issues. Apologies for that confusion.

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
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**Office: (984) 236-4509 (new office)**  
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[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

1 02 NCAC 52J .0201 is readopted with changes as published in 36:12 NCR 1004-1005 as follows:

2  
3 **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

4  
5 **02 NCAC 52J .0201 GENERAL**

6 (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals  
7 from injury, contain the animals and restrict the entrance of other animals and people.

8 (b) All light fixtures and electrical outlets in animal areas shall be [safe and] in compliance with the State Building  
9 Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such  
10 a way that animals do not have access to them.

11 (c) Facilities shall have reliable and safe adequate electric power as necessary to comply with the Animal Welfare Act.

12 (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation  
13 or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids.  
14 Refrigeration shall be provided for supplies of perishable food. Storage of food and bedding:

15 (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such  
16 supplies against infestation or contamination by vermin and insects;

17 (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

18 (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;

19 (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately  
20 from soiled laundry and materials; and stored separately from general housing areas for animals; and

21 (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored  
22 in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.

23 (e) The facility shall provide Provisions shall be made for the daily removal and disposal of animal and food waste,  
24 soiled bedding and debris from the housing facility in accordance with local ordinances, to assure the facility will be  
25 maintained in a clean and sanitary manner.

26 (f) Hot and cold running, potable water must be available. Facilities such as a washroom, basin or sink shall be  
27 provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

28 (g) Each facility shall have the ability to confirm ambient temperature. [temperature, a temperature. A functional room  
29 thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

30 (h) A separate five-foot tall perimeter fence is required if any animals animal(s) has/have [has or] have unsupervised  
31 access to an outdoor primary enclosure, common area, and/or including unsupervised exercise areas. Supervision of  
32 animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate  
33 five-foot tall perimeter fence.

34 (i) An adequate drainage system must be provided for the housing facility.

35 (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and  
36 Consumer Services (‘NCDA&CS’) employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday  
37 through Friday).

1 (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

2 (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or  
3 affecting the welfare of dogs and cats in its facility.

4 (m) A licensee or registrant and all agents of the facility shall ~~cooperate fully and truthfully~~ be truthful with  
5 NCDA&CS employees during all phases of ~~inspections or investigations.~~ inspections, reviews and/or investigations.

6 (n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may ~~interfere~~  
7 ~~with, threaten, abuse (including verbally abuse), or harass~~ abuse, harass, delay or obstruct any [inspector, or  
8 state]inspector or State [official, while such]official while inspectors or officials are [carrying out their  
9 duties.]attempting to discharge their official duties. For the purposes of this rule, the following definitions apply:

10 (1) "Abuse" means:

11 (A) Communicating a threat as defined by G.S. 14-277.1;

12 (B) Using profane, indecent or threatening language to any person over the telephone,  
13 annoying or harassing by repeated telephoning or making false statements over the  
14 telephone as defined by G.S. 14-196;

15 (C) Cyberstalking as defined by G.S. 14-196.3;

16 (D) Stalking as defined by G.S. 14-277.3A; and/or

17 (E) Disorderly conduct as defined by G.S. 14-288.4.

18 (2) "Harass" means knowingly conduct, including oral, written or printed communication or transmission,  
19 telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or  
20 transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or  
21 other computerized or electronic transmissions directed at a specific person that torments, terrorizes or  
22 terrifies that person and that serves no legitimate purpose.

23 ~~(m)~~(o) No dog or cat shall be in a window display except during business hours and then only in compliance with  
24 standards set forth in this Section.

25 (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences,  
26 as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific  
27 written consent of the owner of that animal.

28 (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a  
29 means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

30 (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or  
31 evacuation of animals in the event of a natural or manmade disaster.

32 (s) For the purposes of ~~NCCGS~~G.S. [§]19A-23(5a), written standards for an "approved foster care provider" shall  
33 include but not be limited to: the application process; sanitation protocols; provision of daily observation of the  
34 animals; feeding and watering protocols; provision and documentation of veterinary care; provision and  
35 documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals  
36 in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC  
37 Animal Welfare Act and ~~it~~its rules issued pursuant thereto.



1 (t) For the purposes of [NCCS]G.S. 19A-23(5b), written standards for an “approved rescue organization” shall include  
2 but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals;  
3 feeding and watering protocols; provision and documentation of veterinary care of the shelter’s animals; provision  
4 and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the  
5 shelter’s animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the  
6 rescue with the North Carolina [NC] Animal Welfare Act and [it]it’s rules issued pursuant thereto.

7  
8 *History Note: Authority G.S. 19A-24; G.S. 19A-30(3);*  
9 *Eff. April 1, 1984; Amended Eff. January 1, 2005;*  
10 *Readopted Eff. October 1, 2022.*

## Burgos, Alexander N

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules 0201, 0205, .0208, .0301, .0408, .0418, .0419, 0702, .0704  
**Attachments:** 02 NCAC 52J .0201.docx; 02 NCAC 52J .0205.docx; 02 NCAC 52J .0208.docx; 02 NCAC 52J .0301.docx; 02 NCAC 52J .0408.docx; 02 NCAC 52J .0418.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0702.docx; 02 NCAC 52J .0704.docx

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Tuesday, September 13, 2022 4:48 PM  
**To:** McGhee, Dana <[dana.McGhee@oah.nc.gov](mailto:dana.McGhee@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** FW: 02 NCAC 52J Letter of Objection Rules 0201, 0205, .0208, .0301, .0408, .0418, .0419, 0702, .0704

Please be advised that I intend to recommend approval of Rule .0301 and .0418 attached above.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Friday, September 9, 2022 2:35 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Cc:** Norris, Patricia <[Patricia.Norris@ncagr.gov](mailto:Patricia.Norris@ncagr.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules 0201, 0205, .0208, .0301, .0408, .0418, .0419, 0702, .0704

Good afternoon Mr. Peaslee,

Attached are the nine rules with corrections made based on the objections received. Please let me know if this submission is sufficient for consideration by the Commission at the meeting next week, or if there is anything additional we need to do.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Tuesday, September 13, 2022 4:34 PM  
**To:** Hayworth, Anna  
**Cc:** Norris, Patricia; Burgos, Alexander N; McLennan, Christopher  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0201  
**Attachments:** Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0201 post objection.doc

Good afternoon,

Attached please find the staff opinion for the above captioned rule which will be considered by the Rules Review Commission at its meeting Thursday, September 15, 2022 at 9:00 am.

As always, if you have any questions please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Tuesday, September 13, 2022 5:39 PM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Mr. Peaslee,

Just for clarification, we would be interested in a future repeal of .0704, not .0419. I had attached corrections for .0419 earlier. Are you referring to .0704 in regards to the repeal below or is there a separate issue with .0419?

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

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**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Tuesday, September 13, 2022 4:38 PM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; McClennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Thank you for your email.

With regard to Rule .0419, if the agency wants to repeal the rule, have you considered requesting the rule's return pursuant to G.S. 150B-21.12(d). Does that not accomplish the Board's goal?

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

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## **Burgos, Alexander N**

---

**From:** Peaslee, William W  
**Sent:** Tuesday, September 13, 2022 2:23 PM  
**To:** Hayworth, Anna  
**Cc:** Norris, Patricia; McLennan, Christopher; Burgos, Alexander N  
**Subject:** 02 NCAC 52J .0208 Staff Opinion  
**Attachments:** Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0208 post objection.doc

Good afternoon,

Attached please find the staff opinion for the above captioned rule which will be considered before the Rules Review Commission on Thursday, September 15, 2022 at 9:00 am.

As always, if you have any questions please do not hesitate to ask.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,  
**Attachments:** 02 NCAC 52J .0205.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0702.docx; 02 NCAC 52J .0408.docx

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Tuesday, September 13, 2022 2:09 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Good afternoon Mr. Peaslee,

In regards to Rule .0704, after discussions and the changes made, we agree that it is not necessary. Therefore, we would like to handle this as we did the other rules of this nature previously (i.e. .0902). We would like to request to move forward with the language as written and are communicating our intention to repeal this Rule in the future.

All other changes to rules requested (.0205, .0408, .0419, and .0702) have been made and are attached.

Please let me know if you need anything additional or if there are any further edits requested. Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

1 02 NCAC 52J .0205 is readopted with changes as published in 36:12 NCR 1007-1008 as follows:

2  
3 **02 NCAC 52J .0205 FEEDING**

4 (a) ~~Adult Dogs~~dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour  
5 period~~period, except as otherwise might be required to provide adequate veterinary care. Food shall be commercially~~  
6 prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The  
7 food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the  
8 given size, age, and condition of an animal to meet the daily requirements for nutritional value.

9 (b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour  
10 interval between feedings is required if only two feedings are offered in a 24-hour period.

11 (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this  
12 section for a specific animal, documentation of such veterinary care is required and shall include:

13 (1) the original veterinary directive signed by the veterinarian issuing it;

14 (2) the printed name of the veterinarian;

15 (3) the reason for the restriction;

16 (4) the specific feeding directions;

17 (5) the origination and review dates of the directive;

18 (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer  
19 required;

20 (7) the date of the cessation of the directive; and

21 (8) documentation by the facility of each feeding as prescribed by the veterinarian.

22 (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall  
23 be provided by the owner.

24 (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate  
25 of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

26 ~~(b)(f)~~ (f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by  
27 waste.

28 (g) For every adult animal, there ~~must~~shall be at least one food receptacle offered. When multiple animals are housed  
29 together, caretakers shall observe each animal feeding to ensure that ~~[animals have sufficient access to food;] each~~  
30 animal receives adequate feed.

31 (h) Food receptacles shall be durable and shall be kept clean and sanitized.

32 (i) Uneaten food within food receptacles ~~[must]~~ shall be discarded ~~[after]~~ within 24 hours or sooner if spoiled or  
33 contaminated.

34 (j) Damaged ~~food~~ receptacles shall be replaced. Disposable food receptacles may be used but ~~must~~shall be discarded  
35 after each feeding.

36 ~~(e)(k)~~ (k) Food and water receptacles in outdoor facilities shall be protected from the elements.

37 (l) This rule is applicable only to animals, as defined in G.S. 19A-23(4), subject to the Animal Welfare Act.



1

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

3 *Eff. April 1, 1984;*

4 *Amended Eff. January 1, 2005; April 1, 1985;*

5 *Readopted Eff. October 1, 2022.*

02 NCAC 52J .0408 is readopted with changes as published in 36:12 NCR 1014 as follows:

**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) Possess working knowledge of euthanasia conducted according to this Section; be a NC licensed veterinarian that has euthanized dogs and cats; or
- (2) Have actual experience in euthanasia of animals; be a CET formerly or currently registered with the Animal Welfare Section that has a minimum of 6 months CET experiences.
- ~~(3) Have experience training staff in euthanasia; and~~
- ~~(4) Provide references from individuals or organizations previously trained; [trained or individuals or organizations that can attest to satisfactory euthanasia experience.]~~

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

(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 audit 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 NCAC 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 the Subchapter 52J;
  - (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

1 (F) to grade the tests and return the test results to the Animal Welfare Section within 10 calendar  
2 days of the administration of the test.

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

6  
7 *History Note: Authority G.S. 19A-24;*  
8 *Eff. March 23, 2009;*  
9 *Readopted Eff. October 1, 2022.*

02 NCAC 52J .0419 is readopted with changes as published in 36:12 NCR 1016 as follows:

**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, ~~or place on probation, impose~~place on probation, or impose other forms of ~~discipline,~~discipline upon any Certified Euthanasia Technician for any of the following reasons: ~~and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:~~

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia ~~Technician;~~Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. ~~Abuse~~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; or~~substances by using them for any use other than it's intended use as prescribed by the America 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;~~Subchapter;
- (4) ~~Allowing uncertified individuals to euthanize animals;~~Enabling or abetting the euthanasia of animals by uncertified individuals except in extraordinary circumstances pursuant to 02 NCAC 52J .0702;
- ~~(5) — Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;~~
- ~~(6)~~(5) Fraud, misrepresentation, or deception in obtaining certification;
- ~~(7)~~(6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes; means to knowingly engage in conduct of a character likely to deceive or defraud the public. [public and/or the Animal Welfare Section.] ~~Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical [Association] Association, [and/or] the Humane Society of the United States or the American Humane Association [and the rules of this Section;]~~ intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician [ and/or failing to provide requested information or

1 ~~the provision of inaccurate or misleading information during an investigation or inspection by the~~  
2 ~~Animal Welfare Section;~~]

3 (a) engaging in fraud, misrepresentation, or deception in the performance of Euthanasia Technician  
4 duties;

5 (b) working in conjunction with any organization or person illegally practicing as a Certified  
6 Euthanasia Technician;

7 (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any  
8 animal;

9 (d) euthanizing animals in a manner that endangers the health or welfare of the public, for example,  
10 improper handling, transport or storage of drugs related to the sedation or euthanasia of animals, or  
11 improper handling or disposal of the body of a euthanized animal;

12 (e) ignorance or incompetence in the euthanizing of animals;

13 (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for  
14 which the individual is not certified;

15 (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia  
16 Technician; or

17 (h) failing to provide requested information or the provision of inaccurate or misleading information  
18 during an investigation or inspection by the Animal Welfare Section;

19 ~~(8)(7)~~ ~~Conviction of any criminal~~ ~~[offense as described in this Section;]~~ Conviction of a criminal offense;

20 ~~(9)(8)~~ Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the  
21 rules in this Subchapter and/or entering of inaccurate or misleading information into the records of  
22 a certified facility;

23 ~~(10)(9)~~ Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper  
24 security and storage for euthanasia and restraint drugs as established under applicable United States  
25 Drug Enforcement Administration and North Carolina Department of Health and Human Services  
26 statutes and rules;

27 ~~(11)(10)~~ Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the  
28 containers, instruments and equipment in a manner permitted by this Subchapter;

29 ~~(12)(11)~~ Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia  
30 and restraint chemical agents;

31 ~~(13)(12)~~ Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a  
32 license, limitation of a license or certificate or registration or any other disciplinary action by another  
33 state or United States jurisdiction or voluntary surrender of a license, certificate or registration by  
34 virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia  
35 Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee; and

36 ~~(14)(13)~~ Failure of any applicant or certificate holder to cooperate ~~be truthful~~ with the North Carolina  
37 Department of Agriculture and Consumer Services during any investigation or inspection.

1

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

3 *Eff. March 23, 2009;*

4 *Readopted Eff. October 1, 2022.*

1 02 NCAC 52J .0702 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

4 Under extraordinary circumstances ~~and situations which occur offsite from the shelter,~~ a shelter employee ~~[trained in~~  
5 ~~the euthanasia method for that species.]~~ may use gunshot or other extreme method of euthanasia as set forth and in  
6 accordance with the American Veterinary Medical Association Association, ~~[and/or]~~ or the Humane Society of the  
7 United States ~~or American Humane Association Guidelines~~ incorporated by reference in 02 NCAC 52J .0401.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. October 1, 2022.*

## Burgos, Alexander N

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**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0419,  
**Attachments:** 02 NCAC 52J .0205.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0702.docx; 02 NCAC 52J .0408.docx

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Tuesday, September 13, 2022 2:09 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; McLennan, Christopher <cmclennan@ncdoj.gov>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0419,

Good afternoon Mr. Peaslee,

In regards to Rule .0704, after discussions and the changes made, we agree that it is not necessary. Therefore, we would like to handle this as we did the other rules of this nature previously (i.e. .0902). We would like to request to move forward with the language as written and are communicating our intention to repeal this Rule in the future.

All other changes to rules requested (.0205, .0408, .0419, and .0702) have been made and are attached.

Please let me know if you need anything additional or if there are any further edits requested. Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)



1 02 NCAC 52J .0205 is readopted with changes as published in 36:12 NCR 1007-1008 as follows:

2  
3 **02 NCAC 52J .0205 FEEDING**

4 (a) ~~Adult Dogs~~dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour  
5 period~~period~~, except as otherwise might be required to provide adequate veterinary care. Food shall be commercially  
6 prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The  
7 food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the  
8 given size, age, and condition of an animal to meet the daily requirements for nutritional value.

9 (b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour  
10 interval between feedings is required if only two feedings are offered in a 24-hour period.

11 (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this  
12 section for a specific animal, documentation of such veterinary care is required and shall include:

13 (1) the original veterinary directive signed by the veterinarian issuing it;

14 (2) the printed name of the veterinarian;

15 (3) the reason for the restriction;

16 (4) the specific feeding directions;

17 (5) the origination and review dates of the directive;

18 (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer  
19 required;

20 (7) the date of the cessation of the directive; and

21 (8) documentation by the facility of each feeding as prescribed by the veterinarian.

22 (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall  
23 be provided by the owner.

24 (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate  
25 of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

26 ~~(b)(f)~~ (f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by  
27 waste.

28 (g) For every adult animal, there ~~must~~shall be at least one food receptacle offered. When multiple animals are housed  
29 together, caretakers shall observe each animal feeding to ensure that ~~[animals have sufficient access to food;] each~~  
30 animal receives adequate feed.

31 (h) Food receptacles shall be durable and shall be kept clean and sanitized.

32 (i) Uneaten food within food receptacles ~~[must]~~ shall be discarded ~~[after]~~ within 24 hours or sooner if spoiled or  
33 contaminated.

34 (j) Damaged ~~food~~ receptacles shall be replaced. Disposable food receptacles may be used but ~~must~~shall be discarded  
35 after each feeding.

36 ~~(e)(k)~~ (k) Food and water receptacles in outdoor facilities shall be protected from the elements.

37 (l) This rule is applicable only to animals, as defined in G.S. 19A-23(4), subject to the Animal Welfare Act.

1

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

3 *Eff. April 1, 1984;*

4 *Amended Eff. January 1, 2005; April 1, 1985;*

5 *Readopted Eff. October 1, 2022.*

02 NCAC 52J .0408 is readopted with changes as published in 36:12 NCR 1014 as follows:

**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) Possess working knowledge of euthanasia conducted according to this Section; be a NC licensed veterinarian that has euthanized dogs and cats; or
- (2) Have actual experience in euthanasia of animals; be a CET formerly or currently registered with the Animal Welfare Section that has a minimum of 6 months CET experiences.
- ~~(3) Have experience training staff in euthanasia; and~~
- ~~(4) Provide references from individuals or organizations previously trained; [trained or individuals or organizations that can attest to satisfactory euthanasia experience.]~~

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

(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 audit 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 NCAC 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 the Subchapter 52J;
  - (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

1 (F) to grade the tests and return the test results to the Animal Welfare Section within 10 calendar  
2 days of the administration of the test.

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

6  
7 *History Note: Authority G.S. 19A-24;*  
8 *Eff. March 23, 2009;*  
9 *Readopted Eff. October 1, 2022.*

02 NCAC 52J .0419 is readopted with changes as published in 36:12 NCR 1016 as follows:

**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, ~~or place on probation, impose~~place on probation, or impose other forms of ~~discipline,~~discipline upon any Certified Euthanasia Technician for any of the following reasons: ~~and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:~~

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia ~~Technician;~~Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. ~~Abuse~~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; or~~substances by using them for any use other than it's intended use as prescribed by the America 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;~~Subchapter;
- (4) ~~Allowing uncertified individuals to euthanize animals;~~Enabling or abetting the euthanasia of animals by uncertified individuals except in extraordinary circumstances pursuant to 02 NCAC 52J .0702;
- ~~(5) — Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;~~
- ~~(6)~~(5) Fraud, misrepresentation, or deception in obtaining certification;
- ~~(7)~~(6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct ~~includes;~~means to knowingly engage in conduct of a character likely to deceive or defraud the public. [public and/or the Animal Welfare Section.] ~~Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical [Association] Association, [and/or] the Humane Society of the United States or the American Humane Association [and the rules of this Section;]~~ ~~intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician [ and/or failing to provide requested information or~~

1 ~~the provision of inaccurate or misleading information during an investigation or inspection by the~~  
2 ~~Animal Welfare Section;~~]

3 (a) ~~engaging in fraud, misrepresentation, or deception in the performance of Euthanasia Technician~~  
4 ~~duties;~~

5 (b) ~~working in conjunction with any organization or person illegally practicing as a Certified~~  
6 ~~Euthanasia Technician;~~

7 (c) ~~failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any~~  
8 ~~animal;~~

9 (d) ~~euthanizing animals in a manner that endangers the health or welfare of the public, for example,~~  
10 ~~improper handling, transport or storage of drugs related to the sedation or euthanasia of animals, or~~  
11 ~~improper handling or disposal of the body of a euthanized animal;~~

12 (e) ~~ignorance or incompetence in the euthanizing of animals;~~

13 (f) ~~intentionally performing a duty, task or procedure involved in the euthanizing of animals for~~  
14 ~~which the individual is not certified;~~

15 (g) ~~swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia~~  
16 ~~Technician; or~~

17 (h) ~~failing to provide requested information or the provision of inaccurate or misleading information~~  
18 ~~during an investigation or inspection by the Animal Welfare Section;~~

19 ~~(8)(7) Conviction of any criminal [offense as described in this Section;] Conviction of a criminal offense;~~

20 ~~(9)(8) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the~~  
21 ~~rules in this Subchapter and/or entering of inaccurate or misleading information into the records of~~  
22 ~~a certified facility;~~

23 ~~(10)(9) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper~~  
24 ~~security and storage for euthanasia and restraint drugs as established under applicable United States~~  
25 ~~Drug Enforcement Administration and North Carolina Department of Health and Human Services~~  
26 ~~statutes and rules;~~

27 ~~(11)(10) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the~~  
28 ~~containers, instruments and equipment in a manner permitted by this Subchapter;~~

29 ~~(12)(11) Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia~~  
30 ~~and restraint chemical agents;~~

31 ~~(13)(12) Revocation, Suspension or Limitation. The revocation, suspension, ~~limitation, of a~~~~  
32 ~~license, limitation of a license or~~ certificate or registration or any other disciplinary action by another  
33 state or United States jurisdiction or voluntary surrender of a license, certificate or registration by  
34 virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia  
35 Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee; ~~and~~

36 ~~(14)(13) Failure of any applicant or certificate holder to ~~cooperate~~ be truthful~~ with the North Carolina  
37 Department of Agriculture and Consumer Services during any investigation or inspection.

1

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

3 *Eff. March 23, 2009;*

4 *Readopted Eff. October 1, 2022.*

1 02 NCAC 52J .0702 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

4 Under extraordinary circumstances ~~and situations which occur offsite from the shelter,~~ a shelter employee ~~[trained in~~  
5 ~~the euthanasia method for that species.]~~ may use gunshot or other extreme method of euthanasia as set forth and in  
6 accordance with the American Veterinary Medical Association Association, ~~[and/or]~~ or the Humane Society of the  
7 United States ~~or American Humane Association Guidelines~~ incorporated by reference in 02 NCAC 52J .0401.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. October 1, 2022.*



## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0408,

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Tuesday, September 13, 2022 1:12 PM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0408,

Good afternoon,

In the above captioned rule, in (b) delete "and/or". Pick one.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## **Burgos, Alexander N**

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**Subject:** FW: 02 NCAC 52J Letter of Objection Rules .0704

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Tuesday, September 13, 2022 10:38 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules .0704

Good morning,

In the above captioned rule, line 7, strike "and/or". Pick one.

With the revised Rule 702, why is Rule 704 necessary?

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

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## **Burgos, Alexander N**

---

**Subject:** FW: 02 NCAC 52J Letter of Objection Rule 0702

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Tuesday, September 13, 2022 10:26 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rule 0702

Good morning,

In the above captioned rule, in Line 6, strike "and/or". Pick one, probably "or" I suspect.

Thank you.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

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## **Burgos, Alexander N**

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**Subject:** FW: 02 NCAC 52J Letter of Objection Rules 0205,

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Tuesday, September 13, 2022 9:58 AM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mclennan, Christopher <cmclennan@ncdoj.gov>

**Subject:** RE: 02 NCAC 52J Letter of Objection Rules 0205,

Good morning,

In Rule .0205, consider striking the amendment in (a), and adding this sentence as a new (l). "This rule is applicable only to animals, as defined in G.S. 19A-23(4), subject to the Animal Welfare Act."

While this is not the most artful remedy to the objection, it will suffice. If you want to make this change, please let me know before COB today.

In the future, the Board may want to consider a definitions rule or a rule that clarifies the limitation of the rules. i.e. The rules of this chapter are applicable only to animals subject to the Animal Welfare Act.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

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(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

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**Subject:** FW: 02 NCAC 52J Letter of Objection Rules 0201, 0205, .0208, .0301, .0408, .0418, .0419, 0702, .0704  
**Attachments:** 02 NCAC 52J .0201.docx; 02 NCAC 52J .0205.docx; 02 NCAC 52J .0208.docx; 02 NCAC 52J .0301.docx;  
02 NCAC 52J .0408.docx; 02 NCAC 52J .0418.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0702.docx;  
02 NCAC 52J .0704.docx

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Friday, September 9, 2022 2:35 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 02 NCAC 52J Letter of Objection Rules 0201, 0205, .0208, .0301, .0408, .0418, .0419, 0702, .0704

Good afternoon Mr. Peaslee,

Attached are the nine rules with corrections made based on the objections received. Please let me know if this submission is sufficient for consideration by the Commission at the meeting next week, or if there is anything additional we need to do.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

1 02 NCAC 52J .0201 is readopted with changes as published in 36:12 NCR 1004-1005 as follows:

2  
3 **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

4  
5 **02 NCAC 52J .0201 GENERAL**

6 (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals  
7 from injury, contain the animals and restrict the entrance of other animals and people.

8 (b) All light fixtures and electrical outlets in animal areas shall be [safe and] in compliance with the State Building  
9 Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such  
10 a way that animals do not have access to them.

11 (c) Facilities shall have reliable and safe adequate electric power as necessary to comply with the Animal Welfare Act.

12 (d) ~~Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation~~  
13 ~~or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids.~~  
14 ~~Refrigeration shall be provided for supplies of perishable food.~~ Storage of food and bedding:

15 (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such  
16 supplies against infestation or contamination by vermin and insects;

17 (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

18 (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;

19 (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately  
20 from soiled laundry and materials; and stored separately from general housing areas for animals; and

21 (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored  
22 in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.

23 (e) ~~The facility shall provide~~ Provisions shall be made for the daily removal and disposal of animal and food waste,  
24 soiled bedding and debris from the ~~housing~~ facility in accordance with local ordinances, to assure the facility will be  
25 maintained in a clean and sanitary manner.

26 (f) Hot and cold running, potable water must be available. Facilities such as a washroom, basin or sink shall be  
27 provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

28 (g) Each facility shall have the ability to confirm ambient ~~temperature.~~ temperature, a temperature. A functional room  
29 thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

30 (h) A separate five-foot tall perimeter fence is required if any ~~animals~~ animal(s) has/have has or have unsupervised  
31 access to an outdoor primary enclosure, common area, and/or including unsupervised exercise areas. Supervision of  
32 animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate  
33 five-foot tall perimeter fence.

34 (i) An adequate drainage system must be provided for the ~~housing~~ facility.

35 (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and  
36 Consumer Services (‘NCDA&CS’) employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday  
37 through Friday).

1 (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

2 (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or  
3 affecting the welfare of dogs and cats in its facility.

4 (m) A licensee or registrant and all agents of the facility shall ~~cooperate fully and truthfully~~ be truthful with  
5 NCDA&CS employees during all phases of ~~inspections or investigations.~~ inspections, reviews and/or investigations.

6 (n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may ~~interfere~~  
7 ~~with, threaten, abuse (including verbally abuse), or harass~~ abuse, harass (as defined in G.S. 14.277.3), delay or obstruct  
8 ~~any [inspector, or state]inspector or State [official, while such]official while~~ inspectors or officials are [carrying out  
9 ~~their duties.]attempting to discharge their official duties.~~ For the purposes of this rule, the following definitions apply:

10 (1) "Abuse" means:

11 (A) Communicating a threat as defined by G.S. 12-277.1;

12 (B) Using profane, indecent or threatening language to any person over the telephone,  
13 annoying or harassing by repeated telephoning or making false statements over the  
14 telephone as defined by G.S. 14-196;

15 (C) Cyberstalking as defined by G.S. 14-196.3;

16 (D) Stalking as defined by G.S. 14-277.3A; and/or

17 (E) Disorderly conduct as defined by G.S. 14-288.4.

18 (2) "Harass" means knowingly conduct, including oral, written or printed communication or transmission,  
19 telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or  
20 transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or  
21 other computerized or electronic transmissions directed at a specific person that torments, terrorizes or  
22 terrifies that person and that serves no legitimate purpose.

23 ~~(m)~~(o) No dog or cat shall be in a window display except during business hours and then only in compliance with  
24 standards set forth in this Section.

25 (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences,  
26 as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific  
27 written consent of the owner of that animal.

28 (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a  
29 means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

30 (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or  
31 evacuation of animals in the event of a natural or manmade disaster.

32 (s) For the purposes of ~~NCCGS~~ G.S. [§]19A-23(5a), written standards for an "approved foster care provider" shall  
33 include but not be limited to: the application process; sanitation protocols; provision of daily observation of the  
34 animals; feeding and watering protocols; provision and documentation of veterinary care; provision and  
35 documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals  
36 in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC  
37 Animal Welfare Act and ~~it~~ its rules issued pursuant thereto.

1 (t) For the purposes of [NCCS]G.S. 19A-23(5b), written standards for an “approved rescue organization” shall include  
2 but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals;  
3 feeding and watering protocols; provision and documentation of veterinary care of the shelter’s animals; provision  
4 and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the  
5 shelter’s animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the  
6 rescue with the North Carolina [NC] Animal Welfare Act and [it]it’s rules issued pursuant thereto.

7

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



02 NCAC 52J .0205 is readopted with changes as published in 36:12 NCR 1007-1008 as follows:

### 02 NCAC 52J .0205 FEEDING

(a) For animals subject to the Animal Welfare Act, adult ~~Adult~~ Dogs dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour ~~period~~period, ~~except as otherwise might be required to provide adequate veterinary care. Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal to meet the daily requirements for nutritional value.~~

(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 section 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.

~~(b)~~(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 ~~must~~shall be at least one food receptacle offered. When multiple animals are housed together, caretakers shall observe each animal feeding to ensure that ~~[animals have sufficient access to food]~~each animal receives adequate feed.

(h) Food receptacles shall be durable and shall be kept clean and sanitized.

(i) Uneaten food within food receptacles ~~[must]~~shall be discarded ~~[after]~~within 24 hours or sooner if spoiled or contaminated.

(j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but ~~must~~shall be discarded after each feeding.

~~(e)~~(k) Food and water receptacles in outdoor facilities shall be protected from the elements.

