

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.

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?

(a), Page 1, Line 6: What does "mechanically sound" mean? Is this the same as passing the vehicle inspection required by the NCDOT DMV?

(c), Page 1, Line 10-12: Compare the language here to that of Rule 302(f). Consider whether 302(f) has more succinct 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

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

SECTION .0300 - TRANSPORTATION STANDARDS

02 NCAC 52J .0301 VEHICLES

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

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

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

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

(a)(1), Page 1 Line 8: Define or delete "sufficient" or use "adequate" which is a defined term.

(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..."

(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?

(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?

(d), Page 1, Line 23: Define or delete "sufficient" or use "adequate" which is a defined term.

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

02 NCAC 52J .0302 is readopted with substantive 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 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 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 shall be maintained between 50 degrees F and 85 degrees F. A shelter 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, or forced-air heating and cooling, and heating~~ or other temperature control mechanisms. 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 for the animal to maintain its normal body temperature and shall be documented in the animal's record.

~~(d)(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.

~~(e)(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. July 1, 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.

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

- (a) 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.*
- (b) 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.*
- (c) The primary enclosure used for transportation of cats shall be equipped with a litter box and properly clean litter.*

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

02 NCAC 52J .0303 is readopted with substantive changes as published in 36:12 NCR 1011-1012 as follows:

02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

If dogs and cats are transported for a period of more than ~~42~~ six hours:

- (1) The vehicle shall stop at least once every ~~42~~ six hours for a period of one hour. During the one hour stop, potable water shall be continuously provided for dogs and cats. If the transport lasts for six hours or more, the enclosures containing cats shall be equipped with a clean litter box with litter.
- (2) Adult dogs and cats shall be fed at least once during each 24-hour period. Puppies and kittens less than six months of age shall be fed every six hours.
- (3) Dogs shall be removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for ~~36 hours~~ six hours or longer.

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

(b), Page 1, Line 6: Consider "greater than six hours" to be consistent with other rules.

(b), Page 1, Line 8-9: Strike "but not limited to". Strike "and/or" and replace with "and". Who keeps the documentation?

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

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

02 NCAC 52J .0304 CARE IN TRANSIT

(a) It shall be the responsibility of the attendant or driver to inspect animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed.

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

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

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

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

SECTION .0400 - EUTHANASIA STANDARDS

02 NCAC 52J .0401 ADOPTION BY REFERENCE

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

(1) AVMA Guidelines on Euthanasia may be accessed at no cost on their website at www.avma.org.

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

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

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

Eff. March 23, 2009;

Readopted Eff. July 1, 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

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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.

Page 1, Line 5: Consider adding a comma after "Carolina".

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?

Page 1, Line 6: Where are the standards and procedures for being certified in various methods of euthanasia?

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

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

02 NCAC 52J .0402 AUTHORIZED PERSONS

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

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

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?

(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?

(5), Page 1, Line 16: Add "Certified" before "Euthanasia Technician". Is this pursuant to Rule 412?

(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).

(7), Page 1, Line 25: Add parentheses before "Euthanasia" and after "(EBI)". "Approved" by whom? Pursuant to what?

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

02 NCAC 52J .0403 is readopted with substantive 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.
- (2) "Certified facility" means a ~~certified-registered animal shelter-shelter, kennel or pet shop~~ that employs at least one Certified Euthanasia Technician or 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.
- (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~~² which is used to induce death.
- (5) "Applicant" means a person seeking certification as a Euthanasia Technician.
- ~~(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.
- (7) Euthanasia by injection (EBI) means the injection of an approved commercially- manufactured euthanasia medication via an intravenous, intraperitoneal or intracardiac (subject to additional conditions) injection into an animal to cause the death of that animal.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0404 Certification Requirements for
Technicians

Euthanasia

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".

(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).

(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?

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

02 NCAC 52J .0404 is readopted without substantive changes as published in 36:12 NCR 1012 as follows:

02 NCAC 52J .0404 CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS

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

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

(c) The Animal Welfare Section shall receive and review all applications for Euthanasia Technician certification and determine whether or not to issue the individual applicant proof of certification in the form of a printed certificate.

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

Eff. March 23, 2009;

Readopted Eff. July 1, 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

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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.

Page 1, Line 6: "and in compliance with this Section" appears to be misplaced. Consider making it a separate sentence.

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

02 NCAC 52J .0405 is readopted without substantive changes as published in 36:12 NCR 1013 as follows:

02 NCAC 52J .0405 CERTIFICATION STANDARDS

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

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0406 Application Requirements

DEADLINE FOR RECEIPT: June 10, 2022

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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).

(2), Page 1, Line 7: The Rule refers to an "approved course". What course? Is this pursuant to Rule 407? Approved by whom?

(2), Page 1, Lines 9-11: What kind of documentation? How is this different than Lines 6-9?

