

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

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

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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.

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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.*

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

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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.

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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 .0301 is readopted with changes as published in 36:12 NCR 1011 as follows:

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3 **SECTION .0300 - TRANSPORTATION STANDARDS**

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5 **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]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) [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) 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)~~ 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)~~ Order euthanasia supplies;

~~(4)(6)~~ Maintain the security of all controlled substances and other drugs in accordance with applicable state State and federal laws and regulations;

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

~~(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)~~ Euthanize ~~animals~~; animals in accordance with the rules of this Section; and

~~(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)~~ 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 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.

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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.

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

10 *Eff. March 23, 2009;*

11 *Readopted Eff. October 1, 2022.*