1

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

3 *Eff. April 1, 1984;*

4 *Amended Eff. January 1, 2005; April 1, 1985;*

5 *Readopted Eff. October 1, 2022.*

1 02 NCAC 52J .0208 is readopted with changes as published in 36:12 NCR 1009 as follows:

2

3 **02 NCAC 52J .0208 EMPLOYEES**

4 An adequate number of employees shall be utilized to care for the animals in a facility and maintain the prescribed  
5 level of husbandry practices set forth in this Rule. A sufficient number of employees shall be utilized to ~~sufficiently~~  
6 ~~care for the animals in the facility and~~ maintain the prescribed level of husbandry practices set forth in this Rule. Such  
7 practices shall be under the supervision of an animal caretaker individual who ~~has a background in animal husbandry~~  
8 ~~or care.~~ is adequately trained and/or experienced in animal husbandry and care and has read and acknowledged their  
9 understanding of these rules and the NC Animal Welfare Act. "Supervision as used in this Rule requires that the  
10 individual:

11 (1) ensure employees have access to written or printed direction for providing animal care and maintaining  
12 the prescribed level of husbandry;

13 (2) ensure employees have access to written or printed instructions describing all procedures that must be  
14 followed; and

15 (3) ensure employees have access to instructions for how to contact the supervising individual should an  
16 issue or question arise.

17

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

1 02 NCAC 52J .0301 is readopted with changes as published in 36:12 NCR 1011 as follows:

2

3

**SECTION .0300 - TRANSPORTATION STANDARDS**

4

**02 NCAC 52J .0301 VEHICLES**

6 (a) Vehicles used in transporting dogs and cats subject to the Animal Welfare Act shall be mechanically sound and  
7 equipped to provide fresh air to all animals transported. ~~transported without harmful drafts.~~

8 (b) The animal cargo space shall be constructed and maintained so as to prevent engine exhaust fumes from ~~getting to~~  
9 ~~the animals entering the animal holding~~ [area.]space.

10 (c) The interior of the animal ~~argo~~-holding space shall be ~~kept clean~~-properly cleaned after the transport of each  
11 animal. [It shall be sanitized daily or between shipments of animals if more than 1 shipment occurs in a 24 hour  
12 period.] It shall be sanitized as deemed necessary. The holding space shall be sanitized between use for shipments.

13

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

15 *Eff. April 1, 1984;*

16 *Readopted Eff. October 1, 2022.*

02 NCAC 52J .0408 is readopted with changes as published in 36:12 NCR 1014 as follows:

**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) Possess working knowledge of euthanasia conducted according to this Section; be a NC licensed veterinarian that has euthanized dogs and cats; or
- (2) Have actual experience in euthanasia of animals; be a CET formerly or currently registered with the Animal Welfare Section that has a minimum of 6 months CET experiences.
- ~~(3) Have experience training staff in euthanasia; and~~
- ~~(4) Provide references from individuals or organizations previously trained. [ trained or individuals or organizations that can attest to satisfactory euthanasia experience.]~~

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

(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 ~~audit~~ 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 NCAC 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 the Subchapter 52J;
  - (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

1 (F) to grade the tests and return the test results to the Animal Welfare Section within 10 calendar  
2 days of the administration of the test.

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

6  
7 *History Note: Authority G.S. 19A-24;*  
8 *Eff. March 23, 2009;*  
9 *Readopted Eff. October 1, 2022.*

02 NCAC 52J .0418 is readopted with changes as published in 36:12 NCR 1015-1016 as follows:

**02 NCAC 52J .0418 DUTIES**

A Certified Euthanasia Technician ~~may~~ shall:

- (1) Prepare animals for ~~euthanasia;~~ euthanasia, including euthanasia in accordance with 02 NCAC 52J .0401;
- ~~(2)~~ (2) ~~scanning~~ Scan for a microchip and documentation ~~microchip.~~ of absence of microchip, or of reasonable but unsuccessful attempts ~~and attempt to reach the~~ owners ~~individual(s) or organization associated with~~ a ~~the~~ microchip present in ~~an~~ the ~~animal~~ animal ~~or of~~ unless emergency circumstances ~~which precluded such attempts;~~ preclude such an attempt;
- ~~(3)~~ (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;
- ~~(2)(4)~~ (2)(4) ~~Accurately Record~~ record the facility's identification number of the animal, its species, sex, ~~breed~~ 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;
- ~~(3)(5)~~ (3)(5) Order euthanasia supplies;
- ~~(4)(6)~~ (4)(6) Maintain the security of all controlled substances and other drugs in accordance with applicable ~~state~~ State and federal laws and regulations;
- ~~(5)~~ (5) ~~Directly supervise probationary Euthanasia Technicians;~~
- ~~(6)(5)(7)~~ (6)(5)(7) Report to the appropriate government agencies violations or suspicions of a violation of the rules in this Subchapter or any abuse of drugs;
- ~~(7)(6)(8)~~ (7)(6)(8) ~~Euthanize animals;~~ animals in accordance with the rules of this Section; and
- ~~(8)(7)(9)~~ (8)(7)(9) Dispose of euthanized ~~animals and expired~~ 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~~ State and local laws and ~~regulations; and~~ regulations.
- ~~(9)(8)~~ (9)(8) ~~Notify the Animal Welfare Section as required in this Section upon leaving employment or volunteer status at a covered~~ at a certified ~~facility.~~

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

02 NCAC 52J .0419 is readopted with changes as published in 36:12 NCR 1016 as follows:

**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, ~~or place on probation, impose~~place on probation, or impose other forms of ~~discipline,~~discipline upon any Certified Euthanasia Technician for any of the following reasons: ~~and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:~~

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia ~~Technician;~~Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. ~~Abuse~~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; or~~substances by using them for any use other than it's intended use as prescribed by the America 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;~~Subchapter;
- (4) ~~Allowing uncertified individuals to euthanize animals;~~Enabling or abetting the euthanasia of animals by uncertified individuals;
- (5) ~~Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;~~
- ~~(6)~~(5) Fraud, misrepresentation, or deception in obtaining certification;
- ~~(7)~~(6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes; means to knowingly engage in conduct of a character likely to deceive or defraud the public. [public and/or the Animal Welfare Section;] Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical [Association] Association, [and/or] the Humane Society of the United States or the American Humane Association [and the rules of this Section;] intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician [and/or failing to provide requested information or the provision of inaccurate or misleading information during an investigation or inspection by the Animal Welfare Section;]



1 (a) engaging in conduct of a character likely to deceive or defraud the public or the Animal Welfare  
2 Section relative to activities related to certification as a Euthanasia Technician or the performance  
3 of such duties;

4 (b) working in conjunction with any organization or person illegally practicing as a Certified  
5 Euthanasia Technician;

6 (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any  
7 animal;

8 (d) euthanizing animals in a manner that endangers the health or welfare of the public to include,  
9 but not limited to, inappropriate handling, transport or storage of drugs related to the sedation or  
10 euthanasia of animals, or inappropriate handling or disposal of the body of a euthanized animal;

11 (e) ignorance or incompetence in the euthanizing of animals;

12 (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for  
13 which the individual is not certified;

14 (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia  
15 Technician; or

16 (h) failing to provide requested information or the provision of inaccurate or misleading information  
17 during an investigation or inspection by the Animal Welfare Section;

18 ~~(8)~~(7) Conviction of any criminal [offense as described in this Section;] Conviction of a criminal offense;

19 ~~(9)~~(8) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the  
20 rules in this Subchapter and/or entering of inaccurate or misleading information into the records of  
21 a certified facility;

22 ~~(10)~~(9) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper  
23 security and storage for euthanasia and restraint drugs as established under applicable United States  
24 Drug Enforcement Administration and North Carolina Department of Health and Human Services  
25 statutes and rules;

26 ~~(11)~~(10) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the  
27 containers, instruments and equipment in a manner permitted by this Subchapter;

28 ~~(12)~~(11) Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia  
29 and restraint chemical agents;

30 ~~(13)~~(12) Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a  
31 license, limitation of a license or certificate or registration or any other disciplinary action by another  
32 state or United States jurisdiction or voluntary surrender of a license, certificate or registration by  
33 virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia  
34 Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee; and

35 ~~(14)~~(13) Failure of any applicant or certificate holder to cooperate be truthful with the North Carolina  
36 Department of Agriculture and Consumer Services during any investigation or inspection.

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

1 02 NCAC 52J .0702 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

4 Under extraordinary circumstances ~~and situations which occur offsite from the shelter,~~ a shelter employee ~~[trained in~~  
5 ~~the euthanasia method for that species.]~~ may use gunshot or other extreme method of euthanasia as set forth and in  
6 accordance with the American Veterinary Medical Association ~~Association,~~ and/or Humane Society of the United  
7 States ~~or American Humane Association Guidelines~~ incorporated by reference in 02 NCAC 52J .0401.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. October 1, 2022.*

1 02 NCAC 52J .0704 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0704      **TECHNICIAN NOT REQUIRED****

4 If an extraordinary circumstance ~~or situation~~ occurs and euthanasia is necessary, the ~~person~~ shelter employee  
5 performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified ~~facility~~ facility so long  
6 as the shelter employee ~~is trained in the euthanasia method for that species that was used in the situation,~~ euthanizes  
7 the animal as set forth and in accordance with the American Veterinary Medical Association and/or Humane Society  
8 of the United States incorporated by reference in 02 NCAC 52J .0401.

9

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

## **Burgos, Alexander N**

---

**From:** Peaslee, William W  
**Sent:** Friday, August 19, 2022 8:52 AM  
**To:** Hayworth, Anna  
**Cc:** Norris, Patricia; Burgos, Alexander N  
**Subject:** 02 NCAC 52J Letter of Objection Rules 0201, 0205, .0208, .0301, .0408, .0418, .0419, 0702, .0704  
**Attachments:** 08.2022 Board of Agriculture Objection Letter 02 NCAC 52J.docx; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0201.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0408.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0418.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0419.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0702.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0704.doc; Board of Agriculture Staff Opinion Auguts 2022 02 NCAC 52 J .0205.doc; Board of Agriculture Staff Opinion Auguts 2022 02 NCAC 52 J .0208.doc; Board of Agriculture Staff Opinion Auguts 2022 02 NCAC 52J .0301.doc

Good morning,

Attached please find the Rules Review Commission's statements of objection and the reasons for objection pursuant to G.S. 150B-21.12.

As always, if you have any questions or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## **Burgos, Alexander N**

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**Subject:** FW: 02 NCAC 52J .0418

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Wednesday, August 17, 2022 5:22 PM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 02 NCAC 52J .0418

Ms. Hayworth,

Respectfully, on August 15, 2022, I told you that I would receive revisions to rules until 2:00 today for those rules in which I issued a second request for changes. Your agency responded with those revisions on August 15, 2022.

I did not say that I would receive revisions to all rules until 2:00 today.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

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**Subject:** FW: 02 NCAC 52J .0418

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Wednesday, August 17, 2022 3:24 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 02 NCAC 52J .0418

Mr. Peaslee,

Just one point of clarification. You had indicated on our call earlier this week that if we were able to get all changes to you by 2pm on Wednesday, then that would be sufficient for the meeting. Is that not still the case?

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## **Burgos, Alexander N**

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**Subject:** FW: 02 NCAC 52J .0418

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, August 17, 2022 2:32 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 02 NCAC 52J .0418

Good afternoon Ms. Hayworth,

Thank you for your email.

Pursuant to 26 NCAC 05 .0108, the time for submitting changes to rules has lapsed.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Wednesday, August 17, 2022 2:00 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 02 NCAC 52J .0418

Good afternoon Mr. Peaslee,

Please see attached additional technical corrections in response to the correspondence received relating to objection.

Please let me know if you need anything additional or have any questions.

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)





1 02 NCAC 52J .0201 is readopted with changes as published in 36:12 NCR 1004-1005 as follows:

2  
3 **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

4  
5 **02 NCAC 52J .0201 GENERAL**

6 (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals  
7 from injury, contain the animals and restrict the entrance of other animals and people.

8 (b) All light fixtures and electrical outlets in animal areas shall be [safe and -] in compliance with the State Building  
9 Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such  
10 a way that animals do not have access to them.

11 (c) Facilities shall have reliable and safe adequate electric power as necessary to comply with the Animal Welfare Act.

12 (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation  
13 or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids.  
14 Refrigeration shall be provided for supplies of perishable food. Storage of food and bedding:

15 (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such  
16 supplies against infestation or contamination by vermin and insects;

17 (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

18 (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;

19 (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately  
20 from soiled laundry and materials; and stored separately from general housing areas for animals; and

21 (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored  
22 in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.

23 (e) The facility shall provide Provisions shall be made for the daily removal and disposal of animal and food waste,  
24 soiled bedding and debris from the housing facility in accordance with local ordinances, to assure the facility will be  
25 maintained in a clean and sanitary manner.

26 (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided  
27 to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

28 (g) Each facility shall have the ability to confirm ambient temperature. [temperature, a temperature. A functional room  
29 thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

30 (h) A separate five-foot tall perimeter fence is required if any animals animal(s) has or have unsupervised access to  
31 an outdoor primary enclosure, common area, and/or including unsupervised exercise areas. Supervision of animals is  
32 required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot  
33 tall perimeter fence.

34 (i) An adequate drainage system must be provided for the housing facility.

35 (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and  
36 Consumer Services ('NCDA&CS') employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday  
37 through Friday).

1 (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

2 (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or  
3 affecting the welfare of dogs and cats in its facility.

4 (m) A licensee or registrant and all agents of the facility shall ~~[cooperate fully and truthfully]~~ be truthful with  
5 NCDA&CS employees during all phases of inspection or investigations. ~~[inspections, reviews and/or investigations.]~~

6 (n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may interfere  
7 with, threaten, abuse (including verbally abuse), or harass abuse, harass, delay or obstruct any inspector, or [state] State  
8 official, while [such] inspectors or officials are [carrying out their duties.] attempting to discharge their official duties.

9 ~~(m)~~(o) No dog or cat shall be in a window display except during business hours and then only in compliance with  
10 standards set forth in this Section.

11 (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences,  
12 as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific  
13 written consent of the owner of that animal.

14 (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a  
15 means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

16 (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or  
17 evacuation of animals in the event of a natural or manmade disaster.

18 (s) For the purposes of [NCCGS] G.S. [§] 19A-23(5a), written standards for an “approved foster care provider” shall  
19 include but not be limited to: the application process; sanitation protocols; provision of daily observation of the  
20 animals; feeding and watering protocols; provision and documentation of veterinary care; provision and  
21 documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals  
22 in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC  
23 Animal Welfare Act and its rules issued pursuant thereto.

24 (t) For the purposes of [NCCGS] G.S. 19A-23(5b), written standards for an “approved rescue organization” shall include  
25 but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals;  
26 feeding and watering protocols; provision and documentation of veterinary care of the shelter’s animals; provision  
27 and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the  
28 shelter’s animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the  
29 rescue with the North Carolina [NC] Animal Welfare Act and [it] its rules issued pursuant thereto.

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

02 NCAC 52J .0205 is readopted with changes as published in 36:12 NCR 1007-1008 as follows:

**02 NCAC 52J .0205 FEEDING**

(a) For animals subject to the Animal Welfare Act, adult ~~Adult~~ Dogs dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour period~~period~~, except as otherwise might be required to provide adequate veterinary care. Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

(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 section 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.

~~(b)~~(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 mustshall be at least one food receptacle offered. When multiple animals are housed together, caretakers shall observe each animal feeding to ensure that ~~animals have sufficient access to food;~~ each animal receives adequate feed.

(h) Food receptacles shall be durable and shall be kept clean and sanitized.

(i) Uneaten food within food receptacles mustshall be discarded afterwithin 24 hours or sooner if spoiled or contaminated.

(j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but mustshall be discarded after each feeding.

~~(e)~~(k) Food and water receptacles in outdoor facilities shall be protected from the elements.

1

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

3 *Eff. April 1, 1984;*

4 *Amended Eff. January 1, 2005; April 1, 1985;*

5 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0301 is readopted with changes as published in 36:12 NCR 1011 as follows:

2

3

**SECTION .0300 - TRANSPORTATION STANDARDS**

4

**02 NCAC 52J .0301 VEHICLES**

6 (a) Vehicles used in transporting dogs and cats subject to the Animal Welfare Act shall be mechanically sound and  
7 equipped to provide fresh air to all animals transported. ~~transported without harmful drafts.~~

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

10 (c) The interior of the animal ~~argo~~-holding space shall be ~~kept clean~~. properly cleaned after the transport of each  
11 animal. [It shall be sanitized daily or between shipments of animals if more than 1 shipment occurs in a 24 hour  
12 period.] It shall be sanitized as deemed necessary. The holding space shall be sanitized between use for shipments.

13

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

1 02 NCAC 52J .0418 is readopted with changes as published in 36:12 NCR 1015-1016 as follows:

2  
3 **02 NCAC 52J .0418 DUTIES**

4 A Certified Euthanasia Technician ~~may~~ shall:

5 (1) Prepare animals for euthanasia; ~~euthanasia, including~~ euthanasia in accordance with 02 NCAC  
6 52J .0401;

7 ~~(2) [scanning] Scan for a [microchip and documentation] microchip. [of absence of microchip, or of~~  
8 ~~reasonable but unsuccessful attempts] attempt to reach the owners associated with [a] the microchip~~  
9 ~~present in [an] the [animal] animal [or of] unless emergency circumstances [which precluded such~~  
10 ~~attempts;] preclude such an attempt, and document the presence or absence of a microchip in the~~  
11 ~~animal, and the attempt to contact the owner or the emergency circumstance that precluded such an~~  
12 ~~attempt;~~

13 ~~(2)(3)~~ (3) Accurately ~~Record~~ record the facility's identification number of the animal, its species, sex, breed  
14 description and date, dosages and route of administration for drugs that are administered for sedation  
15 and euthanasia and amounts for drugs wasted;

16 ~~(3)(4)~~ (4) Order euthanasia supplies;

17 ~~(4)(5)~~ (5) Maintain the security of all controlled substances and other drugs in accordance with applicable  
18 state ~~State~~ and federal laws and regulations;

19 ~~(5)~~ (6) Directly supervise probationary Euthanasia Technicians;

20 ~~(6)(5)~~ (7) Report to the appropriate government agencies violations or suspicions of a violation of the rules in  
21 this Subchapter or any abuse of drugs;

22 ~~(7)(6)~~ (8) Euthanize ~~animals;~~ animals in accordance with the rules of this Section; and

23 ~~(8)(7)~~ (9) Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers,  
24 instruments and equipment used in the administration of drugs in accordance with all applicable  
25 federal, state ~~State~~ and local laws and regulations; ~~and regulations.~~

26 ~~(9)(8)~~ (10) Notify the Animal Welfare Section as required in this Section upon leaving employment or  
27 volunteer status at a covered at a certified ~~facility.~~

28  
29 *History Note: Authority G.S. 19A-24;*

30 *Eff. March 23, 2009;*

31 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0419 is readopted with changes as published in 36:12 NCR 1016 as follows:

**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, or place on probation, impose other forms of discipline, discipline upon any Certified Euthanasia Technician for any of the following reasons: and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician; Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. Abuse 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; or substances by using them for any use other than it's intended use as prescribed by the America 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; Subchapter;
- (4) Allowing uncertified individuals to euthanize animals; Enabling or abetting the euthanasia of animals by uncertified individuals or failing to report to the Animal Welfare Section ('AWS') the euthanasia of animals by uncertified individuals;
- (5) ~~Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;~~
- ~~(6)~~(5) Fraud, misrepresentation, or deception in obtaining certification;
- ~~(7)~~(6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes; means to knowingly engage in conduct of a character likely to deceive or defraud the public. [public and/or the Animal Welfare Section.] Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical [ Association ] Association, [and/or ] the Humane Society of the United States or the American Humane Association [and the rules of this Section;] intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician [ and/or failing to provide requested information or



1 ~~the provision of inaccurate or misleading information during an investigation or inspection by the~~  
2 ~~Animal Welfare Section;~~]

3 (a) engaging in conduct of a character likely to deceive or defraud the public or the Animal Welfare  
4 Section relative to activities related to certification as a Euthanasia Technician or the performance  
5 of such duties;

6 (b) working in conjunction with any organization or person illegally practicing as a Certified  
7 Euthanasia Technician;

8 (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any  
9 animal;

10 (d) euthanizing animals in a manner that endangers the health or welfare of the public;

11 (e) ignorance, incompetence or inefficiency in the euthanizing of animals;

12 (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for  
13 which the individual is not certified;

14 (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia  
15 Technician; or

16 (h) failing to provide requested information or the provision of inaccurate or misleading information  
17 during an investigation or inspection by the Animal Welfare Section;

18 ~~(8)(7)~~ Conviction of any criminal ~~[offense as described in this Section;]~~ Conviction of a criminal offense;

19 ~~(9)(8)~~ Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the  
20 rules in this Subchapter ~~and/or entering of inaccurate or misleading information into the records of~~  
21 ~~a certified facility;~~

22 ~~(10)(9)~~ Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper  
23 security and storage for euthanasia and restraint drugs as established under applicable United States  
24 Drug Enforcement Administration and North Carolina Department of Health and Human Services  
25 statutes and rules;

26 ~~(11)(10)~~ Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the  
27 containers, instruments and equipment in a manner permitted by this Subchapter;

28 ~~(12)(11)~~ Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia  
29 and restraint chemical agents;

30 ~~(13)(12)~~ Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a license,  
31 certificate or registration or any other disciplinary action by another state or United States  
32 jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is  
33 licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or  
34 jurisdiction on grounds other than nonpayment of the renewal fee; and

35 ~~(14)(13)~~ Failure of any applicant or certificate holder to ~~cooperate~~ be truthful with the North Carolina  
36 Department of Agriculture and Consumer Services during any investigation or inspection.

37

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

1 02 NCAC 52J .0702 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

4 Under extraordinary circumstances ~~and situations which occur offsite from the shelter,~~ a shelter employee ~~[trained in~~  
5 ~~the euthanasia method for that species.]~~ may use gunshot or other extreme method of euthanasia as set forth and in  
6 accordance with the American Veterinary Medical Association ~~Association,~~ and/or Humane Society of the United  
7 States ~~or American Humane Association Guidelines~~ incorporated by reference in 02 NCAC 52J .0401.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0704 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0704      TECHNICIAN NOT REQUIRED**

4 If an extraordinary circumstance ~~or situation~~ occurs and euthanasia is necessary, the ~~person~~ shelter employee  
5 performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified ~~facility~~ facility so long  
6 as the shelter employee ~~is trained in the euthanasia method for that species that was used in the situation,~~ euthanizes  
7 the animal as set forth and in accordance with the American Veterinary Medical Association and/or Humane Society  
8 of the United States incorporated by reference in 02 NCAC 52J .0401.

9

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

11 *Eff. March 23, 2009;*

12 *Readopted Eff. September 1, 2022.*

## Burgos, Alexander N

---

**Subject:** FW: August 18 2022 RRC meeting

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Wednesday, August 17, 2022 11:37 AM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: August 18 2022 RRC meeting

Mr. Peaslee,

Myself, Dr. Patricia Norris and Chris McClennan will be present in-person. Both Dr. Norris and Chris McClennan plan to speak, given the complexity and context of the material.

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, August 17, 2022 11:11 AM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** August 18 2022 RRC meeting

Good morning Anna,

Please let me know who will be speaking on behalf of the agency and whether they will be attending in person or remotely so that I can inform the Chair.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

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## **Burgos, Alexander N**

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**Subject:** FW: Staff opinions for 02 NCAC 52J  
**Attachments:** Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0201.doc; Board of Agriculture Staff Opinion Auguts 2022 02 NCAC 52 J .0205.doc; Board of Agriculture Staff Opinion Auguts 2022 02 NCAC 52 J .0208.doc; Board of Agriculture Staff Opinion Auguts 2022 02 NCAC 52J .0301.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0408.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0417.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0419.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0702.doc; Board of Agriculture Staff Opinion August 2022 02 NCAC 52 J .0704.doc

**From:** Peaslee, William W [bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)  
**Sent:** Wednesday, August 17, 2022 8:21 AM  
**To:** Hayworth, Anna [Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)  
**Cc:** Burgos, Alexander N [alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)  
**Subject:** 02 NCAC 52J .0418

Good morning Anna,

Attached please find the staff opinion recommending objection in the above captioned rule.

As always if you have any questions or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Tuesday, August 16, 2022 5:16 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Staff opinions for 02 NCAC 52J

Good afternoon Anna,

Attached are the staff opinions recommending objection for the above captioned rules.

I have not had the opportunity to review your responses to the second request for changes so their may be additional staff opinions on those rules.

As always if you have any questions or concerns please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J  
**Attachments:** 02 NCAC 52J .0101.docx; 02 NCAC 52J .0102.docx; 02 NCAC 52J .0103.docx; 02 NCAC 52J .0104.docx; 02 NCAC 52J .0105.docx; 02 NCAC 52J .0201.docx; 02 NCAC 52J .0202.docx; 02 NCAC 52J .0203.docx; 02 NCAC 52J .0204.docx; 02 NCAC 52J .0205.docx; 02 NCAC 52J .0206.docx; 02 NCAC 52J .0207.docx; 02 NCAC 52J .0208.docx; 02 NCAC 52J .0209.docx; 02 NCAC 52J .0210.docx; 02 NCAC 52J .0301.docx; 02 NCAC 52J .0302.docx; 02 NCAC 52J .0303.docx; 02 NCAC 52J .0304.docx; 02 NCAC 52J .0401.docx; 02 NCAC 52J .0402.docx; 02 NCAC 52J .0403.docx; 02 NCAC 52J .0404.docx; 02 NCAC 52J .0405.docx; 02 NCAC 52J .0406.docx; 02 NCAC 52J .0407.docx; 02 NCAC 52J .0408.docx; 02 NCAC 52J .0409.docx; 02 NCAC 52J .0410.docx; 02 NCAC 52J .0411.docx; 02 NCAC 52J .0412.docx; 02 NCAC 52J .0413.docx; 02 NCAC 52J .0414.docx; 02 NCAC 52J .0415.docx; 02 NCAC 52J .0416.docx; 02 NCAC 52J .0417.docx; 02 NCAC 52J .0418.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0501.docx; 02 NCAC 52J .0701.docx; 02 NCAC 52J .0702.docx; 02 NCAC 52J .0703.docx; 02 NCAC 52J .0704.docx; 02 NCAC 52J .0705.docx; 02 NCAC 52J .0801.docx; 02 NCAC 52J .0802.docx; 02 NCAC 52J .0803.docx; 02 NCAC 52J .0901.docx; 02 NCAC 52J .0902.docx

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Monday, August 15, 2022 6:19 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good evening,

Please see attached all rules with the requested revisions. If you have any questions, please let me know. I appreciate your assistance in working with us on these.

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Monday, August 15, 2022 5:57 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

02 NCAC 52J .406

Page 1, Line 11, (2): The citation to Rule 401 appears to be in error.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**

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---

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## **Burgos, Alexander N**

---

**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Monday, August 15, 2022 4:46 PM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon,

The following is a second request for changes to the above captioned rules.

02 NCAC 52J .0105

In (4)(i), add “as required by law” after “cooperate”.

02 NCAC 52J .0202

Page 1, Line (e)(3) There appear to be some words missing.

02 NCAC 52J .0204

Page 1, Lines 21, 33, & 35: Change “must” to “shall”.

Page 2, Line 17 & 19, (p)(3) & (4): Change “must” to “shall”.

02 NCAC 52J .0209

Page 1, Line 4: Change “And/or” to “or”.

Page 2, Line 12: Change “must” to “shall”.

02 NCAC 52J .210

Page 1, Lines 26: Insert “, or is” after “animal care”, if that is the agency’s intention.

Page 2, Lines 6-7, (p): With the addition of the sentence in Line 8, is the sentence beginning “However, no shelter...” necessary? Staff counsel will not recommend objection on this basis.

Page 2, Line 35: “Medications” is misspelled and needs to be corrected.

Page 3, Line 1: Change “Hall” should be “shall”.

02 NCAC 52J .0407

Page 2, Line 10, (d): Define or delete “pass/fail”. This is just as vague and ambiguous as the previous version. Is this based upon the subjective assessment of the person making the determination? If so, what criteria is considered?

02 NCAC 52J .0416

Page 1, Line 6: Change “will” to “shall”.

02 NCAC 52J .0418

Page 1, Lines 5-8, (1): The employment of the word “including” indicates there are other requirements for preparation. Either list all the requirements for preparation, or consider a rule requiring the CET to examine the animal for a microchip, document the findings, requiring the CET to attempt to reach the owner unless adequate reason exists to euthanize the animal immediately, and document the attempts or adequate reason to not contact the owner.

02 NCAC 52J .0803

Page 1, Lines 17-18, (6): If 02 NCAC 52J .0210 is not the “annual program of veterinary care” referenced in the rule, define “annual program of veterinary care”. Please see the first Request for Changes.

As always, if you have any questions or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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02 NCAC 52J .0101 is readopted with changes as published in 36:12 NCR 1001-1002 as follows:

**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~~, breed or breed type, and color markings;
- (3) location of ~~animal~~ 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~~ traded, transferred, or adopted 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, ~~or~~ and cause of death if identified; if euthanized, the record shall show date and type of euthanasia; ~~and~~
- (5) record of veterinary care including medications, treatments, procedures, and immunization immunizations, ~~and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.~~ 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.*

1 02 NCAC 52J .0102 is readopted with changes as published in 36:12 NCR 1002-1003 as follows:

2  
3 **02 NCAC 52J .0102 RECORDS; BOARDING KENNELS**

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

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

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

1 02 NCAC 52J .0103 is readopted with changes as published in 36:12 NCR 1103 as follows:

2

3 **02 NCAC 52J .0103 INSPECTION OF RECORDS**

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

11

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

1 02 NCAC 52J .0104 is readopted with changes as published in 36:12 NCR 1003-1004 as follows:

2  
3 **02 NCAC 52J .0104 DEFINITIONS**

4 As used in this Subchapter:

- 5 (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas,  
6 or objects to which an animal may have access, including, but not limited to toys, blankets, food and  
7 water utensils, and bedding.
- 8 (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or  
9 health. Adequate veterinary care means provision of veterinary care sufficient to address the relief  
10 of pain and/or suffering experienced by the animal and sufficient to address the medical condition.
- 11 (3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
- 12 (3)(4) "Cage" means a primary enclosure which is enclosed on all sides ~~and also on~~ including the top and  
13 bottom.
- 14 (5) "Compatible group" means all animals in the group comingle peacefully without the  
15 presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the  
16 group.
- 17 (6) "Common area(s)" means areas of the facility in which multiple animals may have access  
18 such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and  
19 exercise areas, and other such similar areas.
- 20 (7) "Disposition" means the adoption, death, euthanasia, release, sale, trade, or transfer from a  
21 facility.
- 22 (8) "Enrichment" means providing objects or activities, appropriate to the needs of the species  
23 as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's  
24 well-being.
- 25 (9) Exercise area means an enclosed space in which an animal(s) is confined, and which is large  
26 enough for species-appropriate activity such as walking, running, climbing, jumping,  
27 socialization and/or play to occur.
- 28 (4)(10) "Husbandry" means the practice of daily care administered to animals.
- 29 (11) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be  
30 thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run  
31 off or can be removed without being absorbed into the surface material.
- 32 (12) "Infirm" means not physically or mentally strong, especially through age or illness.
- 33 (5)(13) ~~"Isolation" means the setting apart of an animal from all other animals, food, and equipment in the~~  
34 ~~facility for the sole purpose of preventing the spread of disease.~~ separation, for the period of  
35 communicability, of infected animals from others in such place and under such conditions to prevent  
36 the direct or indirect transmission of the infectious agent from those infected to those that are  
37 susceptible or that may spread the agent to others.



- 1           (14) “Isolation area” means a location where animals infected with disease may be placed to contain,  
2                           control, and limit the spread of the disease.
- 3           (6)(15) "License period" means July 1 through June 30.
- 4           (7)(16) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- 5           (17) “Potable” means suitable for drinking.
- 6           (18) “Properly cleaned” means the removal of carcasses, debris, food waste, excrement, urine, dirty or  
7                           soiled accessories and ~~or~~ other organic material with adequate frequency.
- 8           (19) “Social interaction” means friendly physical contact or play between animals of the same species or  
9                           with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is  
10                          not considered social interaction.
- 11          (20) ~~[Special provisions—]~~ “Special provisions” means additional procedures, protocols, and/or  
12                          equipment used when caring for, housing and/or transporting animals with special needs. Examples  
13                          of animals with “special needs” include but are not limited to brachycephalic breeds, very young or  
14                          old animals, animals with a medical condition, infirm animals, and/or animals that are compromised  
15                          or debilitated.
- 16          (10)(21) "Suitable method of drainage" means drainage that allows for the elimination of water and waste  
17                          products, prevents contamination of animals, allows animals to remain dry, and complies with  
18                          applicable building codes and local ordinances.
- 19          (11)(22) "Supervision ~~of animals~~" means at least one person (at least 16 years of age) present, at all times,  
20                          able to constantly, directly view all animals within the entirety of each enclosure or ~~common~~  
21                          exercise area.
- 22          (23) “Surgical procedure” for the purposes of this Subchapter 52J means any invasive procedure  
23                          performed on an animal to include but not be limited to: procedures to spay or neuter, any procedure  
24                          that invades a body cavity and/or requires suturing or repairing of tissues; and/or any treatment of  
25                          injuries or disorders of the body by incision, manipulation or alteration of organs or tissues with the  
26                          hands or with instruments. For the purposes of this [subchapter,] Subchapter, insertion of a microchip  
27                          is not considered to be a surgical procedure.
- 28          (24) “Veterinarian” means a veterinarian who is currently licensed by North Carolina and/or an adjacent  
29                          state. The license must be valid [and be in good standing with the respective state Board of  
30                          Veterinary Medicine,] with the appropriate state regulatory agency.

31

32 *History Note:*     *Authority G.S. 19A-24;*  
33                           *Eff. January 1, 2005;*  
34                           *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0105 is adopted with changes as published in 36:12 NCR 1004 as follows:

2  
3 **02 NCAC 52J .0105 LICENSES AND REGISTRATIONS**

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

6 (1) Licenses and registrations are not transferable.

7 (2) In the event of a change of ownership or management of a regulated facility, the facility shall notify the  
8 director of ~~AWS~~ the Animal Welfare Section ('AWS') in writing within 10 days of the change. Submission  
9 of a new license or registration application and a facility inspection ~~is required within 10 days. A facility~~  
10 inspection by the AWS is required in the event of such a change.

11 (3) In the event of a change of name, address, phone, email, or point of contact for the facility, the facility  
12 shall notify the director by the Change Form located on the AWS website or other written documentation  
13 within 10 days of change.

14 (4) Renewal applications for license or registration renewal shall be submitted yearly to the AWS office  
15 between April 1st and June 15th. Current application forms are located on the AWS website ~~and may change~~  
16 yearly. ~~at~~ <https://www.ncagr.gov/vet/aws>. The contents of the applications shall include the following:

17 (a) the name, physical address, phone number, email address and mailing address for the  
18 facility;

19 (b) the name, address, phone number, and email address for the owner of the facility;

20 (c) the hours and days the facility is open to the public;

21 (d) the cleaning hours of the facility;

22 (e) the number of enclosures and the maximum number of animals on site;

23 (f) the description of the facility's program of veterinary care ('PVC') including the  
24 disinfection protocols; vaccination protocols including rabies vaccination; the isolation of  
25 ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine,  
26 emergency and after hours veterinary care;

27 (g) animal shelters shall have the PVC reviewed by a licensed veterinarian as described in 02  
28 NCAC 52J .0210(a) and the application for the animal shelter registration shall contain the  
29 veterinarian's signature and contact information;

30 (h) statement of presence of an emergency disaster plan for the facility; and,

31 (i) statement of agreement by the owner or authorized agent of the accuracy of the information  
32 contained in the application; of the willingness to comply with the rules of this Subchapter  
33 and to cooperate as required by law with the Animal Welfare Section inspections and  
34 investigations; acknowledgement of authority to execute the application; and agreement to  
35 notify the AWS of any significant change in the operation of the facility.

36  
37 *History Note: Authority G.S. 19A-24;*

Eff. September 1, 2022.

1 02 NCAC 52J .0201 is readopted with changes as published in 36:12 NCR 1004-1005 as follows:

2  
3 **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

4  
5 **02 NCAC 52J .0201 GENERAL**

6 (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals  
7 from injury, contain the animals and restrict the entrance of other animals and people.

8 (b) All light fixtures and electrical outlets in animal areas shall be [safe and] in compliance with the State Building  
9 Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such  
10 a way that animals do not have access to them.

11 (c) Facilities shall have reliable and safe adequate electric power as necessary to comply with the Animal Welfare Act.

12 (d) ~~Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation~~  
13 ~~or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids.~~  
14 ~~Refrigeration shall be provided for supplies of perishable food.~~ Storage of food and bedding:

15 (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such  
16 supplies against infestation or contamination by vermin and insects;

17 (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

18 (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;

19 (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately  
20 from soiled laundry and materials; and stored separately from general housing areas for animals; and

21 (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored  
22 in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.

23 (e) ~~The facility shall provide~~ Provisions shall be made for the daily removal and disposal of animal and food waste,  
24 soiled bedding and debris from the ~~housing~~ facility in accordance with local ordinances, to assure the facility will be  
25 maintained in a clean and sanitary manner.

26 (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided  
27 to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

28 (g) Each facility shall have the ability to confirm ambient ~~temperature.~~ temperature, a temperature. A functional room  
29 thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

30 (h) A separate five-foot tall perimeter fence is required if any ~~animals~~ animal(s) has or have unsupervised access to  
31 an outdoor primary enclosure, common area, and/or including unsupervised exercise areas. Supervision of animals is  
32 required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot  
33 tall perimeter fence.

34 (i) An adequate drainage system must be provided for the ~~housing~~ facility.

35 (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and  
36 Consumer Services ('NCDA&CS') employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday  
37 through Friday).

1 (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

2 (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or  
3 affecting the welfare of dogs and cats in its facility.

4 (m) A licensee or registrant and all agents of the facility shall cooperate ~~fully and truthfully~~ and be truthful with  
5 NCDA&CS employees during all phases of ~~inspection or investigations.~~ ~~inspections, reviews and/or investigations.~~

6 (n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may ~~interfere~~  
7 ~~with, threaten, abuse (including verbally abuse), or harass~~ ~~abuse, harass, delay or obstruct~~ any inspector, or ~~state~~ State  
8 official, while ~~such~~ inspectors or officials are ~~carrying out their duties.~~ ~~attempting to discharge their official duties.~~

9 ~~(m)~~(o) No dog or cat shall be in a window display except during business hours and then only in compliance with  
10 standards set forth in this Section.

11 (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences,  
12 as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific  
13 written consent of the owner of that animal.

14 (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a  
15 means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

16 (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or  
17 evacuation of animals in the event of a natural or manmade disaster.

18 (s) For the purposes of ~~NCCGS~~ G.S. ~~[§]~~ 19A-23(5a), written standards for an “approved foster care provider” shall  
19 include but not be limited to: the application process; sanitation protocols; provision of daily observation of the  
20 animals; feeding and watering protocols; provision and documentation of veterinary care; provision and  
21 documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals  
22 in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC  
23 Animal Welfare Act and its rules issued pursuant thereto.

24 (t) For the purposes of ~~NCCGS~~ G.S. 19A-23(5b), written standards for an “approved rescue organization” shall include  
25 but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals;  
26 feeding and watering protocols; provision and documentation of veterinary care of the shelter’s animals; provision  
27 and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the  
28 shelter’s animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the  
29 rescue with the North Carolina ~~NC~~ Animal Welfare Act and ~~it~~ its rules issued pursuant thereto.

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

02 NCAC 52J .0202 is readopted with changes as published in 36:12 NCR 1005-1006 as follows:

**02 NCAC 52J .0202 INDOOR FACILITIES**

(a) Heating and cooling of indoor facilities:

(1) ~~indoor housing~~ facilities for dogs and cats shall be adequately heated and cooled ~~when necessary to~~ protect the dogs and cats from cold and ~~excessive~~ heat and provide for their health and ~~comfort~~ comfort;

(2) the ambient temperature shall not be allowed to fall below 50 degrees F. or exceed 85 degrees ~~F. F. and~~

(3) ~~[Special]~~ 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~~ indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all ~~times~~ times; ~~The~~ 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~~ 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~~ air flow shall be adequate ~~[adequate sufficient]~~ to minimize odors and moisture condensation.

(c) Indoor housing facilities for dogs and cats shall have ~~adequate~~ 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 drainage]~~ a suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing ~~facility~~ facility;

(2) ~~If~~ if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of ~~sewage~~ sewage; and

(3) ~~The~~ the drainage system shall be ~~constructed~~ constructed with barriers [sufficient] adequate to ~~prevent~~ protect the animals from cross-contamination ~~among animals 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; G.S. 19A-30(3);*

*Eff. April 1, 1984;*

*Amended Eff. January 1, 2005;*

*Readopted Eff. September 1, 2022.*

02 NCAC 52J .0203 is readopted with changes as published in 36:12 NCR 1106 as follows:

### 02 NCAC 52J .0203 OUTDOOR FACILITIES

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

(1) shall ~~have flooring or groundcover~~ be constructed of sealed concrete or other surfaces impervious to moisture. ~~moisture; and/or~~ have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;

(2) may ~~use Gravel~~ gravel may be used for groundcover so long as it is ~~if~~ maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .0207 of this Subchapter. ~~kept in a sanitary manner.~~

(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 maintained~~ so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with [Section] 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 ~~clean~~ properly cleaned and ~~sanitary.~~ sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, ~~management~~ 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.

~~(b)(d)~~ Dogs and cats ~~kept in outdoors~~ outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather.

(1) ~~Housing~~ housing shall be constructed of material which is impervious to moisture and which can be ~~disinfected.~~ cleaned and easily sanitized in accordance with [Section]; 02 NCAC 52J .0207;

(2) ~~One~~ one house shall be available for each animal within each primary enclosure. ~~enclosure except for a mother and its unweaned offspring.~~ 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 [shall] 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;

1 (4) special provisions shall be provided to any animal that cannot maintain its normal body temperature when  
2 housed outside. These special provisions shall be ~~sufficient~~ adequate for the animal to maintain its normal  
3 body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal  
4 body temperature even with special provisions, then that animal ~~may~~ shall not be housed outside. No infirm  
5 animal may be housed outdoors; and

6 (5) ~~In~~ in addition to housing, the enclosure shall provide protection from excessive sun and inclement  
7 weather.

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

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

15 ~~(d)~~ (g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will  
16 be kept in outside facilities. This shall be documented in the animal's record.

17 ~~(e)~~ (h) ~~A suitable method of Drainage~~ A suitable method of drainage shall be ~~provided.~~ provided so that water is  
18 ~~rapidly~~ adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the  
19 animal(s) does/do not have access to standing water.

20  
21 *History Note: Authority G.S. 19A-24;*  
22 *Eff. April 1, 1984;*  
23 *Amended Eff. March 23, 2009; January 1, 2005;*  
24 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0204 is readopted with changes as published in 36:12 NCR 1006-1007 as follows:

2  
3 **02 NCAC 52J .0204 PRIMARY ENCLOSURES**

4 (a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and  
5 wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious  
6 to ~~moisture~~ moisture excluding the ground cover options of gravel and grass allowed for in Rule .0203 of this  
7 ~~section.~~ Section.

8 (b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within  
9 the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January  
10 1, 2005, any damaged wood ~~must~~ shall be replaced in a manner that does not permit contact with wood by the animal.

11 ~~(b)(c)~~ (c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good  
12 repair and in a manner to prevent injury to animals and keep other animals out.

13 (d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, ~~turn~~ turn about  
14 freely, and to easily stand with their tails erect, sit, or lie in a natural ~~position~~ with their limbs extended without  
15 touching other animals within the enclosure or the sides or top covering of the enclosure.

16 (e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural  
17 play behaviors typical of the species.

18 (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five ~~feet~~ feet tall.

19 (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.

20 ~~(e)(h)~~ (h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to  
21 comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces  
22 ~~must~~ shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as  
23 newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

24 ~~(d)(i)~~ (i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space  
25 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  
26 the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6) x  
27 (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 =  
28 required floor space in square feet. The calculation shall be expressed in square feet.

29 (j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without  
30 supervision. Dogs younger than six months of age ~~may~~ shall not be housed or confined or comingled with adult dogs  
31 other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.

32 ~~(e)(k)~~ (k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined  
33 in an exercise area are housed in a common area or primary enclosure, then there ~~must~~ shall be at least one person  
34 constantly supervising each 10 dogs housed or confined within each primary enclosure or common exercise area. This  
35 supervision ~~must~~ shall be conducted from within the exercise area or primary enclosure such that the person(s)  
36 has/have immediate access to the animals in the event of an emergency, aggression or fight between animals.

37 (l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only

1 with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient  
2 size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails  
3 erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure the  
4 sides or top covering of the enclosure and to leave the whelping/queening area for exercise.

5 ~~(f)(m)~~ In addition to ~~Paragraph (b)~~ Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed  
6 in any primary enclosure or exercise area shall be provided a minimum of four square feet of floor space which may  
7 include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet.

8 ~~(n)~~ Not more than 12 cats shall be housed or confined in the same primary ~~enclosure-enclosure or exercise area.~~

9 ~~(g)(o)~~ In all cat primary enclosures and exercise areas, enclosures, a clean receptacle containing clean litter shall be  
10 provided for waste. A minimum of one receptacle per three cats is ~~required-required~~ required for each primary enclosure and  
11 exercise area.

12 (p) Pools in primary enclosures and/or exercise areas:

13 (1) Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area, an  
14 ingress-egress area shall be provided;

15 (2) No dog ~~may~~ shall have access to the pool or pool area other than a typical kiddie wading pool without  
16 supervision;

17 (3) Facilities ~~must~~ shall be constructed, maintained, and managed to protect animals from illness, injury,  
18 and death resulting from access to pools or pool areas;

19 (4) Pools with a capacity of less than 100 gallons ~~must~~ shall have the water changed and be cleaned and  
20 sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured filtration  
21 and cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation and  
22 water quality; and

23 (5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation,  
24 repair and maintenance.

25  
26 *History Note: Authority G.S. 19A-24;*

27 *Eff. April 1, 1984;*

28 *Amended Eff. January 1, 2005; April 1, 1985;*

29 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0205 is readopted with changes as published in 36:12 NCR 1007-1008 as follows:

2  
3 **02 NCAC 52J .0205 FEEDING**

4 (a) ~~Adult Dogs~~dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour  
5 period. ~~except as otherwise might be required to provide adequate veterinary care. Food shall be commercially~~  
6 prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The  
7 food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the  
8 given size, age, and condition of an animal to meet the daily requirements for nutritional value.

9 (b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour  
10 interval between feedings is required if only two feedings are offered in a 24-hour period.

11 (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this  
12 section for a specific animal, documentation of such veterinary care is required and shall include:

13 (1) the original veterinary directive signed by the veterinarian issuing it;

14 (2) the printed name of the veterinarian;

15 (3) the reason for the restriction;

16 (4) the specific feeding directions;

17 (5) the origination and review dates of the directive;

18 (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer  
19 required;

20 (7) the date of the cessation of the directive; and

21 (8) documentation by the facility of each feeding as prescribed by the veterinarian.

22 (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall  
23 be provided by the owner.

24 (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate  
25 of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

26 ~~(b)(f)~~(f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by  
27 waste.

28 (g) For every adult animal, there ~~must~~shall be at least one food receptacle offered. When multiple animals are housed  
29 together, caretakers shall observe each animal feeding to ensure that ~~[animals have sufficient access to food;]each~~  
30 animal receives adequate feed.

31 (h) Food receptacles shall be durable and shall be kept clean and sanitized.

32 (i) Uneaten food within food receptacles ~~[must]~~shall be discarded ~~[after]~~within 24 hours or sooner if spoiled or  
33 contaminated.

34 (j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but ~~must~~shall be discarded  
35 after each feeding.

36 ~~(e)(k)~~(k) Food and water receptacles in outdoor facilities shall be protected from the elements.

37

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

1 02 NCAC 52J .0206 is readopted with changes as published in 36:12 NCR 1008 as follows:

2

3 **02 NCAC 52J .0206 WATERING**

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

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

9 (1) the original veterinary directive signed by the veterinarian issuing it;

10 (2) the printed name of the veterinarian;

11 (3) the reason for the restriction;

12 (4) the specific watering directions;

13 (5) the origination and review dates of the directive;

14 (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no longer  
15 required;

16 (7) the date of the cessation of the directive; and

17 (8) documentation by the facility of each watering as prescribed by the veterinarian.

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

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

20 (e) Damaged receptacles shall be replaced.

21

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

23 *Eff. April 1, 1984;*

24 *Amended Eff. January 1, 2005;*

25 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0207 is readopted with changes as published in 36:12 NCR 1008-1009 as follows:

2  
3 **02 NCAC 52J .0207 SANITATION**

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

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

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

13 ~~(b)(d)~~ Sanitation shall be as follows:

14 (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied,  
15 enclosures and accessories shall be sanitized in the manner provided in Subparagraph ~~(b)(d)~~(3) of  
16 this Rule.

17 (2) In addition to primary enclosures being properly cleaned a minimum of two times per day,  
18 enclosures and accessories shall be sanitized a minimum of once every seven days in the manner  
19 provided in Subparagraph ~~(b)(d)~~(3) of this Rule if the same animal is housed in the same enclosure  
20 ~~more than~~ for seven or more days.

21 (3) Primary enclosures, ~~Cages, cages, rooms~~rooms, and hard-surfaced or artificial turf exercise areas,  
22 ~~pens or pens, and runs~~ and exercise areas with artificial turf flooring] shall be sanitized by:

23 (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical  
24 cage washer; or

25 (B) ~~washing all soiled surfaces with a detergent solution to remove all organic matter followed~~  
26 ~~by application of a safe and effective disinfectant; removal of visible organic matter,~~  
27 precleaning all soiled surfaces with a detergent or degreaser solution, followed by the  
28 application, at the correct concentration, of an animal-safe disinfectant labeled to be  
29 effective against common pathogens. The disinfectant is to be left on the surfaces for the  
30 time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed  
31 to remove all residual ~~chemical~~ chemicals and then the area dried prior to returning the  
32 animal(s) to this area; or

33 (C) cleaning all soiled surfaces with live steam, The area is to be cooled and dried prior to the  
34 return of the animal(s).

35 (4) Common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC  
36 52J.0207 (d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum  
37 of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum

1 of once every seven days in the manner provided in Subparagraph (d)(3):

2 ~~(4)~~(5) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The  
3 disinfectant shall be used consistent with the manufacturer's directions:

4 ~~(5)~~(6) Soiled linens and cloth products shall be mechanically washed with detergent and ~~sanitized.~~  
5 sanitized:

6 ~~(6)~~(7) Any area accessible to multiple animals shall be kept clean and ~~sanitary.~~ sanitary; and

7 (8) Fans, including [but not limited to] floor fans, ceiling fans, wall fans, vent fans, etc. shall be [cleaned  
8 routinely in intervals sufficient to prevent the accumulation of] kept clean of accumulated debris,  
9 dust and [or] biological material.

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

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

17  
18 *History Note: Authority G.S. 19A-24;*

19 *Eff. April 1, 1984;*

20 *Amended Eff. January 1, 2005; April 1, 1985;*

21 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0208 is readopted with changes as published in 36:12 NCR 1009 as follows:

2

3 **02 NCAC 52J .0208 EMPLOYEES**

4 ~~A~~An ~~sufficient~~adequate number of employees shall be utilized to ~~adequately~~sufficiently care for the animals in the  
5 facility and maintain the prescribed level of husbandry practices set forth in ~~this Rule~~Subchapter 52J. Such practices  
6 shall ~~be performed by~~be under the supervision of an animal caretaker who ~~has a background in animal husbandry or~~  
7 ~~care~~is ~~has been adequately trained~~ ~~[and/or]~~or is experienced in animal ~~[husbandry and]~~care ~~or is under the direct~~  
8 supervision of a person who has such training or experience. The caretaker or supervisor shall have ~~[and has]~~read and  
9 ~~[acknowledged]~~acknowledged their understanding of these rules and the NC Animal Welfare Act.

10

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



02 NCAC 52J .0209 is readopted with changes as published in 36:12 NCR 1009-1010 as follows:

**02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION**

Animals housed in the same primary enclosure or and/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.
- ~~(3)~~(4) Puppies or kittens less than ~~four~~ 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.
- ~~(4)~~(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.
- ~~(5)~~(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.~~ 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.
- ~~(6)~~(7) Animals in long term care ~~which are intended for adoption or sale~~ must be provided ~~the following:~~ 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 [appropriate]adequate for the animal's species, age, size and behavior needs. In addition:
  - (a) ~~Daily access to both human and same species social interaction.~~ The provision of the daily

1 social interactions and enrichment shall be documented in the animal's records and the  
2 records maintained for three years; and

3 (b) ~~Daily access to space other than the primary enclosure.~~Exemptions from these long-term care  
4 provisions are allowed only for safety or health reasons and must be approved by a  
5 veterinarian. This exemption must be reviewed and renewed every 30 days if the  
6 continuation is necessary. Documentation of the exemption must include the reason for the  
7 exemption, the name and contact information of the veterinarian authorizing the  
8 exemption, the original exemption date and the dates of review and renewal and  
9 alternative(s) offered if any.

10 ~~(c) A species and size appropriate toy, unless it poses a health threat.~~

11 (7)(8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and  
12 exercise areas ~~must~~ shall be inspected by [AWS]the Animal Welfare Section and in compliance  
13 with the rules of 02 NCAC 52J before an animal can be confined in the enclosure or area.

14  
15 *History Note: Authority G.S. 19A-24;*  
16 *Eff. April 1, 1984;*  
17 *Amended Eff. January 1, 2005;*  
18 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0210 is readopted with changes as published in 36:12 NCR 1010-1011 as follows:

2  
3 **02 NCAC 52J .0210 VETERINARY CARE**

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

9 (1) The PVC for animal shelters and pet stores shall be established with the assistance of a veterinarian and  
10 the veterinarian's information and signature shall be included in the appropriate section of the  
11 license/registration application/renewal application;

12 (2) The PVC for boarding kennels shall be submitted as part of the license/registration application/renewal  
13 and must be approved by the [AWS] Animal Welfare Section Inspector assigned to the facility;

14 (3) The facility shall implement and follow the [PVC. Failure to follow the PVC shall be considered a  
15 violation; PVC; and

16 (4) Changes to the PVC shall be submitted for approval to the Animal Welfare Section within 10 days of the  
17 effective date.

18 (b) If there is [a] an disease problem infectious disease outbreak that persists for more than 7 days at the facility, the  
19 facility operator shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be  
20 documented by the facility.

21 ~~(b)~~(c) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain  
22 and follow a veterinarian's written recommendations for correcting the problem. These recommendations shall  
23 include, at a minimum: sanitation of primary enclosures, common areas, exercise areas and accessories, and protocols  
24 for animal intake, evaluation, isolation, disease recognition and treatment and euthanasia (in animal shelters).

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

33 (e) If euthanasia is performed at a ~~A~~ certified facility, a list of personnel approved to perform euthanasia facility shall  
34 maintain a list of authorized personnel pursuant to 02 NCAC 52J .0402 and shall maintain this list ~~be maintained~~ in  
35 the Policy and Procedure Manual as described in 02 NCAC 52J pursuant to 02 NCAC 52J .0800.

36 (f) ~~Diseased~~ Diseased, injured, infirm or deformed animals shall be sold or adopted only under the policy set forth in  
37 the "Program of Veterinary Care." PVC.

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

5 ~~(d)~~(h) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S.  
6 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure  
7 to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least  
8 15 days. This subsection shall not apply to animals which have been in the facility less than 15 days.

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

10 (1) only perform surgical procedures on animals owned by the facility. The facility shall ~~may~~ not perform  
11 surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under  
12 the jurisdiction of the ~~NC~~ North Carolina Board of Veterinary Medicine;

13 (2) appoint a ~~NC~~ North Carolina ('NC') licensed veterinarian to be the supervising veterinarian to direct,  
14 oversee and be responsible for the performance of all surgical procedures and for the condition of the surgical  
15 facility;

16 (3) ensure all surgical procedures are performed by a NC licensed veterinarian and performed within the  
17 designated surgical area;

18 (4) ensure that the designated surgical area meets the minimum standards for surgery in 21 NCAC 66  
19 .0207(b)(9), the drug procedures meet the minimum standards in 21 NCAC 66 .0207(b)(11) and the  
20 recordkeeping procedures meet the minimum standards in 21 NCAC 66 .0207(b)(12);

21 (5) ensure that the minimum standards for after-hours emergency service in 21 NCAC 66 .0207(b)(19) for  
22 the provision of after-hours emergency veterinary care for an animal receiving surgical procedure(s) are met;  
23 and

24 (6) ensure that surgical procedures are not performed until the inspection of the surgical facility and  
25 supporting procedures noted in this section has occurred and all deficiencies have been corrected.

26 (j) Boarding ~~facilities may not administer prescription medications or tranquilizers, sedatives, or any pharmaceutical~~  
27 drug designed to calm an animal unless the medication or drug is administered under the direction of the animal's  
28 veterinarian, with a written prescription from the animal's veterinarian, and with written permission from the animal's  
29 owner. In the event a boarding facility agrees to administer such medications or substances, the medications must be  
30 in the original container issued by a veterinarian or pharmacy and administered according to label directions. The label  
31 must include: client name/pet name, dosage, drug name, veterinarian's name, and date issued. The administration of  
32 these medications or substances shall be documented as required by 02 NCAC 52J .0102.] kennels shall not administer  
33 a prescription medication, tranquilizer, sedative, or any pharmaceutical drug designed to calm an animal unless the  
34 medication or drug is administered under the direction of or by prescription from the animal's veterinarian, and written  
35 permission from the animal's owner. In the event a boarding kennel agrees to administer such medications or  
36 substances, the medications shall be in the original container issued by the veterinarian or pharmacy and administered

1 according to label directions. The administration of these medications or substances shall be documented as required  
2 by 02 NCAC 52J .0102.

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

5

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

1 02 NCAC 52J .0301 is readopted with changes as published in 36:12 NCR 1011 as follows:

2  
3 **SECTION .0300 - TRANSPORTATION STANDARDS**

4  
5 **02 NCAC 52J .0301 VEHICLES**

6 (a) Vehicles used in transporting dogs and cats shall be mechanically sound and equipped to provide fresh air to all  
7 animals transported. ~~transported without harmful drafts.~~

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

10 (c) The interior of the animal ~~argo~~ holding space shall be ~~kept clean.~~ properly cleaned after the transport of each  
11 animal. [It shall be sanitized daily or between shipments of animals if more than 1 shipment occurs in a 24 hour  
12 period.] ~~It shall be sanitized as deemed necessary.~~ The holding space shall be sanitized between use for shipments.

13  
14 *History Note: Authority G.S. 19A-24;*  
15 *Eff. April 1, 1984;*  
16 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0302 is readopted with changes as published in 36:12 NCR 1011 as follows:

**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 ~~insure~~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 ~~sufficient~~adequate fresh air for normal breathing.
- (2) The openings of such enclosures are always easily accessible for emergency ~~removals, removals at all times.~~
- (3) The animals are adequately protected from the elements.
- (4) The ~~ambient~~ temperature [~~within the holding area~~] in any area of a vehicle holding an animal shall be maintained between 50 degrees F and 85 degrees F. A ~~shelter facility~~ shall be deemed as being in compliance if its vehicles' animal ~~containment units~~ holding areas are equipped with operable heating and air-conditioning [~~air conditioning~~] air conditioning, or forced-air heating and cooling, and heating or other temperature control ~~mechanisms 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 ~~sufficient~~adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record.

~~(e)~~(e) Animals shall not be placed in primary enclosures over other animals in transit unless such enclosure is constructed ~~so as~~ to prevent animal excreta from entering lower enclosures.

~~(f)~~(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.*





1 02 NCAC 52J .0304 is readopted with changes as published in 36:12 NCR 1012 as follows:

2

3 **02 NCAC 52J .0304 CARE IN TRANSIT**

4 (a) Drivers or traveling attendants shall inspect each animal in transit with adequate frequency to determine the  
5 animal's comfort, health, and safety, and to obtain or provide relief or emergency care if needed.~~It shall be the~~  
6 ~~responsibility of the attendant or driver to inspect animals frequently enough to assure health and comfort and to~~  
7 ~~determine if they need emergency care and to obtain it if needed.~~

8 (b) If a transport lasts ~~six hours or longer,~~ more than six hours, the transporter shall log the start and end times of  
9 the transport, the species, identification of the transported animal(s), any visible injury, illness or other medical  
10 condition, and care provided including ~~but not limited to,~~ stops, exercise, watering, feeding ~~and/or~~ and veterinary  
11 care. This documentation shall be kept by the facility for a minimum of one year after the transport.

12

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

14 *Eff. April 1, 1984;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0401 is readopted with changes as published in 36:12 NCR 1012 as follows:

2  
3 **SECTION .0400 - EUTHANASIA STANDARDS**

4  
5 **02 NCAC 52J .0401 ADOPTION BY REFERENCE**

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

11 (1) AVMA Guidelines on Euthanasia may be accessed at no cost on their website at [www.avma.org](http://www.avma.org).

12 (2) The HSUS Euthanasia ~~Training Reference Manual~~ can be ~~purchased through their website at~~  
13 ~~[www.hsus.org](http://www.hsus.org) at a cost of nineteen dollars and ninety five cents (\$19.95).~~ accessed at no cost via  
14 the link: <https://humanepro.org/sites/default/files/documents/euthanasia-reference-manual.pdf>.

15 ~~(3) The AHA publication, Euthanasia by Injection, can be purchased through their website at~~  
16 ~~[www.americanhumane.org](http://www.americanhumane.org) at a cost of ten dollars (\$10.00).~~

17  
18 *History Note: Authority G.S. 19A-24;*

19 *Eff. March 23, 2009;*

20 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0402 is readopted with changes as published in 36:12 NCR 1012 as follows:

2

3 **02 NCAC 52J .0402 AUTHORIZED PERSONS**

4 Only a Certified Euthanasia ~~Technician~~ ~~Technician, Probationary Euthanasia Technician,~~ pursuant to 02 NCAC 52J  
5 .0403(1) or a veterinarian licensed to practice veterinary medicine in North ~~Carolina~~ Carolina, may euthanize an animal  
6 in a certified animal shelter facility. ~~A Certified Euthanasia Technician shall not euthanize animals using a method for~~  
7 ~~which he or she is not currently certified except as specified in 02 NCAC 52J .0700.~~

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0403 is readopted with changes as published in 36:12 NCR 1012 as follows:

### 02 NCAC 52J .0403 DEFINITIONS

As used in this Subchapter:

- (1) "Certified Euthanasia Technician" means a person employed by a certified facility who has been instructed in the proper methods of humane euthanasia, security and record keeping, who has:
  - (A) been instructed in the proper methods of human euthanasia, security and records keeping; and
  - (B) has passed the written examination and the practical examination pursuant to 02 NCAC 52J .0410; and
  - (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 ~~certified-registered animal shelter-shelter, kennel or pet shop~~ that employs at least one Certified Euthanasia Technician or North Carolina ('NC')[NC] licensed veterinarian to perform euthanasia on animals at that ~~certified~~ facility.
- (3) "Approved Certified Euthanasia Technician trainer" means ~~a person or organization that an individual~~ who has received permission from the Animal Welfare Section to provide training to applicants or individuals seeking to be Certified Euthanasia ~~Technicians~~ 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 ~~Association, and/or the Humane Society of the United States or the American Humane Association<sup>2</sup>~~ 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-Technician, pursuant to Rule .0412.
- ~~(6)~~ "Commercially manufactured chamber" means a chamber built with the intention for sale with the purpose of euthanizing animals, and which meets the requirements of 02 NCAC 52J .0600.
- ~~(7)~~(6) "Conviction of a criminal offense" means being found guilty, convicted, placed on probation or entering a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure one's own appearance in a criminal proceeding or having received a withheld judgment, prayer for judgment continued or suspended sentence by a court of competent jurisdiction in this state, in a federal court or another state of any felony, as described by federal or state law, or any criminal act that in any way is related to practicing as a Certified Euthanasia Technician, 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~~](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;*

1

*Eff. March 23, 2009;*

2

*Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0404 is readopted with changes as published in 36:12 NCR 1012 as follows:

2

3 **02 NCAC 52J .0404 CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS**

4 (a) Individuals who perform euthanasia ~~must~~shall be trained and qualified as a Certified Euthanasia Technician as set  
5 forth in this Section.

6 (b) Individuals seeking certification as a Euthanasia Technician shall submit a written application documenting their  
7 qualifications to the Animal Welfare Section, North Carolina Department of Agriculture and Consumer Services, 1030  
8 Mail Service Center, Raleigh, NC 27699-1030, on the form provided by the Animal Welfare Section.

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

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0405 is readopted with changes as published in 36:12 NCR 1013 as follows:

2

3 **02 NCAC 52J .0405 CERTIFICATION STANDARDS**

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

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0406 is readopted with changes as published in 36:12 NCR 1013 as follows:

2  
3 **02 NCAC 52J .0406 APPLICATION REQUIREMENTS**

4 An applicant for certification shall:

- 5 (1) submit a completed and signed application ~~form;~~ which can be obtained by calling the Animal  
6 Welfare Section ('AWS') office at (919) 707-3280; and  
7 ~~(2)~~ The contents of the applications shall include the following:  
8 (a) the name, phone number, email address and mailing address for the applicant;  
9 (b) the name, registration number, and address of the shelter employing the applicant;  
10 (c) a checkbox to be filled in if the applicant has been convicted of a criminal offense as  
11 defined in 02 NCAC 52J .0403(6); and  
12 (d) a notarized signature of the applicant.  
13 ~~(2)(3)~~ provide a document from an approved Certified Euthanasia Technician trainer establishing that the  
14 applicant has completed an Animal Welfare Section approved ~~course,~~ course pursuant to 02 NCAC  
15 52J .0407, passed the course written examination and passed a practical examination in the ~~specific~~  
16 euthanasia by injection (EBI) techniques, techniques for which the applicant is seeking certification,  
17 ~~or provide separate documentation of having taken an approved course and passed the written~~  
18 ~~examination and having passed a practical examination given by a different approved Certified~~  
19 ~~Euthanasia Technician [trainer.]~~ trainer,; and  
20 ~~(3)~~ specify in the application form the specific euthanasia techniques the applicant is requesting  
21 certification.

22  
23 *History Note: Authority G.S. 19A-24;*  
24 *Eff. March 23, 2009;*  
25 *Readopted Eff. September 1, 2022.*



02 NCAC 52J .0407 is readopted with changes as published in 36:12 NCR 1013-1014 as follows:

### 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) Earning a score of 80 percent correct on a written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; A written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; and
- (3) Passing a practical examination in each of the euthanasia [by injection techniques.] methods for which the applicant is seeking certification. 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 ~~Association, and/or the Humane Society of the United States or the American Humane Association~~ and shall include the following topics:

- (1) The theory and history of euthanasia methods and practice;
- (2) Relevant ~~Animal~~ 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 ~~EBI;~~ Euthanasia by Injection;
- ~~(7)~~ Proper and accurate verification of lack of pain perception;
- ~~(6)~~ Proper euthanasia techniques not utilizing injected chemical agents;
- ~~(7)~~(8) Proper and accurate verification of animal death;
- ~~(8)~~(9) Proper record keeping including documentation of justification for intracardiac and for early euthanasia;
- ~~(9)~~(10) Proper disposal of euthanized animals;
- ~~(10)~~(11) Stress management for euthanasia personnel;
- ~~(11)~~(12) Proper methods and techniques of euthanasia under extraordinary circumstances;
- ~~(12)~~(13) Proper methods, techniques and chemicals inducing anesthesia and sedation in animals prior to euthanasia; and
- ~~(13)~~(14) Proper methods, techniques and chemicals used in the practical examination section for Certified Euthanasia Technician.

1 (c) The Animal Welfare Section shall prepare written examinations to be given to applicants. Following the classroom  
2 training detailed in Paragraph (b) of this Rule, the applicant shall take a written examination provided by the Animal  
3 Welfare ~~Section that will be used by the approved trainer.~~Section. Notes or other assistance are not allowed during  
4 ~~the taking of the written examination. The applicant must achieve a score of at least 80 percent correct to pass the~~  
5 ~~written examination.~~ Those passing the written examination for that classroom training session are eligible to take for  
6 ~~the practical examination of the methods of euthanasia for which the applicant seeks certification. on the EBI~~  
7 ~~techniques. Those failing this written examination shall attend another classroom training session and [must]shall pass~~  
8 ~~a different version of the written examination provided by the Animal Welfare Section before they are eligible to take~~  
9 ~~the practical examination.~~

10 (d) The applicant must pass a practical examination on ~~each method of euthanasia for which he or she seeks~~  
11 ~~certification. the EBI techniques.~~

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

- 14 (1) Correctly calculate chemical agent dosage based upon the species, age, weight and condition of the  
15 ~~animal; animal and the route of administration;~~
- 16 (2) Correctly complete all required ~~documentation; documentation and demonstrate proper technique~~  
17 ~~for scanning an animal for a microchip;~~
- 18 (3) Correctly draw the properly calculated chemical dosage into a syringe and needle of a type and size  
19 appropriate for the ~~animal; animal and for the route of administration;~~
- 20 (4) Correctly administer the chemical agent to the animal;
- 21 (5) Properly perform intravenous ~~and intraperitoneal~~ injections on dogs and intravenous or  
22 intraperitoneal injections on cats;
- 23 (6) Knowledge of the current euthanasia guidelines, medical procedures including lack of pain  
24 perception verification and drugs necessary for an animal to be euthanized by cardiac injection;
- 25 (7) Demonstrate ability to verify death ~~by: by a combination of the following:~~
  - 26 (A) lack of respiration;
  - 27 (B) lack of ocular reflexes;
  - 28 (C) lack of a ~~heartbeat; heartbeat verified by the use of a stethoscope;~~
  - 29 (D) ~~greying of mucous membranes;~~
  - 30 (E) ~~lack of response to firm toe pinch;~~
  - 31 (F) ~~rigor mortis.~~
- 32 (8) Knowledge about the human health risks associated with the use of chemical agents used for  
33 euthanasia including signs and symptoms associated with accidental exposure of the Certified  
34 Euthanasia Technician; and
- 35 (9) Proper first aid for a person accidentally exposed to chemical agents used for euthanasia.

36 (f) ~~Applicants for certification in Euthanasia by Gas Inhalation shall meet the standards set forth in this Paragraph:~~

- 1           (1) ~~Demonstrate knowledge of the dangers and human health effects of exposure to carbon monoxide~~
- 2                     ~~gas;~~
- 3           (2) ~~Demonstrate knowledge about which animals Euthanasia by Gas Inhalation is approved and which~~
- 4                     ~~species, age, medical or physical conditions make it improper to use Euthanasia by Gas Inhalation;~~
- 5           (3) ~~Demonstrate proper techniques in placing animals into the chamber;~~
- 6           (4) ~~Demonstrate knowledge about the maintenance, operation and cleaning of the chamber, fittings, gas~~
- 7                     ~~cylinder, valves, and other parts of the equipment;~~
- 8           (5) ~~Demonstrate proper operation of the chamber;~~
- 9           (6) ~~Demonstrate ability to verify death by:~~
- 10                    ~~(A) ~~lack of respiration;~~~~
- 11                    ~~(B) ~~lack of ocular reflexes;~~~~
- 12                    ~~(C) ~~lack of a heartbeat;~~~~
- 13           (7) ~~Demonstrate knowledge about the human health risks associated with the use of carbon monoxide~~
- 14                     ~~when used for euthanasia. Such knowledge shall also include signs and symptoms associated with~~
- 15                     ~~accidental exposure of the Certified Euthanasia Technician;~~
- 16           (8) ~~Demonstrate knowledge of proper first aid for a person accidentally exposed to carbon monoxide~~
- 17                     ~~used for euthanasia.~~

18

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

02 NCAC 52J .0408 is readopted with changes as published in 36:12 NCR 1014 as follows:

**02 NCAC 52J .0408 TRAINERS**

(a) Certified Euthanasia Technician training shall be provided by the Animal Welfare ~~Section~~Section, or by companies or individuals meeting the following criteria:

- (1) Possess working knowledge of euthanasia conducted according to this ~~Section~~Section through training or education and experience;
- (2) Have actual experience in euthanasia of ~~animals~~animals as defined by G.S. 19A-23 or lawful experience in North Carolina;
- (3) Have experience training ~~staff in euthanasia; and~~personnel; and
- (4) Provide references from individuals or organizations previously ~~trained~~trained or individuals or organizations that can attest to satisfactory euthanasia experience.

(b) Information taught shall conform to this Section and the guidelines set forth by the American Veterinary Medical Association ~~Association~~, Guidelines on Euthanasia and/or the Humane Society of the United ~~States~~State Euthanasia Reference Manual incorporated by reference pursuant to 02 NCAC 52J .0401. ~~States or the American Humane Association.~~

(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 audit of instruction and testing by trainers.

(e) Prior to providing euthanasia training leading to certification as a Euthanasia Technician, the person or company shall ~~obtain approval~~submit an application for approval before each class for its training program from the Animal Welfare Section.

(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. September 1, 2022.*

1 02 NCAC 52J .0409 is readopted as a repeal as published in 36:12 NCR 1014 as follows:

2

3 **02 NCAC 52J .0409      PROBATIONARY EUTHANASIA TECHNICIANS**

4

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

6 *Eff. March 23, 2009;*

7 *Repealed Eff. September 1, 2022.*

1 02 NCAC 52J .0410 is readopted with changes as published in 36:12 NCR 1014 as follows:

2

3 **02 NCAC 52J .0410 EXAM REQUIRED**

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

6

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

8 *Eff. March 23, 2009;*

9 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0411 is readopted with changes as published in 36:12 NCR 1014-1015 as follows:

2

3 **02 NCAC 52J .0411 NEW APPLICATION**

4 ~~If the individual or applicant fails to pass the practical exam a second time and wishes to apply for certification again,~~  
5 ~~the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written~~  
6 ~~exam and take and pass a practical examination on euthanasia. The Animal Welfare Section shall cancel the~~  
7 ~~application of any applicant who fails the written examination twice. The Animal Welfare Section shall [cancel]deny~~  
8 ~~the application of any applicant who fails the written examination twice [and/or] or the practical examination twice. If~~  
9 ~~the individual wishes to apply for certification again, the individual shall submit a new application to the Animal~~  
10 ~~Welfare Section, attend a training program, pass the written examination and the practical examination before a~~  
11 ~~certification can be issued.~~

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0412 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0412 ISSUANCE OF CERTIFICATION**

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

6

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

8 *Eff. March 23, 2009;*

9 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0413 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0413 LENGTH OF CERTIFICATION**

4 A Euthanasia Technician Certificate issued by the Animal Welfare Section is valid for five years from the date of  
5 issuance unless it is revoked pursuant to this Section or upon termination of employment ~~or volunteer status~~ as  
6 described in this Section.

7

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

9 *Eff. March 23, 2009;*

10 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0414 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0414       TERMINATION OF EMPLOYMENT**

4 Upon termination of employment ~~or volunteer status~~ **by voluntary or involuntary separation** from ~~athe~~ certified  
5 ~~facility, facility or closure of the certified facility,~~ a Certified Euthanasia Technician shall not perform animal  
6 euthanasia in a certified facility until ~~recertified~~ **reinstated** by the Animal Welfare ~~Section,~~ **pursuant to 02 NCAC 52J**  
7 **.0416.** The Certified Euthanasia Technician’s certification shall be canceled effectively upon termination of  
8 ~~employment, employment or volunteer status.~~ No later than 10 days from the date of the termination of a Certified  
9 Euthanasia Technician’s employment ~~or volunteer status~~ **at that from a** certified facility the Certified Euthanasia  
10 Technician shall ~~notify complete a form notifying~~ the Animal Welfare Section of the termination of ~~employment,~~  
11 ~~employment or volunteer status and shall return the form and the Certificate to the Animal Welfare Section.~~

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0415 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0415 NOTICE OF TERMINATION**

4 A certified facility shall notify the Animal Welfare Section **of the termination of any Certified Euthanasia Technician**  
5 **within 10 days of the termination. Said notice shall be in writing and mailed to Animal Welfare Section; 1030 Mail**  
6 **Service Center; Raleigh, NC 27699 or emailed to agr.aws@ncagr.gov in writing, no later than 10 days from the date**  
7 **of the termination of a Certified Euthanasia Technician's employment or volunteer status at that certified facility.**

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0416 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0416      RECERTIFICATION/REINSTATEMENT**

4 ~~(a) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility before~~  
5 ~~the expiration of his or her certification, the former Certified Euthanasia Technician or employer may request~~  
6 ~~reinstatement of his/her the certification from the Animal Welfare Section.~~ **Section ('AWS'). The AWS shall reinstate**  
7 **the Certified Euthanasia Technician if a review of the request shows that the initial certification has not expired and**  
8 **there are not active AWS investigations or suspension or revocation actions pending or active against the certification.**

9 The reinstated Certification shall be good for five years from the date of its initial issue.

10 ~~(b) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility after~~  
11 ~~the expiration of his certification, the former Certified Euthanasia Technician may only euthanize animals under the~~  
12 ~~direct supervision of a licensed veterinarian or currently certified euthanasia technician for three months or until he/she~~  
13 ~~passes practical examination whichever is less. The former Certified Euthanasia Technician and the manager of the~~  
14 ~~certified facility shall each notify the Animal Welfare Section within 10 days of the date the former Certified~~  
15 ~~Euthanasia Technician is employed or accepted as a volunteer.~~ ~~The Certified Euthanasia Technician **may** not~~  
16 ~~euthanize animals until the certification has been reinstated by the Animal Welfare Section.~~

17

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

19 *Eff. March 23, 2009;*

20 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0417 is readopted with changes as published in 36:12 NCR 1015 as follows:

2  
3 **02 NCAC 52J .0417 CERTIFICATION RENEWAL**

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

- 5 (1) within the 12 months immediately preceding the application for certification renewal the Certified  
6 Euthanasia Technician has taken and passed a practical examination ~~for each method of euthanasia~~  
7 ~~for which they are seeking certification renewal; in current [EBI] Euthanasia by Injection~~  
8 ~~[techniques]; ('EBI') techniques pursuant to 02 NCAC 52J .0407;~~  
9 (2) the applicant attends a euthanasia re-certification course which reviews the current standards and  
10 guidelines on EBI; receives up to date information about the method of euthanasia for which the  
11 applicant is seeking certification; [the current standards and guidelines on EBI]; and  
12 (3) the applicant receives training in stress management; attends a training about stress management.

13 (b) The applicant shall submit an application for certification renewal to the Animal Welfare Section. The application  
14 shall be on a form created by the Animal Welfare Section ~~can be obtained by calling the Animal Welfare Section~~  
15 ('AWS') office at (919) 707-3280 and shall include a document from an approved Certified Euthanasia Technician  
16 trainer establishing that the applicant has passed a practical examination in the ~~specific euthanasia techniques for~~  
17 ~~which he or she is seeking certification; techniques of EBI.~~

18 (c) The contents of the application shall include the following:

- 19 (1) the name, phone number, email address, and mailing address for the applicant;  
20 (2) the name, registration number, and address of the shelter employing the applicant;  
21 (3) a checkbox to be filled in if the applicant has been convicted of a criminal offense as defined in the  
22 02 NCAC 52J .0401(6); and  
23 (4) a notarized signature of the applicant.

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

1 02 NCAC 52J .0418 is readopted with changes as published in 36:12 NCR 1015-1016 as follows:

2  
3 **02 NCAC 52J .0418 DUTIES**

4 A Certified Euthanasia Technician ~~may~~ shall:

5 (1) Prepare animals for euthanasia; ~~euthanasia, including~~ euthanasia;

6 ~~(2)~~ ~~scanning~~ Scan for a ~~microchip and documentation~~ microchip. Document ~~of~~ the absence of a  
7 microchip. ~~or of reasonable but unsuccessful~~ attempts to reach the owners associated with a  
8 microchip present in an ~~animal~~ animal, or ~~of~~ the emergency circumstances which precluded such  
9 attempts;

10 ~~(2)(3)~~ ~~Record~~ Record the facility's identification number of the animal, its species, sex, breed  
11 description and date, dosages and route of administration for drugs that are administered for sedation  
12 and euthanasia and amounts for drugs wasted;

13 ~~(3)(4)~~ Order euthanasia supplies;

14 ~~(4)(5)~~ Maintain the security of all controlled substances and other drugs in accordance with applicable  
15 stateState and federal laws and regulations;

16 ~~(5)~~ ~~Directly supervise probationary Euthanasia Technicians;~~

17 ~~(6)(5)(6)~~ Report to the appropriate government agencies violations or suspicions of a violation of the rules in  
18 this Subchapter or any abuse of drugs;

19 ~~(7)(6)(7)~~ Euthanize ~~animals;~~ animals in accordance with the rules of this Section; and

20 ~~(8)(7)(8)~~ Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers,  
21 instruments and equipment used in the administration of drugs in accordance with all applicable  
22 federal, stateState and local laws and regulations; ~~and regulations.~~

23 ~~(9)(8)~~ ~~Notify the Animal Welfare Section as required in this Section upon leaving employment or~~  
24 ~~volunteer status at a covered~~ at a certified facility.

25  
26 *History Note: Authority G.S. 19A-24;*

27 *Eff. March 23, 2009;*

28 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0419 is readopted with changes as published in 36:12 NCR 1016 as follows:

**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, or place on probation, impose other forms of discipline, discipline upon any Certified Euthanasia Technician for any of the following reasons: and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician; Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. Abuse/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; or substances by using them for any use other than it's intended use as prescribed by the America 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; Subchapter;
- (4) Allowing uncertified individuals to euthanize animals;
- ~~(5) Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;~~
- ~~(6)~~(5) Fraud, misrepresentation, or deception in obtaining certification;
- ~~(7)~~(6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes; means to knowingly engage in conduct of a character likely to deceive or defraud the public. [public and/or the Animal Welfare Section;] Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical [Association] Association, [and/or] the Humane Society of the United States or the American Humane Association [and the rules of this Section;] intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician [and/or failing to provide requested information or the provision of inaccurate or misleading information during an investigation or inspection by the Animal Welfare Section;]

1 (a) engaging in conduct of a character likely to deceive or defraud the public or the Animal Welfare  
2 Section;

3 (b) working in conjunction with any organization or person illegally practicing as a Certified  
4 Euthanasia Technician;

5 (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any  
6 animal;

7 (d) euthanizing animals in a manner that endangers the health or welfare of the public;

8 (e) ignorance, incompetence or inefficiency in the euthanizing of animals;

9 (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for  
10 which the individual is not certified;

11 (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia  
12 Technician; or

13 (h) failing to provide requested information or the provision of inaccurate or misleading information  
14 during an investigation or inspection by the Animal Welfare Section;

15 ~~(8)(7)~~ Conviction of any criminal [offense as described in this Section;] Conviction of a criminal offense;

16 ~~(9)(8)~~ Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the  
17 rules in this Subchapter and/or entering of inaccurate or misleading information into the records of  
18 a certified facility;

19 ~~(10)(9)~~ Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper  
20 security and storage for euthanasia and restraint drugs as established under applicable United States  
21 Drug Enforcement Administration and North Carolina Department of Health and Human Services  
22 statutes and rules;

23 ~~(11)(10)~~ Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the  
24 containers, instruments and equipment in a manner permitted by this Subchapter;

25 ~~(12)(11)~~ Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia  
26 and restraint chemical agents;

27 ~~(13)(12)~~ Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a license,  
28 certificate or registration or any other disciplinary action by another state or United States  
29 jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is  
30 licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or  
31 jurisdiction on grounds other than nonpayment of the renewal fee; and

32 ~~(14)(13)~~ Failure of any applicant or certificate holder to cooperate with the North Carolina Department of  
33 Agriculture and Consumer Services during any investigation or inspection.

34  
35 *History Note:* Authority G.S. 19A-24;

36 *Eff. March 23, 2009;*

37 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0501 is readopted with changes as published in 36:12 NCR 1016 -1017 as follows:

2  
3 **SECTION .0500 – EUTHANASIA BY INJECTION**

4  
5 **02 NCAC 52J .0501 INTRACARDIAC INJECTION**

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

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

8 (1) due to injury or other medical condition, the animal is unconscious, or the animal has been rendered  
9 unconscious by administration of a general anesthetic;

10 (2) due to medical condition of the animal and/or size of the animal, intravenous or intraperitoneal  
11 administration is not practical or humane;

12 (3) the absence of a pain response has been verified prior to the administration of the intracardiac injection  
13 and this verification is documented in the animal's record; and

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

16  
17 *History Note: Authority G.S. 19A-24;*  
18 *Eff. March 23, 2009;*  
19 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0701 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3

**SECTION .0700 - EXTRAORDINARY CIRCUMSTANCES**

4

5 **02 NCAC 52J .0701 ~~METHODS OF EUTHANASIA PERMITTED~~ UNDER EXTRAORDINARY**  
6 **CIRCUMSTANCES ~~AND SITUATIONS~~**

7 For purposes of this Section, an extraordinary circumstance ~~or situation includes a situation which~~ is one in which an  
8 animal is offsite from ~~the shelter, in which an animal poses~~ a shelter and is an immediate risk to animal, human  
9 animals, or public ~~health and in which no alternative,~~ health, or in which it would be inhumane to transport the animal,  
10 and no less extreme measure of euthanasia is feasible. It also includes circumstances or situations in which it would  
11 be inhumane to transport an animal to another location to perform euthanasia.

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0702 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

4 Under extraordinary circumstances ~~and situations which occur offsite from the shelter,~~ a shelter employee adequately  
5 trained in the euthanasia method for that species may use gunshot or other extreme method of euthanasia as set forth  
6 in the American Veterinary Medical Association Association, and/or Humane Society of the United States ~~or~~  
7 ~~American Humane Association Guidelines~~ incorporated by reference in 02 NCAC 52J .0401.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0703 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0703 METHODS AND STANDARDS**

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

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0704 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0704      **TECHNICIAN NOT REQUIRED****

4 If an extraordinary circumstance ~~or situation~~ occurs and euthanasia is necessary, the ~~person~~ shelter employee  
5 performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified ~~facility~~ facility so long  
6 as the shelter employee is adequately trained in the euthanasia method for that species that was used ~~in the~~  
7 ~~situation.~~ during the extraordinary circumstances.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0705 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0705       REPORTS**

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

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0801 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3

**SECTION .0800 – POLICY AND PROCEDURE MANUAL**

4

**02 NCAC 52J .0801 MANUAL REQUIRED**

6 Any ~~animal shelter~~ certified facility performing euthanasia shall have a current policy and procedure manual about  
7 euthanasia.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0802 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0802 CONTENTS**

4 The policy and procedure manual shall set forth the shelter's equipment, process, ~~and the procedures for individual~~  
5 ~~separation of animals.~~ and documentation requirements for the euthanasia of [animals.] animals pursuant to G.S. 19A  
6 32.1(b)(2) and (g)(ii) and 02 NCAC 52J .0101(4); .0418(1) and (2); and .0501.

7

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

9 *Eff. March 23, 2009;*

10 *Readopted Eff. September 1, 2022.*



02 NCAC 52J .0803 is readopted with changes as published in 36:12 NCR 1017-1018 as follows:

**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 ~~2000 Report of the American Veterinary Medical Association Panel on Euthanasia~~ most recent AVMA 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 ~~current~~ copy of the most recent Euthanasia Training Reference Manual of the Humane Society of the United States;
- ~~(4) A copy of the publication on euthanasia by the American Humane Association;~~
- ~~(5)~~(4) A list of methods of euthanasia allowed at the shelter and the policy and procedures for each method; A copy of the facility's policies and/or procedures for euthanasia by injection;
- ~~(6)~~(5) A list of Certified Euthanasia Technicians-Technicians, the methods of euthanasia in which they have received training; and the date of training certification;
- ~~(7)~~(6) The name, address and contact information for the veterinarian responsible for the Annual Program of Veterinary Care;written program of veterinary care as described in 02 NCAC 52J .0210(a);
- ~~(8)~~(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;
- ~~(9)~~(8) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- ~~(10)~~(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 supplier of materials. It shall include:suppliers of:
  - ~~(a)~~ Bottled gas (if applicable);
  - ~~(b)~~ Manufacturer of the chamber used to euthanize animals by inhalant gas (if applicable);
  - ~~(c)~~(a) Injectable euthanasia solution;
  - ~~(d)~~(b) Tranquilizer, sedation, or and anesthetic solution medications;
- (13) Original of U.S. Drug Enforcement Administration certification permitting the use of controlled substances;

- 1 (14) ~~A material safety data sheet for any chemical or gas used for euthanasia in that shelter.~~Original of  
2 the [NC]North Carolina Health and Human Services certificate permitting the storage and use of  
3 controlled substances;
- 4 (15) ~~A material~~Material safety data sheets ~~sheet~~ for ~~any~~all chemical, anesthetic, or tranquilizing,  
5 tranquilizing, sedation and euthanasia medications used in that facility;
- 6 (16) ~~Notice of~~Information detailing the signs and symptoms associated with human exposure to the  
7 agents used for euthanasia at the facility;
- 8 (17) Information detailing First Aid for people accidentally exposed to the agents used for euthanasia at  
9 the facility; and
- 10 (18) Contact information of the physician or medical facility providing medical treatment to employees  
11 of the facility. The information shall include the name of the medical facility, the telephone number  
12 for both working and after-hours contact and directions to the medical facility from the certified  
13 facility including a map. If the medical facility does not provide service after-hours, on weekends  
14 or on holidays, there must be contact information as described in this item for the nearest medical  
15 facility, urgent care clinic or emergency room that does provide care during that time.

16  
17 *History Note:* Authority G.S. 19A-24;  
18 Eff. March 23, 2009;  
19 Readopted Eff. September 1, 2022.

1 02 NCAC 52J .0901 is readopted without changes as published in 36:12 NCR 1018 as follows:

2

3

**SECTION .0900 – ANIMAL SHELTER SUPPORT FUND**

4 **02 NCAC 52J .0901 ELIGIBLE EXPENSES**

5 Eligible expenses include:

6 (1) Veterinary costs – Reimbursement may be requested for veterinary expenditures incurred for the  
7 assessment, diagnostic and triage evaluation, medical treatment, minor surgical treatment,  
8 medications, first aid and minor medical supplies, vaccinations, parasite control/treatment, or  
9 euthanasia of animals housed at the shelter at the time of the event or impounded during the interim  
10 or transition period.

11 (2) Sanitation costs – Reimbursement may be requested for expenditures related to sanitation of the  
12 affected shelter, including detergent/disinfectant supplies, cleaning supplies, labor costs for the  
13 sanitation of the shelter, and waste and carcass disposal costs.

14 (3) Animal sustenance and supplies – Reimbursement may be requested for expenditures for animal  
15 food, provision of water to the shelter, and food and water bowls or buckets, as well as labor costs  
16 for the feeding and watering of the shelter animals.

17 (4) Temporary housing and sheltering of animals – Reimbursement may be requested for expenditures  
18 for animal cages and kennels, animal transport carriers, fencing panels for runs, tarps, fencing, dog  
19 or cat houses and other construction supplies, as well as labor costs or equipment or facility leasing  
20 expenses incurred during the construction or repair of temporary animal housing.

21

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

1 02 NCAC 52J .0902 is readopted without changes as published in 36:12 NCR 1018 as follows:

2

3 **02 NCAC 52J .0902 APPLICATION GUIDELINES**

4 (a) A local government applying for reimbursement from the Fund shall submit the request for reimbursement to the  
5 Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services.

6 (b) The request shall:

7 (1) be received by AWS by mail, email, or fax within 60 days of the date the eligible expense was  
8 incurred;

9 (2) include a completed "Animal Shelter Support Fund Reimbursement Application" with the county  
10 name, tier of county, facility name, facility license number, and contact information. This  
11 application can be found on the AWS website (<http://www.ncagr.gov/vet/AWS/>);

12 (3) include an itemized listing of eligible expenses for which reimbursement is sought;

13 (4) include proof that matching funds have been provided; and

14 (5) include proof of payment of the eligible expense. If the payment of expense occurs after the  
15 application was submitted, proof of payment shall be submitted to AWS within 30 days of payment  
16 of the expense.

17

18 *History Note: Authority G.S. 19A-67; 19A-68;*

19 *Temporary Adoption Eff. November 29, 2016;*

20 *Temporary Adoption Expired Eff. September 11, 2017;*

21 *Eff. November 1, 2017;*

22 *Readopted Eff. September 1, 2022.*

## Burgos, Alexander N

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**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J  
**Attachments:** Request for Changes Template NC Bd of Ag. 02 NCAC 52J part 1 final.docx; Request for Changes Template NC Bd of Ag. 02 NCAC 52J part 2 final.docx; Request for Changes Template NC Bd of Ag. 02 NCAC 52J part 3 final.docx; 02 NCAC 52J .0209.docx; 02 NCAC 52J .0210.docx; 02 NCAC 52J .0301.docx; 02 NCAC 52J .0302.docx; 02 NCAC 52J .0303.docx; 02 NCAC 52J .0304.docx; 02 NCAC 52J .0401.docx; 02 NCAC 52J .0402.docx; 02 NCAC 52J .0403.docx; 02 NCAC 52J .0404.docx; 02 NCAC 52J .0405.docx; 02 NCAC 52J .0406.docx; 02 NCAC 52J .0407.docx; 02 NCAC 52J .0408.docx; 02 NCAC 52J .0409.docx; 02 NCAC 52J .0410.docx; 02 NCAC 52J .0411.docx; 02 NCAC 52J .0412.docx; 02 NCAC 52J .0413.docx; 02 NCAC 52J .0414.docx; 02 NCAC 52J .0415.docx; 02 NCAC 52J .0416.docx; 02 NCAC 52J .0417.docx; 02 NCAC 52J .0418.docx; 02 NCAC 52J .0419.docx; 02 NCAC 52J .0501.docx; 02 NCAC 52J .0701.docx; 02 NCAC 52J .0702.docx; 02 NCAC 52J .0703.docx; 02 NCAC 52J .0704.docx; 02 NCAC 52J .0705.docx; 02 NCAC 52J .0801.docx; 02 NCAC 52J .0802.docx; 02 NCAC 52J .0803.docx; 02 NCAC 52J .0901.docx; 02 NCAC 52J .0902.docx; 02 NCAC 52J .0101.docx; 02 NCAC 52J .0102.docx; 02 NCAC 52J .0103.docx; 02 NCAC 52J .0104.docx; 02 NCAC 52J .0105.docx; 02 NCAC 52J .0201.docx; 02 NCAC 52J .0202.docx; 02 NCAC 52J .0203.docx; 02 NCAC 52J .0204.docx; 02 NCAC 52J .0205.docx; 02 NCAC 52J .0206.docx; 02 NCAC 52J .0207.docx; 02 NCAC 52J .0208.docx

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Thursday, August 11, 2022 12:15 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon Mr. Peaslee,

Attached please see the final language for the 02 NCAC 52J rules as well as the response document requested.

Please let me know if anything additional is needed, or if you have any questions before the meeting next week. Myself, Dr. Patricia Norris and Chris McLennan will plan to attend the meeting next week in-person.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0101 Records; Animal Shelters, Etc.

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(4), Page 1, Line 16: Consider a comma after "adopted". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Line 27-31: Consider whether the addition of commas would bring clarity. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 2, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0102 Records; Boarding Kennels

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(3), Page 1, Line 12: Consider replacing the comma between “frequency” and “duration” with the word “and”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(5), Page 1, Line 19: Change “must” to “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Line 22: Change “must” to “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0103 Inspection of Records

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 9: Does not the last sentence repeat G.S. 19A-31.1(g) and therefore is “not reasonably necessary”? **The agency would like to leave the language as proposed, given: G.S. 19A-32.1(j) specifies certain records in (1) – (3), but then leaves it open for other information required by rules adopted by the Board of Agriculture in (4). The last sentence in .0103 clarifies that all records required by the AWA or this Subchapter are required to be held for 3 years by animal shelters after the disposition of the animal. This rule clarifies which records G.S. 19A-32.1(j)(4) includes and simplifies record keeping for the shelter. This language is to clarify any perceived discrepancy in the record retention requirements of animal shelters for all the records required by the AWA or this Subchapter.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022



AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0104 Definitions

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(20), Page 2, Line 11: This line should read, "(20) "Special provisions" means ..."*  
***Changes accepted and completed by the agency, reflected in the final rule language.***

*(23), Page 2, Line 25: "Subchapter" should be capitalized as it refers to a specific subchapter.*  
***Changes accepted and completed by the agency, reflected in the final rule language.***

*(24), Page 2, Line 27: Is there a difference between being licensed by a state and being licensed by the state Board of Veterinary Medicine? Ought not the licensee be in "good standing" and not the license?*  
***Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 2, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0105 Licenses and Registrations

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 4: Change "must" to "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(2), Page 1, Line 8: Acronyms should be spelled out during first usage. Consider changing "AWS" to "Animal Welfare Section" ("AWS"). **Changes accepted and completed by the agency, reflected in the final rule language.***

*(2), Page 1, Line 8: Is there a time within which applications are due? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(3), Page 1, Line 11: Any information which the facility is required to provide on the "Change Form" must be adopted pursuant to Article 2A of Chapter150B. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(4), Page 1, Line 14: Any information which the facility is required to provide on the "application forms" which "may change yearly" must be adopted pursuant to Article 2A of Chapter150B. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0201 General

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Note: The Submission for Permanent Rule misstates the Rule name. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 8: Does compliance with NC Building Code make the outlets "safe"? If it does not, consider what standard make the outlet "safe"? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(c), Page 1, Line 11: Consider defining "reliable and safe" as the AWA does not address electric power. Perhaps "adequate" electrical power as the word adequate is defined 02 NCAC 52J .0104? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d)(1), Page 1, Line 19: There is an additional space between "separately" and "from". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 1, Line 23: Provisions shall be made by whom? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 1, Line 24: Add the word "the" between "assure" and "facility". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(g), Page 1, Line 28: Place a period after "temperature" and capitalize "A". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(h), Page 1, Line 30 & 32: Does the agency mean a five-foot "tall" perimeter fence? **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

(j), Page 1, Line 36: Add “(“NCDA&CS”)” after “Service” as this acronym is used later in the Rule. **Changes accepted and completed by the agency, reflected in the final rule language.**

(k), Page 1, Line 37: Why is this necessary? What ownership beyond that which is covered in the AWA is the agency addressing? The agency would like to leave the language as proposed, given: G.S. 19A-24(a)(1) sets forth the authority to “[e]stablish standards for the care of animal at” regulated facilities (emphasis added). G.S. 19A-24(a)(4) also authorizes rules to implement the AWA.

Practical experience with enforcement of the AWA rules has shown that it is a common compliance avoidance tactic for a facility owner or staff to justify violation of a rule by claiming that a particular animal is a personal dog/cat and therefore claiming they should not be held responsible for their inadequate supervision ratios, lack of water, etc. A facility’s ability to claim an animal is a personal animal in order to avoid responsibility for violations of the AWA frustrates enforcement efforts and undermines the purposes of the AWA. This ability to avoid responsibility jeopardizes the health and wellbeing of all animals in regulated facilities by allowing unsafe conditions and introducing the potential for undocumented and uncontrolled disease. Additionally, it allows facilities to intermingle animals for which they have no documentation with other animals, making it difficult if not impossible for owners to find lost/stolen pets. All these consequences of allowing animals allegedly owned by a third-party to be exempt from the AWA while at a regulated facility are directly contrary to the purposes of the AWA stated in G.S. 19A-21. Therefore, this rule is necessary for effective enforcement of the AWA.

(l), Page 2, Line 1: Why is this necessary? Do they not already have to comply with the laws, rules, and regulations? The agency would like to leave the language as proposed, given: This rule is necessary to avoid conflict with other regulatory and government agencies in the enforcement of the AWA rules. For example, we currently have a situation in which a municipality is upset that a boarding kennel license was issued and then the town decided that the facility was violating one of their ordinances. The town is extremely upset and claiming that the state is undermining their authority. Our response to the kennel is that, due to this rule, they need to resolve the situation with the town and notify us that they are now in compliance.

Furthermore, issuing a license to a facility that is violating the law creates a public perception of legitimacy in an otherwise unlawful business. This hurts both the agency’s reputation and perception, but also the agency’s ability to cooperate and collaborate with other regulatory agencies. Additionally, this provision assists in addressing other regulations that affect the health and well-being of animals in regulated facilities (such as the Controlled Substances Act and other medical waste provisions related

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

to euthanasia). Therefore, this provision is both necessary and authorized by the authority set forth in G.S. 19A-24.

*(m), Page 2, Line 3: What does the agency mean by “cooperate fully”? This is unclear and ambiguous. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(m), Page 2, Line 4: What is a “review”? Is that different than an inspection or investigation? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(n), Page 2, Line 5-6: The terms “interfere with”, “abuse”, and “harass” are ambiguous. By “threaten” does the agency mean pursuant to G.S. 14-277.1? **The agency would like to leave the language as proposed, given:** This rule is necessary for the protection of our field staff and in keeping with the State requirements for workplace safety and provision of a harassment-free and non-hostile work environment.*

Harassment is defined consistent with G.S. 14-277.3A(b)(2) as “knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voicemail messages or transmissions, and 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.” Communicating a “threat” is also defined consistent with G.S. 14-277.1. Verbal harassment is considered any conscious and repeated attempt to humiliate, demean, insult, or criticize someone with words. G.S. 14-225.2 and 14-226.3 likewise address harassment of jurors and neighborhood crime watch programs.

The term “interfere with” is consistent with the provisions for delaying or obstructing a public officer in attempting to discharge their official duties as set forth in G.S. 14-223. These provisions have consistently been interpreted to indicate something more than merely criticizing or disagreeing with this public officer is necessary, the person must do something more so as to actively prevent them from being able to perform their legally authorized tasks.

Experience has shown that protection of AWS Inspectors is necessary in order to prevent abuse and harassment. While the criminal statutes referenced above address this in other context, they may not always cover AWS personnel attempting to perform their official duties. In these situations, AWS personnel would be forced to attempt to perform inspections under hostile circumstance. This rule would give AWS the ability to hold a facility accountable should they engage in this type of abuse and harassment. Therefore, this rule has well-defined standards that can be

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

**consistently enforced and applied and is absolutely necessary to the implementation and enforcement of the AWA as authorized by G.S. 19A-24(4).**

*(n), Page 2, Line 6: Capitalize “state” if referring to North Carolina only. Strike “such” in between “while” and “inspectors”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(s), Page 2, Line 17: The preferred use is “G.S.” **Changes accepted and completed by the agency, reflected in the final rule language.***

*(t), Page 2, Line 23: The preferred use is “G.S.” **Changes accepted and completed by the agency, reflected in the final rule language.***

*History Note, Page 2, Line 30: Ought not G.S. 19A-30(3) be cited as an authority? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0202 Indoor Facilities

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a)(1), Page 1, Lines 5-10: As “adequate” is defined in 02 NCAC 52J .0104, would the following not negate the need for (a)(1)-(3)? “The ambient temperature pursuant to G.S. 19A-23(3) in indoor facilities for dogs and cats shall be adequate a defined in Rule .0104 for all animals.” Alternatively, if you prescribe (b) and (c), do you need (a)? Otherwise “special” in line 8 should be lower case. **The agency would like to leave the language as proposed, given: The temperature limits need to remain in the rule as this temperature range is adequate for the vast majority of animals; the temperatures are objective parameters that are specific, clear and easy for regulated facilities to monitor; as this temperature range is easily monitored, adjustments can be made as the facility is approaching either end of the spectrum so that they can remain in compliance and the animals’ welfare not be impacted; as these parameters can be quickly checked by AWS staff, compliance regulation is clear-cut; without this range, harm to an animal would have to be observed before AWS could intervene in a regulatory manner. Additionally, (a)(1)-(3) are necessary in order to allow for special circumstances requiring an animal to have an alternative temperature range due to an animal’s inability to properly regulate its body temperature within the otherwise acceptable range. This language provides a clear standard for regulated entities and more specifically states what AWS expects them to do with regards to ambient temperatures.***

*(c), Page 1, Line 20: What is the difference between “adequate” and “sufficient”? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e)(1), Page 1, Line 26: Why is the agency striking the term “a suitable method of drainage” which is defined in Rule 104(10) and replacing it with the arguably ambiguous term “drainage”? **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

*(e)(3), Page 1, Line 30: As “sufficient” is undefined, consider using “adequate” which is defined. **Changes accepted and completed by the agency, reflected in the final rule language.***

*History Note, Page 1, Line 34: Ought not G.S. 19A-30(3) be cited as an authority? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0203 Outdoor Facilities

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Lines 5: Did the agency intend to remove "in"? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(1), Page 1, Line 7: What is the difference between "flooring" and "groundcover"? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(2), Page 1, Line 8: "may" should be "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(2), Page 1, Line 9: Sanitary is an undefined term. Consider using "an adequate manner" as "adequate" is defined, or perhaps "adequately maintained". Or would a reference to Rule 207 be appropriate? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b)(3), Page 1, Line 15: Consider "so long as it is adequately maintained,..." **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b)(4), Page 1, Line 17: "may" should be "shall". Consider comma after "dirt". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b)(4), Page 1, Line 18: Consider inserting "properly" before "cleaned" as the term "properly cleaned" is a defined term in Rule 104 (18). Sanitary is an undefined term. Consider using "an adequate manner" as "adequate" is defined, or perhaps "adequately maintained". Or would a reference to Rule 207 be appropriate? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b)(4), Page 1, Line 19: Consider comma after "management". **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

(c), Page 1, Lines 21-22: As (a) and (b) prescribe what can be used for “flooring or ground cover”, why is (c) necessary? **The agency would like to leave the language as proposed, with some modifications reflected in the submitted language, given:** Practical experience in enforcement of AWA rules show that the language in this rule would assist facilities in making appropriate decisions concerning their options for flooring/ground covering before they make large financial investment into purchasing flooring/ground covering of new or modified enclosures. AWS believes it necessary to specifically list some materials that facilities frequently attempt to utilize for their floor and ground covers. This gives the facilities the best chance to avoid spending time and money on these materials prior to realizing that they will not be approved. However, the rule has been modified to indicate that this list is not exclusive and to clarify that “other non-approved materials” are likewise prohibited.

(d)(1), Page 1, Line 26: Consider striking “easily”. **Changes accepted and completed by the agency, reflected in the final rule language.**

(d)(3), Page 1, Line 31: “Must” should be “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.**

(d)(3), Page 1, Line 34: What is “sufficient”? Is that the same as “adequate”? **Changes accepted and completed by the agency, reflected in the final rule language.**

(d)(3), Page 1, Line 36: “May not” should be “shall not”. **Changes accepted and completed by the agency, reflected in the final rule language.**

(d)(5), Page 2, Line 1: Is (d)(5) necessary as this appears to be covered in (e)? **Changes accepted and completed by the agency, reflected in the final rule language.**

(e), Page 2, Line 3: Consider “Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun.” **The agency would like to leave the language as proposed, given:** The agency accepted the suggestion above and made the first sentence: “Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun.” The agency believes the remaining language in (e) is necessary to forestall the argument from the facility that there was adequate protection for an animal when there is insufficient protection for all of the animals at one time. Leaving the first sentence without the remaining language could lead to an argument from the facility in the situation AWS encounters that an outdoor area had shade adequate for 2-3 animals in the outdoor area, but 30+ animals are present. Including the last two sentences makes it clearer that all animals are to be provided protection at the same time and that an animal that would be harmed in the outdoor area shall not be placed there.

(e), Page 2, Line 5: “May not” should be “shall not”. **Changes accepted and completed by the agency, reflected in the final rule language.**

*(f), Page 2, Line 6: Consider “properly cleaned”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(h), Page 2, Line 10: Why is the agency striking the term “a suitable method of drainage” which is defined in Rule 104(10) and replacing it with the arguably ambiguous term “drainage”? Further, as the term “a suitable method of drainage” is used only twice in Subchapter 52J (Rules 202 and 203), why maintain a definition of the term in Rule 104 if the agency isn’t going to use the term? Rather than use “rapidly” consider “adequately”. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0204 Primary Enclosures

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Line 6: Add "Rule" before .0203, and capitalize "Section". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 9: Change "must" to "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d), Page 1, Line 13: "Easily" is subjective and ambiguous. Consider striking. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 1, Line 15-16: This Subsection is subjective and ambiguous. Can the amount of room necessary be determined? Ex. X number of yards per animal in the exercise area. **The agency would like to leave the language as proposed, given: Given the infinite number of variables that affect whether an area is adequate for exercise, there is no justifiable amount of room or square footage that can be dictated in this situation. Whether a square footage is adequate or not would also depend on: the size, age, life stage, personality, medical condition, breed and species of the animal; the complexity of the space; the environmental enrichment available in that space; the human and same-species interaction available in that space just to list a few. There is no local, state, national or industry standard or guideline on which to base a formulaic equation for the size of an exercise area as so much will depend on the animals confined within its space. Therefore, by the nature of the subject of this rule, "adequate" as defined in Rule .0104(2) is the best standard that can be provided for this rule.***

*(f), Page 1, Line 17: Consider adding "high" after "five feet". **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

*(h), Page 1, Line 19-20: Can the amount of space be quantified? **The agency would like to leave the language as proposed, given:** Given the large variation in body size and type of animals confined in primary enclosures and exercise areas, to dictate a specific size and shape of a solid resting surface would be problematic and make this rule unnecessarily complicated. As written there must be enough solid resting surfaces to hold all of the animals at one time. As written, AWS believes this rule to be concise, clear and effective. Practical experience in enforcing this rule has not shown the lack of a specific square footage requirement in the rule to be problematic.*

*(i), Page 1, Line 29: “May not” should be “shall not”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(p)(1)-(4), Page 2, Lines 12-21: Is a semicolon or period the correct punctuation? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(p)(2), Page 2, Line 14: Change “may” to “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(p)(3), Page 2, Line 16: Change “may” to “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0205 Feeding

DEADLINE FOR RECEIPT: **June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a) & (b), Page 1, Lines 4 and 9: *It appears that the agency exceeds its authority by making this rule applicable to all dogs and cats. Consider limiting it to dogs and cats "as items of commerce" pursuant to G.S. 19A-21 or subject to the Animal Welfare Act. **The agency would like to leave the language as proposed, given: The AWA only addresses dogs and cats in regulated facilities and those transferred to/from regulated facilities. G.S. 19A-24 specifies that the standards of the AWA are for regulated facilities. Throughout all the rules, it is clear that the rules only apply to animals within regulated facilities. There is nothing in Rule .0205 that expands the rule to all dogs and cats. There is nothing in this rule that indicates that AWS is attempting to exceed its authority by arbitrarily including all dogs and cats. G.S. 150B-19 prohibits the agency from adopting any rule that governs dogs or cats outside of the agency's jurisdiction, thus the rules and the agency recognizes that any attempt to regulate all dogs and cats would be invalid, as the agency only regulates dogs and cats subject to the AWA.***

(g), Page 1, Line 28: *Change "must" to "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

(g), Page 1, Line 29: *If it does not conflict with the agency's intention, consider "...to ensure that each animal receives adequate feed." "Adequate feed" is a defined term. See G.S. 19A-23 (1). **Changes accepted and completed by the agency, reflected in the final rule language.***

(i), Page 1, Line 31: *Did the agency mean "within 24 hours"? Change "must" to "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

*(j), Page 1, Line 32: Change “must” to “shall”. Changes accepted and completed by the agency, reflected in the final rule language.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 2, 2022



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0207 Sanitation

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Line 6: Change “must” to “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 9: It appears the word “in” is missing. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d)(3), Page 1, Line 21: Should this read “Primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall...” **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d)(3)(B), Page 1, Line 28: Consider replacing “correct” with “adequate”. **The agency would like to leave the language as proposed, given: This was put forth as a “Consider” which was explained by the Rule attorney as a suggestion not necessarily an objection. In this case, since the rule is discussing dilution of concentrated chemicals, the more accurate terminology is “correct” instead of adequate. Concentrated chemicals are labeled with the correct dilution to achieve the correct concentration for the most effective use of the product. Maximum effectiveness is the goal here not just “adequate.”***

*(d)(3)(B), Page 1, Line 31: Should “chemical” be plural? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d)(8), Page 2, Lines 7-9: Consider “Fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust, and biological material.” **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022



(e), Page 2, Lines10-14: *This appears overly broad to include areas to which the applicable animals would not have access. Accordingly, the agency would lack authority in those areas. **The agency would like to leave the language as proposed, given: Animals do have access to these areas in numerous facilities through walking trails or other areas that animals are not housed in but do have access to as they are walked to and from enclosures and exercise areas. Additionally, even if the animals do not have direct access to these areas, they play a significant role in the sanitation and overall well-being of the facility. Vermin, such as snakes, rats and mice do not confine themselves to certain areas. Having the surrounding areas of the facility and premises overgrown, cluttered, filled with trash and debris does increase the risk of the vermin and disease contact with the animals. Furthermore, these conditions make establishing a pest-control program as otherwise required less-effective. Therefore, this rule directly addresses conditions that affect the health and well-being of animal in regulated facilities.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0208 Employees

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: It does not appear that the agency has the authority nor is the Rule reasonably necessary pursuant to G.S. 150B-21.9. **The agency would like to leave the language as proposed, given: The specific changes below may address most of this general objection. The comment was made that word “husbandry” was ambiguous. Husbandry was defined in Rule .0104(10) as “the practice of daily care administered to animals.” As a practical manner in the enforcement of the AWA rules, AWS commonly will find that in a facility with multiple violations, a facility may employ 1-2 people yet have 100+ animals to care for. While the facility may fault the failure of these employees to adequately care for the animals, the root cause of the violations of the rules is lack of adequate staffing. Within the authority to establish standards for the care of animals in regulated facilities as set forth in G.S. 19A-24(a)(1) is the ability to require that a facility have an adequate number of staff to care for the animals in their possession. This directly furthers the AWA’s stated purpose “to insure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use” as stated in G.S. 19A-21(iii).***

*Page 1, Line 4: “Sufficient” and “sufficiently” are subjective and undefined. Accordingly, the Rule is unclear and ambiguous. **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Lines 5-8: The agency’s intention is unclear. Does the agency intend that while husbandry is being practiced by an employee that a supervisor who has acknowledged that they have read and understood Subchapter 52J and the AWA must be present? What does the agency mean by “supervise”? Who is a “supervisor” or “caretaker”? Is it anyone who has acknowledged they have read and understood Subchapter 52J and the AWA? **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0209 Classification and Separation

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 4: "And/or" should just be "or". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(4), Page 1, Lines 18-21: Is there a minimum amount of human social interaction? The agency would like to leave the language as proposed, given: There is no set minimum level of human interaction. There is no local, state, national or industry standard or guideline on which to base an objective minimum time or amount of human social interaction. Puppies and kittens less than 6 months of age are in their "socialization period" and need interactions with humans in order to integrate well with humans during the rest of their lives. Given the infinite number of variables that may affect the effectiveness of human social interaction, there is no justifiable minimum amount of time or type of interaction that can be dictated in this situation at this time. Whether a type of human interaction and the minimum time that would be adequate depends on such things as: the size, age, personality, medical condition, breed and species of the animal; the amount of prior human interaction the animal has had; the complexity of the interaction; and the environmental enrichment available during that interaction just to name a few. However, this rule, in conjuncture with .0209(7) still provides significant benefit in that it forces regulated entities to document the social interactions and enrichment of these animals. This forces these entities to consider and note their efforts towards providing this interaction. Additionally, this standard easily allows AWS to identify facilities that are failing to give any consideration to their animal's need for human social interaction.*

*(5), Page 1, Line 22: What about exercise areas, etc.? **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

(7), Page 1, Line 33: *Is there a minimum amount of human or same species social interaction? **The agency would like to leave the language as proposed, with modification to include the previously defined term ‘adequate,’ given:** There is no set minimum level of human interaction. There is no local, state, national or industry standard or guideline on which to base an objective minimum time or amount of human or same species social interaction. Dogs and cats, in general, are social creatures. (Aggressive or non-socialized animals are the exception.) They typically benefit from interactions with humans and other animals of their species. Given the infinite number of variables that may affect the effectiveness of human and same species social interaction, there is no justifiable minimum amount of time or type of interaction that can be dictated in this situation. Whether a type of human interaction and the minimum time that would be adequate depends on such things as: the size, age, life stage, personality, medical condition, breed and species of the animal; the amount of prior human and same species interaction the animal has had; the complexity of the interaction; and the environmental enrichment available during that interaction just to name a few. The rule’s current language attempts to require these vital interactions without imposing an arbitrary or overly burdensome requirement on regulated businesses.*

(7)(a), Page 2, Line 1: *Does the type or duration need to be documented? **The agency would like to leave the language as proposed, given:** The type and duration is not required to be documented because type and duration are only two of the parameters for an effective socialization interaction, it would be arbitrary to require documentation of these two parameters.*

(8), Page 2, Line 12: *Spell out Animal Welfare Section unless the acronym has been previously established in the Rule. Consider replacing “and in” with “for”. **Changes accepted and completed by the agency, reflected in the final rule language.***

Page 1, Line 4: *“Sufficient” and “sufficiently” are subjective and undefined. Accordingly, the Rule is unclear and ambiguous. **Changes accepted and completed by the agency, reflected in the final rule language.***

Page 1, Lines 5-8: *The agency’s intention is unclear. Does the agency intend that while husbandry is being practiced by an employee that a supervisor who has acknowledged that they have read and understood Subchapter 52J and the AWA must be present? What does the agency mean by “supervise”? Who is a “supervisor” or “caretaker”? Is it anyone who has acknowledged they have read and understood Subchapter 52J and the AWA? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 2, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0210 Veterinary Care

**DEADLINE FOR RECEIPT: June 6, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Line 5: Consider placing a comma between “animals” and “and”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(2), Page 1, Line 13: Spell out Animal Welfare Section unless the acronym has been established in the Rule. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(3), Page 1, Line 14: Does pointing out that the failure to follow the PVC is a violation imply that the failure to follow other Rules is not a violation? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 18: Consider a more descriptive term that “disease problem”. Does the documentation of consultation need to be filed anywhere or just held by the facility? For how long must the facility keep the record? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d), Page 1, Line 24: Are facilities required to designate “the animal caretaker in charge”? “His” should be made gender neutral. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 1, Line 30: Consider “Facilities certified to perform euthanasia pursuant to Rule \_\_\_\_\_, shall maintain a list of personnel approved by \_\_\_\_\_ to perform euthanasia. The list shall be part of the Policy and Procedure Manual prescribed by 02 NCAC 52J .0800.” **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

(h), Page 2, Line 2: *If it does not alter the agency's intention, consider "This subsection shall not apply to any dog or cat known to be less than 12 weeks old or animals which have been in the facility less than 15 days." Otherwise, what does "disapproved" mean? Is this a denial of licensure? **Changes accepted and completed by the agency, reflected in the final rule language.***

(i)(6), Page 2, Line 19: *As currently written "the facility shall" does not meet grammatically with (6). **Changes accepted and completed by the agency, reflected in the final rule language.***

(j), Page 2, Line 21: *Did the agency mean "boarding kennel" facilities as defined in G.S. 19A-23(5c)? Does the word "medication" mean all medications or just those that calm an animal? **Changes accepted and completed by the agency, reflected in the final rule language.***

(j), Page 2, Line 23: *Does the agency intend that there are three prerequisites or are these alternatives? As written in the context of the Rule, it appears that the agency would require the direction of a veterinarian along with a written prescription by that veterinarian and then only with the consent of the animal's owner. What is the difference between direction and a prescription? Or did the agency intend it to be under the direction of a veterinarian or a prescription by a veterinarian? **Changes accepted and completed by the agency, reflected in the final rule language.***

(j), Page 2, Line 27: *If a written prescription is required, would the written prescription need to be part of the documentation retained? This does not appear to be covered by Rule 102. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 2, 2022

**Request for Changes Pursuant to  
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

**Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;; and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: Generally, to all rules submitted

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

*Does the agency have a Rule that limits the applicability of its rules? G.S. 19A-24 limits the authority of the agency to animals in certain categories. For example, Rule 205 (a) & (b), Page 1, Lines 4 and 9: It appears that the agency exceeds its authority by making this rule applicable to all dogs and cats. Consider limiting it to dogs and cats "as items of commerce" pursuant to G.S. 19A-21 or subject to the Animal Welfare Act. Rule 201(a) is another example.*

*It appears that the term "regulation" as used in the proposed rules refers to a "Rule" within the North Carolina Administrative Code. A "regulation" is a federal level rule. Please review the proposed rules to determine whether the agency means a rule under the NCAC, or a federal regulation.*

*The agency uses the term "and/or" in many of the proposed rules. This term is frowned upon. In most cases the word "or" is proper to convey the thought of "one, or the other, or any of them." If emphasis is needed, use such terms as "any of the following," "all of the following," "either of the following," and "or both."*

*The agency should review all of its rules and consider the inclusion of more Oxford Commas also known as the serial comma. Ex. "Cider, real ales, meat and vegetable pies, and sandwiches" is different than "Cider, real ales, meat pies, vegetable pies, and sandwiches".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0301 Vehicles.

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: What is the agency's authority to regulate the transportation of all dogs and cats, including those privately owned? **The agency would like to leave the language as proposed, given: The AWA only addresses dogs and cats in regulated facilities and those transferred to/from regulated facilities. G.S. 19A-24 specifies that the standards of the AWA are for regulated facilities. Throughout all the rules, it is clear that the rules only apply to animals within regulated facilities. There is nothing in Rule .0301 that expands the rule to all dogs and cats. There is nothing in this rule that indicates that AWS is attempting to exceed its authority by arbitrarily including all dogs and cats. G.S. 150B-19 prohibits the agency from adopting any rule that governs dogs or cats outside of the agency's jurisdiction, thus the rules and the agency recognizes that any attempt to regulate all dogs and cats would be invalid, as the agency only regulates dogs and cats subject to the AWA.***

*(a), Page 1, Line 6: What does "mechanically sound" mean? Is this the same as passing the vehicle inspection required by the NCDOT DMV? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(c), Page 1, Line 10-12: Compare the language here to that of Rule 302(f). Consider whether 302(f) has more succinct language. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0302 Primary Enclosures in Transporting Dogs and Cats.

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Line 6: "Insure" should be "ensure". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(1), Page 1 Line 8: Define or delete "sufficient" or use "adequate" which is a defined term. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(4), Page 1, Line 12: Is "holding area" different than the primary enclosure used during transport? Consider "The temperature in any area of a vehicle holding an animal shall be maintain..." **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(4), Page 1, Line 13: What is a "shelter"? Is it the same as the holding area or primary enclosure? Or does the agency mean "animal shelter" pursuant to G.S. 19A-23(5) and thus limiting the applicability of this sentence? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(4), Page 1, Lines 13-15: As written, (4) states that if a "shelter" is equipped with operable temperature control mechanisms, the "shelter" will be deemed in compliance without regard to whether the temperature control mechanisms are being utilized. Is that what the agency intended? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(d), Page 1, Line 23: Define or delete "sufficient" or use "adequate" which is a defined term. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0303 Food and Water Requirements.

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: The structure of this Rule is confusing and appears repetitive. The agency should consider re-writing the Rule for clarity and succinctness. **Changes accepted and completed by the agency, reflected in the final rule language.***

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

*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. During this one-hour period dogs and cats shall be continuously provided a supply of potable water. **Changes accepted and completed by the agency, reflected in the final rule language.***

*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 6 hours of any time during transportation. **Changes accepted and completed by the agency, reflected in the final rule language.***

*The primary enclosure used for transportation of cats shall be equipped with a litter box and properly clean litter. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0304 Care in Transit.

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Line 4: Define "frequently enough". Consider "adequately" or set a time period. E.g., Six hours. Consider "ensure" rather than "assure". Consider "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." **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 6: Consider "greater than six hours" to be consistent with other rules. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 8-9: Strike "but not limited to". Strike "and/or" and replace with "and". Who keeps the documentation? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .401 Adoption by Reference

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(1), (2), and (3), Page 1, Lines 10-15: These lines appear to be informational and unnecessary pursuant to G.S. 150B-21.9(3). **The agency would like to leave the language as proposed, given: As this information is adopted by reference and is required to be in the euthanasia manual of a facility, it is important that this information be readily available and easily located. The agency believes that the inclusion of this information helps the regulated public better understand what is required of them and to access information to assist in their understanding of the rules. Additionally, it helps to clarify exactly which version of these guidelines they are expected to comply with. Therefore, it is important to include this in the rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .402 Authorized Persons

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 4-6: By "only a Certified Euthanasia Technician", does the agency mean pursuant to Rule 403(1) or pursuant to Rule 412 as there appears to be a difference. **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 5: Consider adding a comma after "Carolina". **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 5: What is a "certified animal shelter"? Certified pursuant to what? Is the agency intention to make this only applicable to animal shelters? **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 6: Where are the standards and procedures for being certified in various methods of euthanasia? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .403 Definitions

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE:*** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Why does the agency have two definition rules (104 and 403) that are each equally applicable to Subchapter 52J? Or did the agency intend "as used in this Section" on Line 4? **The agency would like to leave the language as proposed, given:** The authority to regulate animal euthanasia was added later to the AWA and this is why there are definitions in 2 areas. The potential benefit of combining the definition sections is noted and being reviewed for the next set of rule revisions.*

*In (1) And (2), Page 1, Lines 5-9: As written, a Certified Euthanasia Technician (CET) is an individual who has received "instruction" and is employed by "certified facility" so long as that facility employs at least one person who is likewise an individual who has received "instruction" and is employed by "certified facility". There is no reference to Rule 410 or 412. Is that what the agency intended? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(3), Page 1, Lines 10-12: What criteria will the AWS use to grant this permission to become an "approved CET trainer"? Are there any Rules concerning this process? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(5), Page 1, Line 16: Add "Certified" before "Euthanasia Technician". Is this pursuant to Rule 412? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Lines 19-24: Consider reorganizing Rule for clarity. Consider a reference to G.S. 19A-24(b)(7). Please explain the agency's authority to exceed the language of G.S. 19A-24(b)(7). **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

*(7), Page 1, Line 25: Add parentheses before “Euthanasia” and after “(EBI)”. “Approved” by whom? Pursuant to what? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .404 Certification Requirements for Euthanasia  
Technicians

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Line 4: Change "must" to "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b) Page 1, Line 6: With regard to the "application", is there a rule regarding the required information an applicant must provide? Please see G.S. 150B-2(8a)(d). **Changes accepted and completed by the agency, reflected in the final rule language.***

*(c) Page 1, Line 9: What criteria is being used by the AWS to in its decision to award a certification? What factors are considered? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .405 Certification Standards

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 5: If the agency intended for any convicted felon to be ineligible, there needs to be a comma after "offense". As written, the felony offense would have to be involving animal abuse for the applicant to be ineligible. **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 6: "and in compliance with this Section" appears to be misplaced. Consider making it a separate sentence. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .406 Application Requirements

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(1), Page 1, Line 5: With regard to the “form”, is there a rule regarding the required information an applicant must provide? Please see G.S. 150B-2(8a)(d). **Changes accepted and completed by the agency, reflected in the final rule language.***

*(2), Page 1, Line 7: The Rule refers to an “approved course”. What course? Is this pursuant to Rule 407? Approved by whom? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(2), Page 1, Lines 9-11: What kind of documentation? How is this different than Lines 6-9? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0407 Training and Examinations

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Lines 5-8: Consider simply enumerating the training and examinations and making the competency (e.g., 80%) a different paragraph. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 12: With regard to the “processes”, please see G.S. 150B-21.6. Is there a citation to the direct the reader where the processes can be found? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b)(4), Page 1, Line 20: Is there a specific reference to the Federal Code? **The agency would like to leave the language as proposed, given: As there are multiple Federal Codes such as the Controlled Substance Act, Biohazard and Sharps disposal etc., the agency would like to leave this language as proposed in order to avoid creating a potentially non-exhaustive list that could appear to exempt a facility from an applicable federal provision.***

*(b)(6), Page 1, Line 22: With regard to “EBI”, anacronyms should be spelled out when first used in a rule. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(c), Page 1, Line 37: What does “that will be used by the trainer” mean? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(c), Page 2, Line 3: Change “must” to “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(c), Page 2, Line 4: Does the agency mean a version of the written classroom examination? **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

*(d), Page 2, Line 6-7: Is passage 80 percent, correct? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 2, Line 8: Here you could use “EBI” if you have previously stated “Euthanasia by Injection (“EBI)” **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 2, Lines 8-31: Is this for the practical exam or both? If both, does the 80 percent passage rate demonstrate competency or is this in addition to the 80 percent passage rate? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .408 Trainers

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), Page 1, Lines 4: As written items (1)-(4) are equally applicable to the AWS. Did the agency intend to place a comma after "Section"? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(1), Page 1, Line 6: How is the evaluated? Is this accomplished by being a Certified Euthanasia Technician ("CET")? Does a CET trainer have to be an CET? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(2), Page 1, Line 7: Euthanasia as defined by G.S. 19A-23 or lawful experience in North Carolina? Either or? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(3), Page 1, Line 8: How does someone become a CET trainer if they have to have experience as a CET trainer prior to becoming a CET trainer? By experience from another state? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b), Page 1, Line 11: With regard to the "guidelines", please see G.S. 150B-21.6. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(e), Page 1, Line 18: What is required to obtain approval? Documentation evidencing (a)(1)-(4)? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .411 New Application

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 7: Consider "deny" rather than "cancel". **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 8: The agency should decide between "and" and "or". Does the agency intend four failed exams? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .412 Issuance of Certification

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 4: What "materials"? Does this include a passing examination grade?*  
***The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0412 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .413 Length of Certification

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

***Page 1, Line 4: What "materials"? Does this include a passing examination grade?  
Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .414 Termination of Employment

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 4: What is "termination"? Is that being fired? What about an CET that leaves on facility to join another certified facility voluntarily? If the facility goes out of business, have its CETs been terminated? **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 4: By the very definition of Certified Euthanasia Technician pursuant to Rule 403, once a CET is no longer employed at a "certified facility" he or she ceases to be a CET. **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 5: Consider "...until recertified by the Animal Welfare Section pursuant to 02 NCAC 52J .0416." **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Lines 7-9: "at that certified facility" is confusing. Consider "from a certified facility, ...". **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0415 Notice of Termination

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: Consider combining this with Rule .0414. ***The agency would like to leave the language as proposed, given: With the input of the Rules attorney, the agency has elected to combine Rule .0415 with Rule .0414, making Rule .0415 now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed.***

***Page 1, Line 5: What is "termination"? Is that being fired? What about an CET that leaves on facility to join another certified facility voluntarily? If the facility goes out of business, have its CETs been terminated? Changes accepted and completed by the agency, reflected in the final rule language as incorporated into .0414.***

***Page 1, Line 4-5: Consider, "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 \_\_\_\_\_." Changes accepted and completed by the agency, reflected in the final rule language as incorporated into .0414.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0416 Recertification

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Rule .0414, Line 5 uses the term "recertified". In this Rule, Line 6 uses terms "reinstatement" and "reinstatement". The agency should be consistent with its terminology to avoid ambiguity. A name change of this rule may be appropriate. **Changes accepted and completed by the agency, reflected in the final rule language.***

*What criteria will the Animal Welfare Action use in determining reinstatement? **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Lines 13: "may" should be "shall". **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0417 Certification Renewal

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a)(1), Page 1, Line 7: Unless "EBI" is contained in a definition, consider replacing "EBI" with "Euthanasia by Injection ("EBI")" when the acronym is used the first time in a Rule. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(1), Page 1, Line 7: Consider adding "pursuant to 02 NCAC 52J .407;" **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(2), Page 1, Lines 8 and 9: This sentence is vague and ambiguous. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(a)(3), Page 1, Line 10: What kind of stress management training? How will the agency determine the sufficiency of the training? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(b)(3), Page 1, Line 12: Any information which the applicant is required to provide on a "form" must be prescribed by a rule. Please see G.S. 150B-2(8a)(d.) **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0418 Duties

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(1), Page 1, Line 7: Are there other prescribed procedures to “prepare animals”? **The agency would like to leave the language as proposed, given: There are multiple procedures to prepare an animal for euthanasia as set forth in the Guidelines and Manuals adopted in Rule .0401. The reason for specifying this procedure is that it is the last chance to find a microchip and possibly reunite an animal with its owner. Because of this importance, it was deemed essential to be included in the rule.***

*(1), Page 1, Line 8: This line is vague. What steps would the agency consider “reasonable” steps” to contact the owner? Is there a statute, rule, or standard that requires technicians to try to contact the owner? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(2), Page 1, Line 11: To what “identification number” is the agency referring? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(4), Page 1, Line 16: “State” should be capitalized if referring to North Carolina exclusively. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(5), Page 1, Line 18-19: Consider specifying which government agencies. **The agency would like to leave the language as proposed, given: As there are multiple government agencies, the agency would like to leave this language as proposed in order to avoid creating a potentially non-exhaustive list that could appear to exempt a facility from an applicable federal provision.***

*(7), Page 1, Line 23: State” should be capitalized if referring to North Carolina exclusively. **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022

*(8), Page 1, Lines 24-25: Isn't this already required by Rules .0414 and .0415? If so, consider deleting. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 7, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0419 Grounds for Discipline – Certified Euthanasia Technicians

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Lines 6: Consider adding “upon” after discipline? Is enter into consent agreements and negotiated settlements” necessary? Does not the agency have that authority without this language? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(1), Page 1, Line 9: Is the agency referring to the duties prescribed in Rule .0418? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(2), Page 1, Lines 10-14: This is vague. Would this include a technician who gets a DUI? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Lines 20-33: This is wordy. Consider re-writing to be more concise, clear, and unambiguous. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Line 21: Is the “conduct” of any kind or related to certification? **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Line 22: “Agency” implies the government. Consider using another term or terms. **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Lines 25-28: “Gross ignorance, incompetence (,) or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by...” Is the agency referring to those prescribed by Rule .0401? **Changes accepted and completed by the agency, reflected in the final rule language.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 7, 2022



(6), Page 1, Line 32: What is the agency's authority to conduct an "inspection"? *The agency would like to leave the language as proposed, given:* The ability to conduct inspections is paramount to the purposes of the AWA under G.S. 19A-21(iv) in order "to ensure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment." Additionally, the Board has authority to adopt rules to implement the AWA under G.S. 19A-24(a)(4). The authority to inspect is supported by the right of access specifically granted to AWS for the purposes of conducting investigations into alleged violations of the AWA under G.S. 19A-25.

(7), Page 12, Line 7: "Conviction of a criminal offense" is a defined term. Therefore "as described in this Section" is unnecessary. ***Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

**Request for Changes Pursuant to  
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

**Note the following general instructions:**

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;; and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: Generally, to all rules submitted

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

*Does the agency have a Rule that limits the applicability of its rules? G.S. 19A-24 limits the authority of the agency to animals in certain categories. For example, Rule 205 (a) & (b), Page 1, Lines 4 and 9: It appears that the agency exceeds its authority by making this rule applicable to all dogs and cats. Consider limiting it to dogs and cats "as items of commerce" pursuant to G.S. 19A-21 or subject to the Animal Welfare Act. Rule 201(a) is another example.*

*It appears that the term "regulation" as used in the proposed rules refers to a "Rule" within the North Carolina Administrative Code. A "regulation" is a federal level rule. Please review the proposed rules to determine whether the agency means a rule under the NCAC, or a federal regulation.*

*The agency uses the term "and/or" in many of the proposed rules. This term is frowned upon. In most cases the word "or" is proper to convey the thought of "one, or the other, or any of them." If emphasis is needed, use such terms as "any of the following," "all of the following," "either of the following," and "or both."*

*The agency should review all of its rules and consider the inclusion of more Oxford Commas also known as the serial comma. Ex. "Cider, real ales, meat and vegetable pies, and sandwiches" is different than "Cider, real ales, meat pies, vegetable pies, and sandwiches".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0501 Intracardiac Injection.

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Is intracardiac injection approved by either the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association? If not, how does the agency have authority? See G.S. 19A-24(a)(5). **The agency would like to leave the language as proposed, given: Intracardiac injection is approved by the AVMA and the HSUS, therefore AWS has the authority to impose these rules on this procedure. G.S. 19A-24(a)(5) specifies that the process for euthanasia can be established by “the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations” and this rule is a use of that authority.***

*Page 1, Line 8: “May should be “shall”. **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0701 Methods of Euthanasia Permitted Under Extraordinary Circumstances.

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Are “extraordinary circumstances” approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association? If not, how does the agency have authority? See G.S. 19A-24(a)(5). **The agency would like to leave the language as proposed, given: Euthanasia under extraordinary circumstances is addressed by the AVMA Euthanasia Guidelines and the HSUS Euthanasia Reference Manual, therefore AWS has the authority to impose these rules on this procedure. G.S. 19A-24(a)(5) specifies that the process for euthanasia can be established by “the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations” and this rule is a use of that authority.***

*The Rule uses examples of extraordinary circumstances without defining the term. Consider: 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. **Changes accepted and completed by the agency, reflected in the final rule language.***

*The agency may want to consider a new name to the Rule as it does not offer “methods”. **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 7: Is there a difference in this context between a circumstance and a situation? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0702 Gunshot or Other Methods

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 5: If “which is offsite from the shelter” is in Rule .0701, is “which occur offsite from a shelter” necessary? **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 5: What kind of training is necessary? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0704 Technician Not Required

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 6: What kind of training does the agency intend? What criteria for determining whether an employee has been trained will the agency employ? Can an employee who has not been trained in any methods of euthanasia but has been trained in firearms shoot the animal in an extraordinary circumstance? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0705 Reports

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 6: Consider striking "final". **Changes accepted and completed by the agency, reflected in the final rule language.***

*Page 1, Line 7: Consider "authorized" rather than "permitted". **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 8, 2022



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0802 Contents

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 5: What does the agency intend by the term "documentation requirements"? Is the documentation require by a Rule? **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0803 Additional Contents

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(2), Page 1, Line 8: Spell out "AVMA". **Changes accepted and completed by the agency, reflected in the final rule language.***

*(6), Page 1, Line 17: "Annual Program of Veterinary Care" should not be capitalized. Add "pursuant to 02 NCAC 52J .0210." **Changes accepted and completed by the agency, reflected in the final rule language.***

*(12), Page 1, Line 29: Consider "The name and contact information of the suppliers of:" **Changes accepted and completed by the agency, reflected in the final rule language.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0901 Eligible Expenses

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Page 1, Line 5: Consider "The following are expenses are eligible for reimbursement from the Animal Shelter Support Fund:" **The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0901 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.***

*(1), Page 1, Line 9: What is the "event"? Consider: following an event described in G.S. 19A-67(b). **The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0901 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.***

*(4), Page 1, Line 15: What is the agency's authority to include the listed items, including "construction supplies" and "equipment or facility leasing" without limit when G.S. 19A-68(a) prohibits "capital expenditures for facilities and equipment"? **The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0901 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 8, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0902 Application Guidelines

**DEADLINE FOR RECEIPT: June 10, 2022**

***PLEASE NOTE:*** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Consider changing the Rule title from "Guidelines" to "Requirements". A guideline is not a requirement. If it is not required, it probably doesn't belong in a Rule. The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0902 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.*

*Is there a time limit by which applications must be filed? The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0902 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.*

*What criteria will the agency consider in making a determination of the local government's request? The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0902 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.*

*(b)(1), Page 1, Lines 7-8: As the agency does not appear to have a "contact Rule" to which a reference can be made, the mailing address, email address, and fax number should be included in the Rule. The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0902 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.*

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 8, 2022

(b)(2), Page 1, Line 9: Any substantive information which the agency requires on the application must be contained in a rule. See G.S. 150B-2(8a)(d). Does (2) though (5) include all the information required? The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0902 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.

The agency would like to leave the language as proposed, given: As discussed with the input of the Rules attorney, Rule .0902 is now unnecessary. Therefore, the agency has communicated its intent to repeal this Rule in the future as it is no longer needed and does not require changes.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

02 NCAC 52J .0101 is readopted with changes as published in 36:12 NCR 1001-1002 as follows:

**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~~, breed or breed type, and color markings;
- (3) location of ~~animal~~ 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~~ traded, transferred, or adopted 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, ~~or~~ and cause of death if identified; if euthanized, the record shall show date and type of euthanasia; ~~and~~
- (5) record of veterinary care including medications, treatments, procedures, and immunization immunizations, ~~and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.~~ 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.*

1 02 NCAC 52J .0102 is readopted with changes as published in 36:12 NCR 1002-1003 as follows:

2  
3 **02 NCAC 52J .0102 RECORDS; BOARDING KENNELS**

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

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

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

1 02 NCAC 52J .0103 is readopted with changes as published in 36:12 NCR 1103 as follows:

2

3 **02 NCAC 52J .0103 INSPECTION OF RECORDS**

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

11

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



1 02 NCAC 52J .0104 is readopted with changes as published in 36:12 NCR 1003-1004 as follows:

2  
3 **02 NCAC 52J .0104 DEFINITIONS**

4 As used in this Subchapter:

- 5 (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas,  
6 or objects to which an animal may have access, including, but not limited to toys, blankets, food and  
7 water utensils, and bedding.
- 8 (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or  
9 health. Adequate veterinary care means provision of veterinary care sufficient to address the relief  
10 of pain and/or suffering experienced by the animal and sufficient to address the medical condition.
- 11 ~~(3)~~ "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
- 12 ~~(3)(4)~~ "Cage" means a primary enclosure which is enclosed on all sides ~~and also on~~ including the top and  
13 bottom.
- 14 ~~(5)~~ "Compatible group" means all animals in the group comingle peacefully without the  
15 presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the  
16 group.
- 17 ~~(6)~~ "Common area(s)" means areas of the facility in which multiple animals may have access  
18 such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and  
19 exercise areas, and other such similar areas.
- 20 ~~(7)~~ "Disposition" means the adoption, death, euthanasia, release, sale, trade, or transfer from a  
21 facility.
- 22 ~~(8)~~ "Enrichment" means providing objects or activities, appropriate to the needs of the species  
23 as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's  
24 well-being.
- 25 ~~(9)~~ Exercise area means an enclosed space in which an animal(s) is confined, and which is large  
26 enough for species-appropriate activity such as walking, running, climbing, jumping,  
27 socialization and/or play to occur.
- 28 ~~(4)(10)~~ "Husbandry" means the practice of daily care administered to animals.
- 29 ~~(11)~~ "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be  
30 thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run  
31 off or can be removed without being absorbed into the surface material.
- 32 ~~(12)~~ "Infirm" means not physically or mentally strong, especially through age or illness.
- 33 ~~(5)(13)~~ "Isolation" means the ~~setting apart of an animal from all other animals, food, and equipment in the~~  
34 ~~facility for the sole purpose of preventing the spread of disease.~~ separation, for the period of  
35 communicability, of infected animals from others in such place and under such conditions to prevent  
36 the direct or indirect transmission of the infectious agent from those infected to those that are  
37 susceptible or that may spread the agent to others.

- 1           (14) “Isolation area” means a location where animals infected with disease may be placed to contain,  
2                           control, and limit the spread of the disease.
- 3           (6)(15) "License period" means July 1 through June 30.
- 4           (7)(16) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- 5           (17) “Potable” means suitable for drinking.
- 6           (18) “Properly cleaned” means the removal of carcasses, debris, food waste, excrement, urine, dirty or  
7                           soiled accessories and ~~or~~ other organic material with adequate frequency.
- 8           (19) “Social interaction” means friendly physical contact or play between animals of the same species or  
9                           with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is  
10                          not considered social interaction.
- 11          (20) ~~[Special provisions—]~~ “Special provisions” means additional procedures, protocols, and/or  
12                          equipment used when caring for, housing and/or transporting animals with special needs. Examples  
13                          of animals with “special needs” include but are not limited to brachycephalic breeds, very young or  
14                          old animals, animals with a medical condition, infirm animals, and/or animals that are compromised  
15                          or debilitated.
- 16          (10)(21) "Suitable method of drainage" means drainage that allows for the elimination of water and waste  
17                          products, prevents contamination of animals, allows animals to remain dry, and complies with  
18                          applicable building codes and local ordinances.
- 19          (11)(22) "Supervision ~~of animals~~" means at least one person (at least 16 years of age) present, at all times,  
20                          able to constantly, directly view all animals within the entirety of each enclosure or ~~common~~  
21                          exercise area.
- 22          (23) “Surgical procedure” for the purposes of this Subchapter 52J means any invasive procedure  
23                          performed on an animal to include but not be limited to: procedures to spay or neuter, any procedure  
24                          that invades a body cavity and/or requires suturing or repairing of tissues; and/or any treatment of  
25                          injuries or disorders of the body by incision, manipulation or alteration of organs or tissues with the  
26                          hands or with instruments. For the purposes of this [subchapter,] Subchapter, insertion of a microchip  
27                          is not considered to be a surgical procedure.
- 28          (24) “Veterinarian” means a veterinarian who is currently licensed by North Carolina and/or an adjacent  
29                          state. The license must be valid [and be in good standing with the respective state Board of  
30                          Veterinary Medicine,] with the appropriate state regulatory agency.

31

32 *History Note: Authority G.S. 19A-24;*  
33 *Eff. January 1, 2005;*  
34 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0105 is adopted with changes as published in 36:12 NCR 1004 as follows:

2  
3 **02 NCAC 52J .0105 LICENSES AND REGISTRATIONS**

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

6 (1) Licenses and registrations are not transferable.

7 (2) In the event of a change of ownership or management of a regulated facility, the facility shall notify the  
8 director of [AWS] the Animal Welfare Section ('AWS') in writing within 10 days of the change. Submission  
9 of a new license or registration application and a facility inspection is required within 10 days. A facility  
10 inspection by the AWS is required in the event of such a change.

11 (3) In the event of a change of name, address, phone, email, or point of contact for the facility, the facility  
12 shall notify the director by the Change Form located on the AWS website or other written documentation  
13 within 10 days of change.

14 (4) Renewal applications for license or registration renewal shall be submitted yearly to the AWS office  
15 between April 1st and June 15th. Current application forms are located on the AWS website ~~and may change~~  
16 yearly. at <https://www.ncagr.gov/vet/aws>. The contents of the applications shall include the following:

17 (a) the name, physical address, phone number, email address and mailing address for the  
18 facility;

19 (b) the name, address, phone number, and email address for the owner of the facility;

20 (c) the hours and days the facility is open to the public;

21 (d) the cleaning hours of the facility;

22 (e) the number of enclosures and the maximum number of animals on site;

23 (f) the description of the facility's program of veterinary care ('PVC') including the  
24 disinfection protocols; vaccination protocols including rabies vaccination; the isolation of  
25 ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine,  
26 emergency and after hours veterinary care;

27 (g) animal shelters shall have the PVC reviewed by a licensed veterinarian as described in 02  
28 NCAC 52J .0210(a) and the application for the animal shelter registration shall contain the  
29 veterinarian's signature and contact information;

30 (h) statement of presence of an emergency disaster plan for the facility; and,

31 (i) statement of agreement by the owner or authorized agent of the accuracy of the information  
32 contained in the application; of the willingness to comply with the rules of this Subchapter  
33 and to cooperate with the Animal Welfare Section inspections and investigations;  
34 acknowledgement of authority to execute the application; and agreement to notify the AWS  
35 of any significant change in the operation of the facility.

36  
37 *History Note: Authority G.S. 19A-24;*

Eff. September 1, 2022.

1 02 NCAC 52J .0201 is readopted with changes as published in 36:12 NCR 1004-1005 as follows:

2  
3 **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

4  
5 **02 NCAC 52J .0201 GENERAL**

6 (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals  
7 from injury, contain the animals and restrict the entrance of other animals and people.

8 (b) All light fixtures and electrical outlets in animal areas shall be [safe and] in compliance with the State Building  
9 Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such  
10 a way that animals do not have access to them.

11 (c) Facilities shall have reliable and safe adequate electric power as necessary to comply with the Animal Welfare Act.

12 (d) ~~Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation~~  
13 ~~or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids.~~  
14 ~~Refrigeration shall be provided for supplies of perishable food. Storage of food and bedding:~~

15 (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such  
16 supplies against infestation or contamination by vermin and insects;

17 (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

18 (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;

19 (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately  
20 from soiled laundry and materials; and stored separately from general housing areas for animals; and

21 (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored  
22 in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.

23 (e) ~~The facility shall provide~~ Provisions shall be made for the daily removal and disposal of animal and food waste,  
24 soiled bedding and debris from the ~~housing~~ facility in accordance with local ordinances, to assure the facility will be  
25 maintained in a clean and sanitary manner.

26 (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided  
27 to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

28 (g) Each facility shall have the ability to confirm ambient ~~temperature.~~ temperature, a temperature. A functional room  
29 thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

30 (h) A separate five-foot tall perimeter fence is required if any ~~animals~~ animal(s) has or have unsupervised access to  
31 an outdoor primary enclosure, common area, and/or including unsupervised exercise areas. Supervision of animals is  
32 required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot  
33 tall perimeter fence.

34 (i) An adequate drainage system must be provided for the ~~housing~~ facility.

35 (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and  
36 Consumer Services ('NCDA&CS') employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday  
37 through Friday).

1 (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

2 (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or  
3 affecting the welfare of dogs and cats in its facility.

4 (m) A licensee or registrant and all agents of the facility shall cooperate ~~fully and truthfully~~ and be truthful with  
5 NCDA&CS employees during all phases of ~~inspection or investigations.~~ ~~inspections, reviews and/or investigations.~~

6 (n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may ~~interfere~~  
7 ~~with, threaten, abuse (including verbally abuse), or harass~~ ~~abuse, harass, delay or obstruct~~ any inspector, or ~~state~~ State  
8 official, while ~~such~~ inspectors or officials are ~~carrying out their duties.~~ ~~attempting to discharge their official duties.~~

9 ~~(m)~~(o) No dog or cat shall be in a window display except during business hours and then only in compliance with  
10 standards set forth in this Section.

11 (p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences,  
12 as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific  
13 written consent of the owner of that animal.

14 (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a  
15 means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

16 (r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or  
17 evacuation of animals in the event of a natural or manmade disaster.

18 (s) For the purposes of ~~NCCGS~~ G.S. ~~[§]~~ 19A-23(5a), written standards for an “approved foster care provider” shall  
19 include but not be limited to: the application process; sanitation protocols; provision of daily observation of the  
20 animals; feeding and watering protocols; provision and documentation of veterinary care; provision and  
21 documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals  
22 in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC  
23 Animal Welfare Act and its rules issued pursuant thereto.

24 (t) For the purposes of ~~NCCGS~~ G.S. 19A-23(5b), written standards for an “approved rescue organization” shall include  
25 but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals;  
26 feeding and watering protocols; provision and documentation of veterinary care of the shelter’s animals; provision  
27 and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the  
28 shelter’s animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the  
29 rescue with the North Carolina ~~NC~~ Animal Welfare Act and ~~it~~ its rules issued pursuant thereto.

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

1 02 NCAC 52J .0202 is readopted with changes as published in 36:12 NCR 1005-1006 as follows:

2  
3 **02 NCAC 52J .0202 INDOOR FACILITIES**

4 (a) Heating and cooling of indoor facilities:

5 (1) ~~indoor housing~~ facilities for dogs and cats shall be adequately heated and cooled ~~when necessary to~~  
6 protect the dogs and cats from cold and ~~excessive~~ heat and provide for their health and ~~comfort.~~ comfort;

7 (2) the ambient temperature shall not be allowed to fall below 50 degrees F. or exceed 85 degrees ~~F. F. and~~

8 (3) ~~[Special]~~ special provisions shall be provided to any animal that cannot maintain its normal body  
9 temperature. These special provisions shall be sufficient for the animal to maintain its normal body  
10 temperature and shall be documented in the animal's record.

11 (b) Ventilation of indoor facilities:

12 (1) ~~Indoor~~ indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health  
13 and comfort of the animals at all ~~times.~~ times; ~~The~~ the facilities shall be provided with fresh air either by  
14 means of windows, doors, vents and/or air conditioning and shall be ventilated so as to minimize ~~drafts.~~  
15 drafts;

16 (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of  
17 debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow;  
18 and

19 (3) ~~Air~~ air flow shall be adequate ~~[adequate sufficient]~~ to minimize odors and moisture condensation.

20 (c) Indoor housing facilities for dogs and cats shall have ~~adequate~~ sufficient illumination to permit routine inspections,  
21 maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide  
22 regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.

23 (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and  
24 maintained so that they are impervious to moisture and can be readily sanitized.

25 (e) Drainage of indoor housing facility:

26 (1) ~~[A suitable method of drainage drainage]~~ a suitable method of drainage shall be provided to rapidly  
27 eliminate excess water from an indoor housing ~~facility.~~ facility;

28 (2) ~~If~~ if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and  
29 backup of ~~sewage.~~ sewage; and

30 (3) ~~The~~ the drainage system shall be constructed with barriers [sufficient] adequate to ~~prevent~~ protect the  
31 animals from cross-contamination ~~among animals with urine and fecal material from animals housed in~~  
32 adjacent and/or nearby enclosures and/or exercise areas.

33  
34 *History Note: Authority G.S. 19A-24; G.S. 19A-30(3);*

35 *Eff. April 1, 1984;*

36 *Amended Eff. January 1, 2005;*

37 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0203 is readopted with changes as published in 36:12 NCR 1106 as follows:

### 02 NCAC 52J .0203 OUTDOOR FACILITIES

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

(1) shall ~~have flooring or groundcover~~ be constructed of sealed concrete or other surfaces impervious to moisture. ~~moisture; and/or~~ have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;

(2) may ~~use Gravel~~ gravel may be used for groundcover so long as it is ~~if~~ maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .0207 of this Subchapter. ~~kept in a sanitary manner.~~

(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 maintained~~ so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with [Section] 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 ~~clean~~ properly cleaned and ~~sanitary.~~ sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, ~~management~~ 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.

~~(b)(d)~~ Dogs and cats ~~kept in outdoors~~ outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather.

(1) ~~Housing~~ housing shall be constructed of material which is impervious to moisture and which can be ~~disinfected.~~ cleaned and ~~easily~~ sanitized in accordance with [Section]; 02 NCAC 52J .0207;

(2) ~~One one~~ house shall be available for each animal within each primary enclosure. ~~enclosure except for a mother and its unweaned offspring.~~ 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 [shall] 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;



1 (4) special provisions shall be provided to any animal that cannot maintain its normal body temperature when  
2 housed outside. These special provisions shall be ~~sufficient~~ adequate for the animal to maintain its normal  
3 body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal  
4 body temperature even with special provisions, then that animal ~~may~~ shall not be housed outside. No infirm  
5 animal may be housed outdoors; and

6 (5) ~~In~~ in addition to housing, the enclosure shall provide protection from excessive sun and inclement  
7 weather.

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

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

15 ~~(d)~~(g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will  
16 be kept in outside facilities. This shall be documented in the animal's record.

17 ~~(e)~~(h) A suitable method of ~~Drainage~~ A suitable method of drainage shall be ~~provided.~~ provided so that water is  
18 ~~rapidly~~ adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the  
19 animal(s) does/do not have access to standing water.

20  
21 *History Note: Authority G.S. 19A-24;*  
22 *Eff. April 1, 1984;*  
23 *Amended Eff. March 23, 2009; January 1, 2005;*  
24 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0204 is readopted with changes as published in 36:12 NCR 1006-1007 as follows:

2  
3 **02 NCAC 52J .0204 PRIMARY ENCLOSURES**

4 (a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and  
5 wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious  
6 to ~~moisture~~ moisture excluding the ground cover options of gravel and grass allowed for in **Rule .0203** of this  
7 ~~section.~~ **Section.**

8 (b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within  
9 the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January  
10 1, 2005, any damaged wood ~~must~~ shall be replaced in a manner that does not permit contact with wood by the animal.

11 ~~(b)(c)~~ (c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good  
12 repair and in a manner to prevent injury to animals and keep other animals out.

13 (d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, ~~turn~~ turn about  
14 freely, and to **easily** stand with their tails erect, sit, or lie in a natural ~~position~~ with their limbs extended without  
15 touching other animals within the enclosure or the sides or top covering of the enclosure.

16 (e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural  
17 play behaviors typical of the species.

18 (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five **feet** feet tall.

19 (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.

20 ~~(e)(h)~~ (h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to  
21 comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces must  
22 be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper.  
23 The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

24 ~~(d)(i)~~ (i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space  
25 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  
26 the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6) x  
27 (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 =  
28 required floor space in square feet. The calculation shall be expressed in square feet.

29 (j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without  
30 supervision. Dogs younger than six months of age **may** shall not be housed or confined or comingled with adult dogs  
31 other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.

32 ~~(e)(k)~~ (k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined  
33 in an exercise area ~~are housed in a common area~~ or primary enclosure, then there must be at least one person constantly  
34 supervising each 10 dogs housed or confined within each primary enclosure or ~~common~~ exercise area. This supervision  
35 must be conducted from within the exercise area or primary enclosure such that the person(s) has/have immediate  
36 access to the animals in the event of an emergency, aggression or fight between animals.

37 (l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only

1 with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient  
2 size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails  
3 erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure the  
4 sides or top covering of the enclosure and to leave the whelping/queening area for exercise.

5 ~~(f)(m)~~ In addition to ~~Paragraph (b)~~ Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed  
6 in any primary enclosure or exercise area shall be provided a minimum of four square feet of floor space which may  
7 include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet.

8 ~~(n)~~ Not more than 12 cats shall be housed or confined in the same primary ~~enclosure~~ enclosure or exercise area.

9 ~~(g)(o)~~ In all cat primary enclosures and exercise areas, ~~enclosures~~, a clean receptacle containing clean litter shall be  
10 provided for waste. A minimum of one receptacle per three cats is ~~required~~ required for each primary enclosure and  
11 exercise area.

12 ~~(p)~~ Pools in primary enclosures and/or exercise areas:

13 (1) Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area, an  
14 ingress-egress area shall be provided;

15 (2) No dog ~~may~~ shall have access to the pool or pool area other than a typical kiddie wading pool without  
16 supervision;

17 (3) Facilities must be constructed, maintained, and managed to protect animals from illness, injury, and death  
18 resulting from access to pools or pool areas;

19 (4) Pools with a capacity of less than 100 gallons must have the water changed and be cleaned and sanitized  
20 daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured filtration and  
21 cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation and  
22 water quality; and

23 (5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation,  
24 repair and maintenance.

25  
26 *History Note: Authority G.S. 19A-24;*

27 *Eff. April 1, 1984;*

28 *Amended Eff. January 1, 2005; April 1, 1985;*

29 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0205 is readopted with changes as published in 36:12 NCR 1007-1008 as follows:

2  
3 **02 NCAC 52J .0205 FEEDING**

4 (a) ~~Adult Dogs~~dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour  
5 period. ~~except as otherwise might be required to provide adequate veterinary care. Food shall be commercially~~  
6 prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The  
7 food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the  
8 given size, age, and condition of an animal to meet the daily requirements for nutritional value.

9 (b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour  
10 interval between feedings is required if only two feedings are offered in a 24-hour period.

11 (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this  
12 section for a specific animal, documentation of such veterinary care is required and shall include:

13 (1) the original veterinary directive signed by the veterinarian issuing it;

14 (2) the printed name of the veterinarian;

15 (3) the reason for the restriction;

16 (4) the specific feeding directions;

17 (5) the origination and review dates of the directive;

18 (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer  
19 required;

20 (7) the date of the cessation of the directive; and

21 (8) documentation by the facility of each feeding as prescribed by the veterinarian.

22 (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall  
23 be provided by the owner.

24 (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate  
25 of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

26 ~~(b)(f)~~(f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by  
27 waste.

28 (g) For every adult animal, there ~~must~~shall be at least one food receptacle offered. When multiple animals are housed  
29 together, caretakers shall observe each animal feeding to ensure that ~~[animals have sufficient access to food;]each~~  
30 animal receives adequate feed.

31 (h) Food receptacles shall be durable and shall be kept clean and sanitized.

32 (i) Uneaten food within food receptacles ~~[must]shall~~ be discarded ~~[after]within~~ 24 hours or sooner if spoiled or  
33 contaminated.

34 (j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but ~~must~~shall be discarded  
35 after each feeding.

36 ~~(e)(k)~~(k) Food and water receptacles in outdoor facilities shall be protected from the elements.

37

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

1 02 NCAC 52J .0206 is readopted with changes as published in 36:12 NCR 1008 as follows:

2

3 **02 NCAC 52J .0206 WATERING**

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

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

9 (1) the original veterinary directive signed by the veterinarian issuing it;

10 (2) the printed name of the veterinarian;

11 (3) the reason for the restriction;

12 (4) the specific watering directions;

13 (5) the origination and review dates of the directive;

14 (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no longer  
15 required;

16 (7) the date of the cessation of the directive; and

17 (8) documentation by the facility of each watering as prescribed by the veterinarian.

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

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

20 (e) Damaged receptacles shall be replaced.

21

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

23 *Eff. April 1, 1984;*

24 *Amended Eff. January 1, 2005;*

25 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0207 is readopted with changes as published in 36:12 NCR 1008-1009 as follows:

2  
3 **02 NCAC 52J .0207 SANITATION**

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

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

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

13 ~~(b)(d)~~ Sanitation shall be as follows:

14 (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied,  
15 enclosures and accessories shall be sanitized in the manner provided in Subparagraph ~~(b)(d)~~(3) of  
16 this Rule.

17 (2) In addition to primary enclosures being properly cleaned a minimum of two times per day,  
18 enclosures and accessories shall be sanitized a minimum of once every seven days in the manner  
19 provided in Subparagraph ~~(b)(d)~~(3) of this Rule if the same animal is housed in the same enclosure  
20 ~~more than~~ for seven or more days.

21 (3) Primary enclosures, ~~Cages, cages, rooms~~ rooms, and hard-surfaced or artificial turf exercise areas,  
22 pens or pens, and runs ~~[and exercise areas with artificial turf flooring]~~ shall be sanitized by:

23 (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical  
24 cage washer; or

25 (B) ~~washing all soiled surfaces with a detergent solution to remove all organic matter followed~~  
26 ~~by application of a safe and effective disinfectant; removal of visible organic matter,~~  
27 precleaning all soiled surfaces with a detergent or degreaser solution, followed by the  
28 application, at the correct concentration, of an animal-safe disinfectant labeled to be  
29 effective against common pathogens. The disinfectant is to be left on the surfaces for the  
30 time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed  
31 to remove all residual ~~[chemical]~~ chemicals and then the area dried prior to returning the  
32 animal(s) to this area; or

33 (C) cleaning all soiled surfaces with live steam, The area is to be cooled and dried prior to the  
34 return of the animal(s).

35 (4) Common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC  
36 52J .0207 (d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum  
37 of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum

1 of once every seven days in the manner provided in Subparagraph (d)(3):

2 ~~(4)~~(5) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The  
3 disinfectant shall be used consistent with the manufacturer's directions:

4 ~~(5)~~(6) Soiled linens and cloth products shall be mechanically washed with detergent and ~~sanitized.~~  
5 sanitized:

6 ~~(6)~~(7) Any area accessible to multiple animals shall be kept clean and ~~sanitary.~~ sanitary; and

7 (8) Fans, including [but not limited to] floor fans, ceiling fans, wall fans, vent fans, etc. shall be [cleaned  
8 routinely in intervals sufficient to prevent the accumulation of] kept clean of accumulated debris,  
9 dust and [or] biological material.

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

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

17  
18 *History Note: Authority G.S. 19A-24;*

19 *Eff. April 1, 1984;*

20 *Amended Eff. January 1, 2005; April 1, 1985;*

21 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0208 is readopted with changes as published in 36:12 NCR 1009 as follows:

2

3 **02 NCAC 52J .0208 EMPLOYEES**

4 ~~A~~An ~~sufficient~~adequate number of employees shall be utilized to ~~adequately~~sufficiently care for the animals in the  
5 facility and maintain the prescribed level of husbandry practices set forth in ~~this Rule~~Subchapter 52J. Such practices  
6 shall ~~be performed by~~be under the supervision of an animal caretaker who ~~has a background in animal husbandry or~~  
7 ~~care~~is ~~has been adequately trained~~ ~~[and/or]~~or is experienced in animal ~~[husbandry and]~~care ~~or is under the direct~~  
8 ~~supervision of a person who has such training or experience. The caretaker or supervisor shall have~~ ~~[and has]~~read and  
9 ~~[acknowledged]~~acknowledged their understanding of these rules and the NC Animal Welfare Act.

10

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

02 NCAC 52J .0209 is readopted with changes as published in 36:12 NCR 1009-1010 as follows:

**02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION**

Animals housed in the same primary enclosure and/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.
- ~~(3)~~(4) Puppies or kittens less than ~~four~~ 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.
- ~~(4)~~(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.
- ~~(5)~~(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~~. 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.
- ~~(6)~~(7) Animals in long term care ~~which are intended for adoption or sale~~ must be provided ~~the following:~~ 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 [appropriate]adequate for the animal's species, age, size and behavior needs. In addition:
  - (a) ~~Daily access to both human and same species social interaction.~~ The provision of the daily

1 social interactions and enrichment shall be documented in the animal's records and the  
2 records maintained for three years; and

3 (b) ~~Daily access to space other than the primary enclosure.~~Exemptions from these long-term care  
4 provisions are allowed only for safety or health reasons and must be approved by a  
5 veterinarian. This exemption must be reviewed and renewed every 30 days if the  
6 continuation is necessary. Documentation of the exemption must include the reason for the  
7 exemption, the name and contact information of the veterinarian authorizing the  
8 exemption, the original exemption date and the dates of review and renewal and  
9 alternative(s) offered if any.

10 ~~(c) A species and size appropriate toy, unless it poses a health threat.~~

11 (7)(8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and  
12 exercise areas must be inspected by [AWS]the Animal Welfare Section and in compliance with the  
13 rules of 02 NCAC 52J before an animal can be confined in the enclosure or area.

14  
15 *History Note: Authority G.S. 19A-24;*  
16 *Eff. April 1, 1984;*  
17 *Amended Eff. January 1, 2005;*  
18 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0210 is readopted with changes as published in 36:12 NCR 1010-1011 as follows:

**02 NCAC 52J .0210 VETERINARY CARE**

(a) A written program of veterinary care [~~PVC~~](PVC) to include disease control and prevention, vaccination, euthanasia (animal shelters only), disposition of diseased, ill, injured, infirm or deformed [~~animals~~](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 [AWS/Animal Welfare Section] Inspector assigned to the facility;

(3) The facility shall implement and follow the [~~PVC. Failure to follow the PVC shall be considered a violation;~~](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 [~~a~~](an) [~~disease problem~~](infectious disease outbreak) that persists for more than 7 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.

~~(b)(c)~~ (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).

~~(c)(d)~~ (d) Each dog and cat shall be observed daily by the animal caretaker [~~who has been adequately trained or is experienced in animal care under the direction supervision of a person who has such training or experience in charge, or by someone under his direct supervision~~](who has training and/or experience in animal husbandry). 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 ~~this 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) If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia facility shall maintain a list of authorized personnel pursuant to 02 NCAC 52J .0402 and shall maintain this list ~~be maintained in~~ at the Policy and Procedure Manual as described in 02 NCAC 52J pursuant to 02 NCAC 52J .0800.

(f) ~~Diseased~~ Diseased, injured, infirm or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." PVC.

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

5 ~~(d)~~(h) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S.  
6 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure  
7 to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least  
8 15 days. This subsection shall not apply to animals which have been in the facility less than 15 days.

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

10 (1) only perform surgical procedures on animals owned by the facility. The facility shall ~~may~~ not perform  
11 surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under  
12 the jurisdiction of the ~~NC~~ North Carolina Board of Veterinary Medicine;

13 (2) appoint a ~~NC~~ North Carolina ('NC') licensed veterinarian to be the supervising veterinarian to direct,  
14 oversee and be responsible for the performance of all surgical procedures and for the condition of the surgical  
15 facility;

16 (3) ensure all surgical procedures are performed by a NC licensed veterinarian and performed within the  
17 designated surgical area;

18 (4) ensure that the designated surgical area meets the minimum standards for surgery in 21 NCAC 66  
19 .0207(b)(9), the drug procedures meet the minimum standards in 21 NCAC 66 .0207(b)(11) and the  
20 recordkeeping procedures meet the minimum standards in 21 NCAC 66 .0207(b)(12);

21 (5) ensure that the minimum standards for after-hours emergency service in 21 NCAC 66 .0207(b)(19) for  
22 the provision of after-hours emergency veterinary care for an animal receiving surgical procedure(s) are met;  
23 and

24 (6) ensure that surgical procedures are not performed until the inspection of the surgical facility and  
25 supporting procedures noted in this section has occurred and all deficiencies have been corrected.

26 (j) Boarding ~~facilities may not administer prescription medications or tranquilizers, sedatives, or any pharmaceutical~~  
27 drug designed to calm an animal unless the medication or drug is administered under the direction of the animal's  
28 veterinarian, with a written prescription from the animal's veterinarian, and with written permission from the animal's  
29 owner. In the event a boarding facility agrees to administer such medications or substances, the medications must be  
30 in the original container issued by a veterinarian or pharmacy and administered according to label directions. The label  
31 must include: client name/pet name, dosage, drug name, veterinarian's name, and date issued. The administration of  
32 these medications or substances shall be documented as required by 02 NCAC 52J .0102.] ~~kennels shall not administer~~  
33 a prescription medication, tranquilizer, sedative, or any pharmaceutical drug designed to calm an animal unless the  
34 medication or drug is administered under the direction of or by prescription from the animal's veterinarian, and written  
35 permission from the animal's owner. In the event a boarding kennel agrees to administer such medications or  
36 substances, the medications shall be in the original container issued by the veterinarian or pharmacy and administered

1 according to label directions. The administration of these medications or substances shall be documented as required  
2 by 02 NCAC 52J .0102.

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

5

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

7 *Eff. April 1, 1984;*

8 *Amended Eff. March 23, 2009; January 1, 2005;*

9 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0301 is readopted with changes as published in 36:12 NCR 1011 as follows:

2  
3 **SECTION .0300 - TRANSPORTATION STANDARDS**

4  
5 **02 NCAC 52J .0301 VEHICLES**

6 (a) Vehicles used in transporting dogs and cats shall be mechanically sound and equipped to provide fresh air to all  
7 animals transported. ~~transported without harmful drafts.~~

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

10 (c) The interior of the animal ~~argo~~ holding space shall be ~~kept clean.~~ properly cleaned after the transport of each  
11 animal. [It shall be sanitized daily or between shipments of animals if more than 1 shipment occurs in a 24 hour  
12 period.] It shall be sanitized as deemed necessary. The holding space shall be sanitized between use for shipments.

13  
14 *History Note: Authority G.S. 19A-24;*  
15 *Eff. April 1, 1984;*  
16 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0302 is readopted with changes as published in 36:12 NCR 1011 as follows:

**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 ~~insure~~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 ~~sufficient~~adequate fresh air for normal breathing.
- (2) The openings of such enclosures are always easily accessible for emergency ~~removals, removals at all times.~~
- (3) The animals are adequately protected from the elements.
- (4) The ~~ambient~~ temperature [~~within the holding area~~] in any area of a vehicle holding an animal shall be maintained between 50 degrees F and 85 degrees F. A ~~shelter facility~~ shall be deemed as being in compliance if its vehicles' animal ~~containment units~~ holding areas are equipped with operable heating and air-conditioning [~~air conditioning~~] air conditioning, or forced-air heating and cooling, and heating or other temperature control ~~mechanisms 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 ~~sufficient~~adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record.

~~(e)~~(e) Animals shall not be placed in primary enclosures over other animals in transit unless such enclosure is constructed ~~so as~~ to prevent animal excreta from entering lower enclosures.

~~(f)~~(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.*



1 02 NCAC 52J .0303 is readopted with changes as published in 36:12 NCR 1011-1012 as follows:

2

3 **02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS**

4 If dogs and cats are transported for a period of more than ~~42~~ six hours:

5 (a) The transportation vehicle shall stop a minimum of once every six hours for a period of no less than one hour.  
6 Dogs shall be removed from their respective primary enclosures and provided exercise, if it is safe to do so. The reason  
7 for the exclusion of any animal from this requirement during a transport shall be documented. During this one-hour  
8 period dogs and cats shall be continuously provided a supply of potable water.

9 (b) No dog or cat shall be subject to vehicular transport which has not been adequately fed within 24 hours of any time  
10 during transportation. No puppy or kitten less than six months of age shall be subject to vehicular transport which has  
11 not been adequately fed within six hours of any time during transportation.

12 (c) The primary enclosure used for transportation of cats shall be equipped with a properly cleaned litter box and clean  
13 litter.

14 ~~(1) The vehicle shall stop at least once every 12 [six ] hours for a period of one hour. During the one~~  
15 ~~hour stop, potable water shall be continuously provided for dogs and cats. [If the transport lasts for~~  
16 ~~six hours or more, the enclosures containing cats shall be equipped with a clean litter box with litter.]~~

17 ~~(2) Adult dogs and cats shall be fed at least once during each 24 hour period. Puppies and kittens less~~  
18 ~~than six months of age shall be fed every six hours.~~

19 ~~(3) Dogs shall be removed from the vehicle, given fresh water and given the opportunity for exercise if~~  
20 ~~they have been confined in the vehicle for 36 hours. [six hours or longer.]~~

21

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

1 02 NCAC 52J .0304 is readopted with changes as published in 36:12 NCR 1012 as follows:

2

3 **02 NCAC 52J .0304 CARE IN TRANSIT**

4 (a) Drivers or traveling attendants shall inspect each animal in transit with adequate frequency to determine the animal's  
5 comfort, health, and safety, and to obtain or provide relief or emergency care if needed. It shall be the responsibility  
6 of the attendant or driver to inspect animals frequently enough to assure health and comfort and to determine if they  
7 need emergency care and to obtain it if needed.

8 (b) If a transport lasts [six hours or longer,] more than six hours, the transporter shall log the start and end times of  
9 the transport, the species, identification of the transported animal(s), any visible injury, illness or other medical  
10 condition, and care provided including [but not limited to] stops, exercise, watering, feeding and [or] veterinary  
11 care. This documentation shall be kept by the facility for a minimum of one year after the transport.

12

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

14 *Eff. April 1, 1984;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0401 is readopted with changes as published in 36:12 NCR 1012 as follows:

2  
3 **SECTION .0400 - EUTHANASIA STANDARDS**

4  
5 **02 NCAC 52J .0401 ADOPTION BY REFERENCE**

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

- 11 (1) AVMA Guidelines on Euthanasia may be accessed at no cost on their website at [www.avma.org](http://www.avma.org).  
12 (2) The HSUS Euthanasia ~~Training Reference Manual~~ can be ~~purchased through their website at~~  
13 ~~www.hsus.org at a cost of nineteen dollars and ninety five cents (\$19.95).~~ accessed at no cost via  
14 the link: <https://humanepro.org/sites/default/files/documents/euthanasia-reference-manual.pdf>.  
15 ~~(3) The AHA publication, Euthanasia by Injection, can be purchased through their website at~~  
16 ~~www.americanhumane.org at a cost of ten dollars (\$10.00).~~

17  
18 *History Note: Authority G.S. 19A-24;*  
19 *Eff. March 23, 2009;*  
20 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0402 is readopted with changes as published in 36:12 NCR 1012 as follows:

2

3 **02 NCAC 52J .0402 AUTHORIZED PERSONS**

4 Only a Certified Euthanasia ~~Technician~~ Technician, Probationary Euthanasia Technician, pursuant to 02 NCAC 52J  
5 .0403(1) or a veterinarian licensed to practice veterinary medicine in North ~~Carolina~~ Carolina, may euthanize an animal  
6 in a certified ~~animal shelter facility~~. ~~A Certified Euthanasia Technician shall not euthanize animals using a method for~~  
7 ~~which he or she is not currently certified except as specified in 02 NCAC 52J .0700.~~

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0403 is readopted with changes as published in 36:12 NCR 1012 as follows:

**02 NCAC 52J .0403 DEFINITIONS**

As used in this Subchapter:

- (1) "Certified Euthanasia Technician" means a person employed by a certified facility who has been instructed in the proper methods of humane euthanasia, security and record keeping, who has:
  - (A) been instructed in the proper methods of human euthanasia, security and records keeping; and
  - (B) has passed the written examination and the practical examination pursuant to 02 NCAC 52J .0410; and
  - (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 ~~certified~~ registered animal shelter, shelter, kennel or pet shop that employs at least one Certified Euthanasia Technician or North Carolina ('NC')[NC] licensed veterinarian to perform euthanasia on animals at that ~~certified~~ facility.
- (3) "Approved Certified Euthanasia Technician trainer" means ~~a person or organization that an individual~~ an individual who has received permission from the Animal Welfare Section to provide training to applicants or individuals seeking to be Certified Euthanasia ~~Technicians~~ 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 ~~Association, and/or the Humane Society of the United States or the American Humane Association<sup>2</sup>~~ 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.
- ~~(6)~~ "Commercially manufactured chamber" means a chamber built with the intention for sale with the purpose of euthanizing animals, and which meets the requirements of 02 NCAC 52J .0600.
- ~~(7)~~ (6) "Conviction of a criminal offense" means being found guilty, convicted, placed on probation or entering a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure one's own appearance in a criminal proceeding or having received a withheld judgment, prayer for judgment continued or suspended sentence by a court of competent jurisdiction in this state, in a federal court or another state of any felony, as described by federal or state law, or any criminal act that in any way is related to practicing as a Certified Euthanasia Technician, 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)]('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;*

1

*Eff. March 23, 2009;*

2

*Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0404 is readopted with changes as published in 36:12 NCR 1012 as follows:

2

3 **02 NCAC 52J .0404 CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS**

4 (a) Individuals who perform euthanasia ~~must~~shall be trained and qualified as a Certified Euthanasia Technician as set  
5 forth in this Section.

6 (b) Individuals seeking certification as a Euthanasia Technician shall submit a written application documenting their  
7 qualifications to the Animal Welfare Section, North Carolina Department of Agriculture and Consumer Services, 1030  
8 Mail Service Center, Raleigh, NC 27699-1030, on the form provided by the Animal Welfare Section.

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

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0405 is readopted with changes as published in 36:12 NCR 1013 as follows:

2

3 **02 NCAC 52J .0405 CERTIFICATION STANDARDS**

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

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0406 is readopted with changes as published in 36:12 NCR 1013 as follows:

2  
3 **02 NCAC 52J .0406 APPLICATION REQUIREMENTS**

4 An applicant for certification shall:

5 (1) submit a completed and signed application ~~form;~~ which can be obtained by calling the Animal  
6 Welfare Section ('AWS') office at (919) 707-3280; and

7 ~~(2)~~ The contents of the applications shall include the following:

8 (a) the name, phone number, email address and mailing address for the applicant;

9 (b) the name, registration number, and address of the shelter employing the applicant;

10 (c) a checkbox to be filled in if the applicant has been convicted of a criminal offense as  
11 defined in 02 NCAC 52J .0401(6); and

12 (d) a notarized signature of the applicant.

13 ~~(2)(3)~~ provide a document from an approved Certified Euthanasia Technician trainer establishing that the  
14 applicant has completed an Animal Welfare Section approved course, course pursuant to 02 NCAC  
15 52J .0407, passed the course written examination and passed a practical examination in the specific  
16 euthanasia by injection (EBI) techniques, techniques for which the applicant is seeking certification,  
17 ~~or provide separate documentation of having taken an approved course and passed the written~~  
18 ~~examination and having passed a practical examination given by a different approved Certified~~  
19 ~~Euthanasia Technician [trainer.] trainer,; and~~

20 ~~(3)~~ specify in the application form the specific euthanasia techniques the applicant is requesting  
21 certification.

22  
23 *History Note: Authority G.S. 19A-24;*

24 *Eff. March 23, 2009;*

25 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0407 is readopted with changes as published in 36:12 NCR 1013-1014 as follows:

### 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) Earning a score of 80 percent correct on a written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; A written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; and
- (3) Passing a practical examination in each of the euthanasia [by injection techniques.] methods for which the applicant is seeking certification. 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, Association, and/or the Humane Society of the United States ~~or the American Humane Association~~ and shall include the following topics:

- (1) The theory and history of euthanasia methods and practice;
- (2) Relevant Animal 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 [EBI]; Euthanasia by Injection;
- ~~(7)~~ Proper and accurate verification of lack of pain perception;
- ~~(6)~~ Proper euthanasia techniques not utilizing injected chemical agents;
- ~~(7)~~(8) Proper and accurate verification of animal death;
- ~~(8)~~(9) Proper record keeping including documentation of justification for intracardiac and for early euthanasia;
- ~~(9)~~(10) Proper disposal of euthanized animals;
- ~~(10)~~(11) Stress management for euthanasia personnel;
- ~~(11)~~(12) Proper methods and techniques of euthanasia under extraordinary circumstances;
- ~~(12)~~(13) Proper methods, techniques and chemicals inducing anesthesia and sedation in animals prior to euthanasia; and
- ~~(13)~~(14) Proper methods, techniques and chemicals used in the practical examination section for Certified Euthanasia Technician.

1 (c) The Animal Welfare Section shall prepare written examinations to be given to applicants. Following the classroom  
2 training detailed in Paragraph (b) of this Rule, the applicant shall take a written examination provided by the Animal  
3 Welfare ~~Section that will be used by the approved trainer.~~Section. Notes or other assistance are not allowed during  
4 the taking of the written examination. The applicant must achieve a score of at least 80 percent correct to pass the  
5 written examination. Those passing the written examination for that classroom training session are eligible to take for  
6 the practical examination of the methods of euthanasia for which the applicant seeks certification. on the EBI  
7 techniques. Those failing this written examination shall attend another classroom training session and [must]shall pass  
8 a different version of the written examination provided by the Animal Welfare Section before they are eligible to take  
9 the practical examination.

10 (d) The applicant must pass a pass/fail practical examination on ~~each method of euthanasia for which he or she seeks~~  
11 ~~certification. the EBI techniques.~~

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

- 14 (1) Correctly calculate chemical agent dosage based upon the species, age, weight and condition of the  
15 ~~animal;~~ animal and the route of administration;
- 16 (2) Correctly complete all required ~~documentation;~~ documentation and demonstrate proper technique  
17 for scanning an animal for a microchip;
- 18 (3) Correctly draw the properly calculated chemical dosage into a syringe and needle of a type and size  
19 appropriate for the ~~animal;~~ animal and for the route of administration;
- 20 (4) Correctly administer the chemical agent to the animal;
- 21 (5) Properly perform intravenous ~~and intraperitoneal~~ injections on dogs and intravenous or  
22 intraperitoneal injections on cats;
- 23 (6) Knowledge of the current euthanasia guidelines, medical procedures including lack of pain  
24 perception verification and drugs necessary for an animal to be euthanized by cardiac injection;
- 25 (7) Demonstrate ability to verify death ~~by:~~ by a combination of the following:
  - 26 (A) lack of respiration;
  - 27 (B) lack of ocular reflexes;
  - 28 (C) ~~lack of a heartbeat;~~ heartbeat verified by the use of a stethoscope;
  - 29 (D) greying of mucous membranes;
  - 30 (E) lack of response to firm toe pinch;
  - 31 (F) rigor mortis.
- 32 (8) Knowledge about the human health risks associated with the use of chemical agents used for  
33 euthanasia including signs and symptoms associated with accidental exposure of the Certified  
34 Euthanasia Technician; and
- 35 (9) Proper first aid for a person accidentally exposed to chemical agents used for euthanasia.

36 (f) ~~Applicants for certification in Euthanasia by Gas Inhalation shall meet the standards set forth in this Paragraph:~~

- 1           (1) ~~Demonstrate knowledge of the dangers and human health effects of exposure to carbon monoxide~~
- 2                     ~~gas;~~
- 3           (2) ~~Demonstrate knowledge about which animals Euthanasia by Gas Inhalation is approved and which~~
- 4                     ~~species, age, medical or physical conditions make it improper to use Euthanasia by Gas Inhalation;~~
- 5           (3) ~~Demonstrate proper techniques in placing animals into the chamber;~~
- 6           (4) ~~Demonstrate knowledge about the maintenance, operation and cleaning of the chamber, fittings, gas~~
- 7                     ~~cylinder, valves, and other parts of the equipment;~~
- 8           (5) ~~Demonstrate proper operation of the chamber;~~
- 9           (6) ~~Demonstrate ability to verify death by:~~
- 10                    ~~(A) ~~lack of respiration;~~~~
- 11                    ~~(B) ~~lack of ocular reflexes;~~~~
- 12                    ~~(C) ~~lack of a heartbeat;~~~~
- 13           (7) ~~Demonstrate knowledge about the human health risks associated with the use of carbon monoxide~~
- 14                     ~~when used for euthanasia. Such knowledge shall also include signs and symptoms associated with~~
- 15                     ~~accidental exposure of the Certified Euthanasia Technician;~~
- 16           (8) ~~Demonstrate knowledge of proper first aid for a person accidentally exposed to carbon monoxide~~
- 17                     ~~used for euthanasia.~~

18

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

02 NCAC 52J .0408 is readopted with changes as published in 36:12 NCR 1014 as follows:

**02 NCAC 52J .0408 TRAINERS**

(a) Certified Euthanasia Technician training shall be provided by the Animal Welfare ~~Section~~Section, or by companies or individuals meeting the following criteria:

- (1) Possess working knowledge of euthanasia conducted according to this ~~Section~~Section through training or education and experience;
- (2) Have actual experience in euthanasia of ~~animals~~animals as defined by G.S. 19A-23 or lawful experience in North Carolina;
- (3) Have experience training ~~staff in euthanasia; and~~personnel; and
- (4) Provide references from individuals or organizations previously ~~trained~~trained or individuals or organizations that can attest to satisfactory euthanasia experience.

(b) Information taught shall conform to this Section and the guidelines set forth by the American Veterinary Medical Association ~~Association~~, Guidelines on Euthanasia and/or the Humane Society of the United ~~States~~State Euthanasia Reference Manual incorporated by reference pursuant to 02 NCAC 52J .0401. ~~States or the American Humane Association.~~

(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 audit of instruction and testing by trainers.

(e) Prior to providing euthanasia training leading to certification as a Euthanasia Technician, the person or company shall ~~obtain approval~~submit an application for approval before each class for its training program from the Animal Welfare Section.

(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. September 1, 2022.*

1 02 NCAC 52J .0409 is readopted as a repeal as published in 36:12 NCR 1014 as follows:

2

3 **02 NCAC 52J .0409      PROBATIONARY EUTHANASIA TECHNICIANS**

4

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

6 *Eff. March 23, 2009;*

7 *Repealed Eff. September 1, 2022.*

1 02 NCAC 52J .0410 is readopted with changes as published in 36:12 NCR 1014 as follows:

2

3 **02 NCAC 52J .0410 EXAM REQUIRED**

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

6

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

8 *Eff. March 23, 2009;*

9 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0411 is readopted with changes as published in 36:12 NCR 1014-1015 as follows:

2

3 **02 NCAC 52J .0411 NEW APPLICATION**

4 ~~If the individual or applicant fails to pass the practical exam a second time and wishes to apply for certification again,~~  
5 ~~the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written~~  
6 ~~exam and take and pass a practical examination on euthanasia. The Animal Welfare Section shall cancel the~~  
7 ~~application of any applicant who fails the written examination twice. The Animal Welfare Section shall [cancel]deny~~  
8 ~~the application of any applicant who fails the written examination twice [and/or] or the practical examination twice. If~~  
9 ~~the individual wishes to apply for certification again, the individual shall submit a new application to the Animal~~  
10 ~~Welfare Section, attend a training program, pass the written examination and the practical examination before a~~  
11 ~~certification can be issued.~~

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0412 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0412 ISSUANCE OF CERTIFICATION**

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

6

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

8 *Eff. March 23, 2009;*

9 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0413 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0413 LENGTH OF CERTIFICATION**

4 A Euthanasia Technician Certificate issued by the Animal Welfare Section is valid for five years from the date of  
5 issuance unless it is revoked pursuant to this Section or upon termination of employment ~~or volunteer status~~ as  
6 described in this Section.

7

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

9 *Eff. March 23, 2009;*

10 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0414 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0414       TERMINATION OF EMPLOYMENT**

4 Upon termination of employment ~~or volunteer status~~ **by voluntary or involuntary separation** from ~~athe~~ certified  
5 ~~facility, facility or closure of the certified facility,~~ a Certified Euthanasia Technician shall not perform animal  
6 euthanasia in a certified facility until ~~recertified~~ **reinstated** by the Animal Welfare ~~Section,~~ **pursuant to 02 NCAC 52J**  
7 **.0416.** The Certified Euthanasia Technician’s certification shall be canceled effectively upon termination of  
8 ~~employment, employment or volunteer status.~~ No later than 10 days from the date of the termination of a Certified  
9 Euthanasia Technician’s employment ~~or volunteer status~~ **at that from a** certified facility the Certified Euthanasia  
10 Technician shall ~~notify complete a form notifying~~ the Animal Welfare Section of the termination of ~~employment,~~  
11 ~~employment or volunteer status and shall return the form and the Certificate to the Animal Welfare Section.~~

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0415 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0415 NOTICE OF TERMINATION**

4 A certified facility shall notify the Animal Welfare Section **of the termination of any Certified Euthanasia Technician**  
5 **within 10 days of the termination. Said notice shall be in writing and mailed to Animal Welfare Section; 1030 Mail**  
6 **Service Center; Raleigh, NC 27699 or emailed to agr.aws@ncagr.gov in writing, no later than 10 days from the date**  
7 **of the termination of a Certified Euthanasia Technician's employment or volunteer status at that certified facility.**

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0416 is readopted with changes as published in 36:12 NCR 1015 as follows:

2

3 **02 NCAC 52J .0416      RECERTIFICATION/REINSTATEMENT**

4 ~~(a) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility before~~  
5 ~~the expiration of his or her certification, the former Certified Euthanasia Technician or employer may request~~  
6 ~~reinstatement of his/her the certification from the Animal Welfare Section.~~ **Section ('AWS'). The AWS will reinstate**  
7 **the Certified Euthanasia Technician if a review of the request shows that the initial certification has not expired and**  
8 **there are not active AWS investigations or suspension or revocation actions pending or active against the certification.**

9 The reinstated Certification shall be good for five years from the date of its initial issue.

10 ~~(b) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility after~~  
11 ~~the expiration of his certification, the former Certified Euthanasia Technician may only euthanize animals under the~~  
12 ~~direct supervision of a licensed veterinarian or currently certified euthanasia technician for three months or until he/she~~  
13 ~~passes practical examination whichever is less. The former Certified Euthanasia Technician and the manager of the~~  
14 ~~certified facility shall each notify the Animal Welfare Section within 10 days of the date the former Certified~~  
15 ~~Euthanasia Technician is employed or accepted as a volunteer.~~ ~~The Certified Euthanasia Technician **may** not~~  
16 ~~euthanize animals until the certification has been reinstated by the Animal Welfare Section.~~

17

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

19 *Eff. March 23, 2009;*

20 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0417 is readopted with changes as published in 36:12 NCR 1015 as follows:

2  
3 **02 NCAC 52J .0417 CERTIFICATION RENEWAL**

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

- 5 (1) within the 12 months immediately preceding the application for certification renewal the Certified  
6 Euthanasia Technician has taken and passed a practical examination ~~for each method of euthanasia~~  
7 ~~for which they are seeking certification renewal; in current [EBI] Euthanasia by Injection~~  
8 ~~[techniques]; ('EBI') techniques pursuant to 02 NCAC 52J .0407;~~  
9 (2) the applicant attends a euthanasia re-certification course which reviews the current standards and  
10 guidelines on EBI; receives up to date information about the method of euthanasia for which the  
11 applicant is seeking certification; [the current standards and guidelines on EBI]; and  
12 (3) the applicant receives training in stress management; attends a training about stress management.

13 (b) The applicant shall submit an application for certification renewal to the Animal Welfare Section. The application  
14 shall be on a form created by the Animal Welfare Section ~~can be obtained by calling the Animal Welfare Section~~  
15 ('AWS') office at (919) 707-3280 and shall include a document from an approved Certified Euthanasia Technician  
16 trainer establishing that the applicant has passed a practical examination in the ~~specific euthanasia techniques for~~  
17 ~~which he or she is seeking certification; techniques of EBI.~~

18 (c) The contents of the application shall include the following:

- 19 (1) the name, phone number, email address, and mailing address for the applicant;  
20 (2) the name, registration number, and address of the shelter employing the applicant;  
21 (3) a checkbox to be filled in if the applicant has been convicted of a criminal offense as defined in the  
22 02 NCAC 52J .0401(6); and  
23 (4) a notarized signature of the applicant.

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

1 02 NCAC 52J .0418 is readopted with changes as published in 36:12 NCR 1015-1016 as follows:

2  
3 **02 NCAC 52J .0418 DUTIES**

4 A Certified Euthanasia Technician ~~may~~ shall:

- 5 (1) Prepare animals for ~~euthanasia~~; euthanasia, including scanning for a ~~[microchip and~~  
6 ~~documentation]~~ microchip, documentation of absence of microchip, ~~[or of reasonable but~~  
7 ~~unsuccessful]~~ attempts to reach the owners associated with a microchip present in an  
8 ~~[animal]~~ animal, or ~~[of]~~ the emergency circumstances which precluded such attempts;
- 9 (2) ~~Accurately Record~~ record the facility's identification number of the animal, its species, sex, breed  
10 description and date, dosages and route of administration for drugs that are administered for sedation  
11 and euthanasia and amounts for drugs wasted;
- 12 (3) Order euthanasia supplies;
- 13 (4) Maintain the security of all controlled substances and other drugs in accordance with applicable  
14 ~~state~~ State and federal laws and regulations;
- 15 ~~(5) — Directly supervise probationary Euthanasia Technicians;~~
- 16 ~~(6)~~(5) Report to the appropriate government agencies violations or suspicions of a violation of the rules in  
17 this Subchapter or any abuse of drugs;
- 18 ~~(7)~~(6) Euthanize ~~animals~~; animals in accordance with the rules of this Section; and
- 19 ~~(8)~~(7) Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers,  
20 instruments and equipment used in the administration of drugs in accordance with all applicable  
21 federal, ~~state~~ State and local laws and ~~regulations~~; and regulations.
- 22 ~~(9)~~(8) Notify the Animal Welfare Section as required in this Section upon leaving employment or  
23 volunteer status at a covered ~~[at a certified]~~ facility.

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

02 NCAC 52J .0419 is readopted with changes as published in 36:12 NCR 1016 as follows:

**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, or place on probation, impose other forms of discipline, discipline upon any Certified Euthanasia Technician for any of the following reasons: and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician; Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. Abuse/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; or substances by using them for any use other than it's intended use as prescribed by the America 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; Subchapter;
- (4) Allowing uncertified individuals to euthanize animals;
- ~~(5) Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;~~
- ~~(6)~~(5) Fraud, misrepresentation, or deception in obtaining certification;
- ~~(7)~~(6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes; means to knowingly engage in conduct of a character likely to deceive or defraud the public. [public and/or the Animal Welfare Section;] Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical [Association] Association, [and/or] the Humane Society of the United States or the American Humane Association [and the rules of this Section;] intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician [and/or failing to provide requested information or the provision of inaccurate or misleading information during an investigation or inspection by the Animal Welfare Section;]



1 (a) engaging in conduct of a character likely to deceive or defraud the public or the Animal Welfare  
2 Section;

3 (b) working in conjunction with any organization or person illegally practicing as a Certified  
4 Euthanasia Technician;

5 (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any  
6 animal;

7 (d) euthanizing animals in a manner that endangers the health or welfare of the public;

8 (e) ignorance, incompetence or inefficiency in the euthanizing of animals;

9 (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for  
10 which the individual is not certified;

11 (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia  
12 Technician; or

13 (h) failing to provide requested information or the provision of inaccurate or misleading information  
14 during an investigation or inspection by the Animal Welfare Section;

15 ~~(8)(7)~~ Conviction of any criminal [offense as described in this Section;] Conviction of a criminal offense;

16 ~~(9)(8)~~ Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the  
17 rules in this Subchapter and/or entering of inaccurate or misleading information into the records of  
18 a certified facility;

19 ~~(10)(9)~~ Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper  
20 security and storage for euthanasia and restraint drugs as established under applicable United States  
21 Drug Enforcement Administration and North Carolina Department of Health and Human Services  
22 statutes and rules;

23 ~~(11)(10)~~ Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the  
24 containers, instruments and equipment in a manner permitted by this Subchapter;

25 ~~(12)(11)~~ Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia  
26 and restraint chemical agents;

27 ~~(13)(12)~~ Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a license,  
28 certificate or registration or any other disciplinary action by another state or United States  
29 jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is  
30 licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or  
31 jurisdiction on grounds other than nonpayment of the renewal fee; and

32 ~~(14)(13)~~ Failure of any applicant or certificate holder to cooperate with the North Carolina Department of  
33 Agriculture and Consumer Services during any investigation or inspection.

34  
35 *History Note:* Authority G.S. 19A-24;  
36 Eff. March 23, 2009;  
37 Readopted Eff. September 1, 2022.

1 02 NCAC 52J .0501 is readopted with changes as published in 36:12 NCR 1016 -1017 as follows:

2  
3 **SECTION .0500 – EUTHANASIA BY INJECTION**

4  
5 **02 NCAC 52J .0501 INTRACARDIAC INJECTION**

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

7 Intracardiac injection for euthanasia [may]shall only be administered under the following conditions:

8 (1) due to injury or other medical condition, the animal is unconscious, or the animal has been rendered  
9 unconscious by administration of a general anesthetic;

10 (2) due to medical condition of the animal and/or size of the animal, intravenous or intraperitoneal  
11 administration is not practical or humane;

12 (3) the absence of a pain response has been verified prior to the administration of the intracardiac injection  
13 and this verification is documented in the animal's record; and

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

16  
17 *History Note: Authority G.S. 19A-24;*

18 *Eff. March 23, 2009;*

19 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0701 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3

**SECTION .0700 - EXTRAORDINARY CIRCUMSTANCES**

4

5 **02 NCAC 52J .0701 ~~METHODS OF EUTHANASIA PERMITTED~~ UNDER EXTRAORDINARY**  
6 **CIRCUMSTANCES ~~AND SITUATIONS~~**

7 For purposes of this Section, an extraordinary circumstance ~~or situation includes a situation which~~ is one in which an  
8 animal is offsite from ~~the shelter, in which an animal poses a shelter and is~~ an immediate risk to animal, human  
9 animals, or public ~~health and in which no alternative,~~ health, or in which it would be inhumane to transport the animal,  
10 and no less extreme measure of euthanasia is feasible. It also includes circumstances or situations in which it would  
11 be inhumane to transport an animal to another location to perform euthanasia.

12

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

14 *Eff. March 23, 2009;*

15 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0702 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

4 Under extraordinary circumstances ~~and situations which occur offsite from the shelter,~~ a shelter employee adequately  
5 trained in the euthanasia method for that species may use gunshot or other extreme method of euthanasia as set forth  
6 in the American Veterinary Medical Association Association, ~~and/or~~ Humane Society of the United States ~~or~~  
7 ~~American Humane Association Guidelines~~ incorporated by reference in 02 NCAC 52J .0401.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0703 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0703 METHODS AND STANDARDS**

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

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0704 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0704      TECHNICIAN NOT REQUIRED**

4 If an extraordinary circumstance ~~or situation~~ occurs and euthanasia is necessary, the ~~person~~ shelter employee  
5 performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified ~~facility~~ facility so long  
6 as the shelter employee is trained in the euthanasia method for that species that was used ~~[in the situation.]~~ during the  
7 extraordinary circumstances.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0705 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0705       REPORTS**

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

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*

1 02 NCAC 52J .0801 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3

**SECTION .0800 – POLICY AND PROCEDURE MANUAL**

4

**02 NCAC 52J .0801 MANUAL REQUIRED**

6 Any ~~animal shelter~~ certified facility performing euthanasia shall have a current policy and procedure manual about  
7 euthanasia.

8

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. September 1, 2022.*



1 02 NCAC 52J .0802 is readopted with changes as published in 36:12 NCR 1017 as follows:

2

3 **02 NCAC 52J .0802 CONTENTS**

4 The policy and procedure manual shall set forth the shelter's equipment, process, ~~and the procedures for individual~~  
5 ~~separation of animals.~~ and documentation requirements for the euthanasia of [animals.] animals pursuant to G.S. 19A  
6 32.1(b)(2) and (g)(ii) and 02 NCAC 52J .0101(4); .0418(1) and (2); and .0501.

7

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

9 *Eff. March 23, 2009;*

10 *Readopted Eff. September 1, 2022.*

02 NCAC 52J .0803 is readopted with changes as published in 36:12 NCR 1017-1018 as follows:

**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 ~~2000 Report of the American Veterinary Medical Association Panel on Euthanasia~~ most recent AVMA 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 ~~current~~ copy of the most recent Euthanasia Training Reference Manual of the Humane Society of the United States;
- ~~(4) A copy of the publication on euthanasia by the American Humane Association;~~
- ~~(5)~~(4) A list of methods of euthanasia allowed at the shelter and the policy and procedures for each method; A copy of the facility's policies and/or procedures for euthanasia by injection;
- ~~(6)~~(5) A list of Certified Euthanasia Technicians-Technicians, the methods of euthanasia in which they have received training, and the date of training certification;
- ~~(7)~~(6) The name, address and contact information for the veterinarian responsible for the Annual Program of Veterinary Care;annual program of veterinary care;
- ~~(8)~~(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;
- ~~(9)~~(8) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- ~~(10)~~(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 supplier of materials. It shall include:suppliers of:
  - ~~(a)~~ Bottled gas (if applicable);
  - ~~(b)~~ Manufacturer of the chamber used to euthanize animals by inhalant gas (if applicable);
  - ~~(c)~~(a) Injectable euthanasia solution;
  - ~~(d)~~(b) Tranquilizer, sedation, or and anesthetic solution medications;
- (13) Original of U.S. Drug Enforcement Administration certification permitting the use of controlled substances;

- 1 (14) ~~A material safety data sheet for any chemical or gas used for euthanasia in that shelter.~~Original of  
2 the [NC]North Carolina Health and Human Services certificate permitting the storage and use of  
3 controlled substances;
- 4 (15) ~~A material~~Material safety data sheets ~~sheet~~ for ~~any~~all chemical, anesthetic, or tranquilizing,  
5 tranquilizing, sedation and euthanasia medications used in that facility;
- 6 (16) ~~Notice of~~Information detailing the signs and symptoms associated with human exposure to the  
7 agents used for euthanasia at the facility;
- 8 (17) Information detailing First Aid for people accidentally exposed to the agents used for euthanasia at  
9 the facility; and
- 10 (18) Contact information of the physician or medical facility providing medical treatment to employees  
11 of the facility. The information shall include the name of the medical facility, the telephone number  
12 for both working and after-hours contact and directions to the medical facility from the certified  
13 facility including a map. If the medical facility does not provide service after-hours, on weekends  
14 or on holidays, there must be contact information as described in this item for the nearest medical  
15 facility, urgent care clinic or emergency room that does provide care during that time.

16  
17 *History Note:* Authority G.S. 19A-24;  
18 Eff. March 23, 2009;  
19 Readopted Eff. September 1, 2022.

1 02 NCAC 52J .0901 is readopted without changes as published in 36:12 NCR 1018 as follows:

2

3

**SECTION .0900 – ANIMAL SHELTER SUPPORT FUND**

4 **02 NCAC 52J .0901 ELIGIBLE EXPENSES**

5 Eligible expenses include:

6 (1) Veterinary costs – Reimbursement may be requested for veterinary expenditures incurred for the  
7 assessment, diagnostic and triage evaluation, medical treatment, minor surgical treatment,  
8 medications, first aid and minor medical supplies, vaccinations, parasite control/treatment, or  
9 euthanasia of animals housed at the shelter at the time of the event or impounded during the interim  
10 or transition period.

11 (2) Sanitation costs – Reimbursement may be requested for expenditures related to sanitation of the  
12 affected shelter, including detergent/disinfectant supplies, cleaning supplies, labor costs for the  
13 sanitation of the shelter, and waste and carcass disposal costs.

14 (3) Animal sustenance and supplies – Reimbursement may be requested for expenditures for animal  
15 food, provision of water to the shelter, and food and water bowls or buckets, as well as labor costs  
16 for the feeding and watering of the shelter animals.

17 (4) Temporary housing and sheltering of animals – Reimbursement may be requested for expenditures  
18 for animal cages and kennels, animal transport carriers, fencing panels for runs, tarps, fencing, dog  
19 or cat houses and other construction supplies, as well as labor costs or equipment or facility leasing  
20 expenses incurred during the construction or repair of temporary animal housing.

21

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

1 02 NCAC 52J .0902 is readopted without changes as published in 36:12 NCR 1018 as follows:

2

3 **02 NCAC 52J .0902 APPLICATION GUIDELINES**

4 (a) A local government applying for reimbursement from the Fund shall submit the request for reimbursement to the  
5 Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services.

6 (b) The request shall:

7 (1) be received by AWS by mail, email, or fax within 60 days of the date the eligible expense was  
8 incurred;

9 (2) include a completed "Animal Shelter Support Fund Reimbursement Application" with the county  
10 name, tier of county, facility name, facility license number, and contact information. This  
11 application can be found on the AWS website (<http://www.ncagr.gov/vet/AWS/>);

12 (3) include an itemized listing of eligible expenses for which reimbursement is sought;

13 (4) include proof that matching funds have been provided; and

14 (5) include proof of payment of the eligible expense. If the payment of expense occurs after the  
15 application was submitted, proof of payment shall be submitted to AWS within 30 days of payment  
16 of the expense.

17

18 *History Note: Authority G.S. 19A-67; 19A-68;*

19 *Temporary Adoption Eff. November 29, 2016;*

20 *Temporary Adoption Expired Eff. September 11, 2017;*

21 *Eff. November 1, 2017;*

22 *Readopted Eff. September 1, 2022.*

## **Burgos, Alexander N**

---

**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Friday, July 29, 2022 4:36 PM

**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>

**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon Anna,

As I am sure you are aware the Rules Review Commission will meet again on August 18, 2022 to review your submissions regarding 02 NCAC 52J. Please submit any responses to the request for changes or any revision of the rules no later than 5:00 p.m. Friday August 12, 2022.

As always if you have any question or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## **Burgos, Alexander N**

---

**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Friday, July 15, 2022 12:08 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon,

Thank you for taking the time to sit down with us and discuss the technical corrections, I greatly appreciate the conversation and the follow-up.

We do not at this point intend to present the rules at the July RRC meeting, we are still working through the revisions and do not believe they will be fully completed by the next meeting.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Wednesday, July 13, 2022 10:30 AM  
**To:** Hayworth, Anna  
**Cc:** Burgos, Alexander N  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good morning, Anna,

I was a pleasure to meet with you and the representatives of your agency. This email is intended to summarize our conversation. Notwithstanding our conversation, the Request for Changes should be responded to in writing making any substantive points the agency wishes

While the agency addressed many issues and offered a justification the rules, ample need for a rule does not resolve any ambiguity. Generally, if counsel or the Rules Review Commission ("RRC") poses a question, there is some ambiguity which the agency should consider resolving in the rule.

At the meeting we discussed the agency's use of forms and G.S. 150B-2 (8a)(d). To recap, a form is not considered a "rule" if the contents or substantive requirements of which are prescribed by rule or statute. In other words, if the agency requires the regulated public to use a form, either the form or the contents must in adopted by pursuant to Article 2A of Chapter 150B. Most agency's do not adopt the form as a rule but rather adopt a rule requiring the information.

Here are a few examples of rules prescribing what information must be submitted.

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2012%20-%20general%20contractors/subchapter%20a/21%20ncac%2012a%20.0303.pdf>

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2056%20-%20engineers%20and%20surveyors/21%20ncac%2056%20.0608.pdf>

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2010%20-%20chiropractic%20examiners/21%20ncac%2010%20.0202.pdf>

If you feel there are any other substantive points which I addressed and have missed, please let me know.

Currently, 02 NCAC 52J is scheduled for the July RRC meeting. However, pursuant G.S. 150B-21.13, the agency has additional time. What is the agency's intention ?

As always, if you have any questions or concerns, please do not hesitate to contact me. However, please be mindful that you may want to consult with your agency legal counsel first.

Have a great day.

**William W. Peaslee**



**Rules Review Commission Counsel / Legislative Liaison**

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1711 New Hope Church Road  
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(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Tuesday, July 5, 2022 5:14 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon!

I am looking forward to our conversation tomorrow. I will bring printed materials including our proposed language with for all meeting attendees. Attached is an overview of the rules we would like to discuss. Please let me know if you have any questions prior to tomorrow morning.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, June 29, 2022 11:12 AM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Thank you for your email. July 6<sup>th</sup> should work. 10:00 am? I will be happy to get a conference room here.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Sent:** Tuesday, June 28, 2022 3:42 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon,

We have been working through the technical corrections and have made quite a bit of progress! We would like to sit down with you in person to discuss a few of the items, if possible. Would you be available the morning of either July 6<sup>th</sup> or 13<sup>th</sup>? We are more than happy to meet you at the Rules office for a sit-down to discuss.

I'd like to have myself, Chris McLennan and Dr. Norris all attend to discuss, as the three of us have all been working together on the technical corrections.

Please let me know if any of those times would work for you. If not, I can look at some alternative dates.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
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Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, June 8, 2022 4:48 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Norris, Patricia <[Patricia.Norris@ncagr.gov](mailto:Patricia.Norris@ncagr.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon:

Attached please find part three of the Request for Changes of the above captioned Rules for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

I am in receipt of the request for an extension. I will recommend to the Commission that an extension be granted. As always if you have any questions or concerns, please do not hesitate to contact me. Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

---

**Subject:** FW: June 2022 Rules Review Commission Action

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**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Sent:** Thursday, June 16, 2022 3:21 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: June 2022 Rules Review Commission Action

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Thursday, June 16, 2022 2:42 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Norris, Patricia <[Patricia.Norris@ncagr.gov](mailto:Patricia.Norris@ncagr.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** June 2022 Rules Review Commission Action

Good afternoon:

Please see the attached letter concerning the action taken this morning by the Rules Review Commission regarding the Board of Agriculture's request for an extension.

As always if you have any questions or concerns please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

---

**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J  
**Attachments:** Request for Changes Template NC Bd of Ag. 02 NCAC 52J Part 3.docx

### **Alexander Burgos**

Paralegal  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1940  
[Alexander.burgos@oah.nc.gov](mailto:Alexander.burgos@oah.nc.gov)

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Wednesday, June 8, 2022 4:48 PM  
**To:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>  
**Cc:** Norris, Patricia <Patricia.Norris@ncagr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon:

Attached please find part three of the Request for Changes of the above captioned Rules for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

I am in receipt of the request for an extension. I will recommend to the Commission that an extension be granted. As always if you have any questions or concerns, please do not hesitate to contact me. Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

---

**Subject:** FW: Request for Changes NC Bd of Ag 02 NCAC 52J

---

**From:** Hayworth, Anna <Anna.Hayworth@ncagr.gov>

**Sent:** Tuesday, June 7, 2022 2:52 PM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Norris, Patricia <Patricia.Norris@ncagr.gov>

**Subject:** RE: Request for Changes NC Bd of Ag 02 NCAC 52J

Good afternoon Bill,

We would like to extend the extension request to all the rules under section 52J. Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**

*Office of the Assistant Commissioner of Consumer Protection*

*NC Department of Agriculture and Consumer Services*

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**Office: (984) 236-4509 (new office)**

Cell: (919) 745-9356

[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Tuesday, June 7, 2022 12:37 PM  
**To:** Hayworth, Anna  
**Cc:** Burgos, Alexander N; Norris, Patricia  
**Subject:** Request for Changes NC Bd of Ag 02 NCAC 52J  
**Attachments:** Request for Changes Template NC Bd of Ag. 02 NCAC 52J Part 2.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon:

Attached please find part two of the Request for Changes of the above captioned Rules for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

I am in receipt of the request for an extension. Is the request for all rules pending before the RRC or only those to which you previously received a request for changes? Otherwise, please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, June 10, 2022.

As always if you have any questions or concerns, please do not hesitate to contact me. Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**From:** Hayworth, Anna  
**Sent:** Monday, June 6, 2022 1:34 PM  
**To:** Peaslee, William W  
**Cc:** Norris, Patricia; Burgos, Alexander N  
**Subject:** RE: NC Dept of Ag Request for Changes RRC 06162022 Part 1

Good afternoon Mr. Peaslee,

We would like to request an extension on these rules, to give the department adequate time for review and to make changes.

Thank you!

**Anna R. Hayworth | Agricultural Programs Specialist**  
*Office of the Assistant Commissioner of Consumer Protection*  
*NC Department of Agriculture and Consumer Services*  
1002 Mail Service Center | Raleigh, NC 27699  
**Office: (984) 236-4509 (new office)**  
Cell: (919) 745-9356  
[anna.hayworth@ncagr.gov](mailto:anna.hayworth@ncagr.gov)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Thursday, June 2, 2022 2:01 PM  
**To:** Hayworth, Anna <[Anna.Hayworth@ncagr.gov](mailto:Anna.Hayworth@ncagr.gov)>  
**Cc:** Norris, Patricia <[Patricia.Norris@ncagr.gov](mailto:Patricia.Norris@ncagr.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** NC Dept of Ag Request for Changes RRC 06162022 Part 1

Good morning, Anna,

I'm the attorney who reviewed the Rules submitted by the North Carolina Department of Agriculture for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

I spoke briefly with Dr. Norris earlier today. The attached Request for Changes does not cover all of the agency's proposed rules. As the submissions are voluminous, I thought it best to give you the Request in batches to afford the agency a greater time to respond. Obviously there will be more to follow.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Monday, June 6, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**



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