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

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

02 NCAC 52J .0406 APPLICATION REQUIREMENTS

An applicant for certification shall:

- (1) submit a completed and signed application form; and
- (2) provide a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has completed an approved course, passed the course written examination and passed a practical examination in the ~~specific~~ euthanasia by injection (EBI) techniques ~~for which the applicant is seeking certification,~~ or provide separate documentation of having taken an approved course and passed the written examination and having passed a practical examination given by a different approved Certified Euthanasia Technician trainer ~~trainer;~~ and
- ~~(3) specify in the application form the specific euthanasia techniques the applicant is requesting certification.~~

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

(b), Page 1, Line 12: With regard to the "processes", please see G.S. 150B-21.6. Is there a citation to direct the reader where the processes can be found?

(b)(4), Page 1, Line 20: Is there a specific reference to the Federal Code?

(b)(6), Page 1, Line 22: With regard to "EBI", acronyms should be spelled out when first used in a rule.

(c), Page 1, Line 37: What does "that will be used by the trainer" mean?

(c), Page 2, Line 3: Change "must" to "shall".

(c), Page 2, Line 4: Does the agency mean a version of the written classroom examination?

(d), Page 2, Line 6-7: Is passage 80 percent, correct?

(e), Page 2, Line 8: Here you could use "EBI" if you have previously stated "Euthanasia by Injection ("EBI")"

(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?

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

02 NCAC 52J .0407 is readopted with substantive 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; and
- (3) Passing a practical examination in ~~each of the euthanasia~~ by injection techniques, methods for which the applicant is seeking certification.

(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 EBT
- ~~(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.

(c) The Animal Welfare Section shall prepare written examinations to be given to applicants. Following the classroom training detailed in Paragraph (b) of this Rule, the applicant shall take a written examination provided by the Animal Welfare Section that will be used by the approved trainer. Notes or other assistance are not allowed during the taking

1 of the written examination. Those passing the written examination for that classroom training session are eligible to
2 take for the practical examination of the methods of euthanasia for which the applicant seeks certification on the EBI
3 techniques. Those failing this written examination shall attend another classroom training session and must pass a
4 different written examination provided by the Animal Welfare Section before they are eligible to take the practical
5 examination.

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

8 (e) Applicants for certification in Euthanasia by Injection shall demonstrate the following knowledge and
9 competencies:

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

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

- 33 ~~(1) Demonstrate knowledge of the dangers and human health effects of exposure to carbon monoxide~~
34 ~~gas;~~
- 35 ~~(2) Demonstrate knowledge about which animals Euthanasia by Gas Inhalation is approved and which~~
36 ~~species, age, medical or physical conditions make it improper to use Euthanasia by Gas Inhalation;~~
- 37 ~~(3) Demonstrate proper techniques in placing animals into the chamber;~~

- ~~(4) Demonstrate knowledge about the maintenance, operation and cleaning of the chamber, fittings, gas cylinder, valves, and other parts of the equipment;~~
- ~~(5) Demonstrate proper operation of the chamber;~~
- ~~(6) Demonstrate ability to verify death by:~~
 - ~~(A) lack of respiration;~~
 - ~~(B) lack of ocular reflexes;~~
 - ~~(C) lack of a heartbeat;~~
- ~~(7) Demonstrate knowledge about the human health risks associated with the use of carbon monoxide when used for euthanasia. Such knowledge shall also include signs and symptoms associated with accidental exposure of the Certified Euthanasia Technician;~~
- ~~(8) Demonstrate knowledge of proper first aid for a person accidentally exposed to carbon monoxide used for euthanasia.~~

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0408 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"?

(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?

(a)(2), Page 1, Line 7: Euthanasia as defined by G.S. 19A-23 or lawful experience in North Carolina? Either or?

(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?

(b), Page 1, Line 11: With regard to the "guidelines", please see G.S. 150B-21.6.

(e), Page 1, Line 18: What is required to obtain approval? Documentation evidencing (a)(1)-(4)?

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

02 NCAC 52J .0408 is readopted with substantive 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;
- (2) Have actual experience in euthanasia of animals;
- (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, 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 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.

(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. July 1, 2022.*

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

02 NCAC 52J .0409 PROBATIONARY EUTHANASIA TECHNICIANS

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

02 NCAC 52J .0410 is readopted with substantive changes as published in 36:12 NCR 1014 as follows:

02 NCAC 52J .0410 EXAM REQUIRED

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

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

Eff. March 23, 2009;

Readopted Eff. July 1, 2022.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0411 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”.

Page 1, Line 8: The agency should decide between “and” and “or”. Does the agency intend four failed exams?

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

02 NCAC 52J .0411 is readopted with substantive changes as published in 36:12 NCR 1014-1015 as follows:

02 NCAC 52J .0411 NEW APPLICATION

~~If the individual or applicant fails to pass the practical exam a second time and wishes to apply for certification again, the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written exam and take and pass a practical examination on euthanasia. The Animal Welfare Section shall cancel the application of any applicant who fails the written examination twice. The Animal Welfare Section shall cancel the application of any applicant who fails the written examination twice and/or the practical examination twice. If the individual wishes to apply for certification again, the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written examination and the practical examination before a certification can be issued.~~

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0412 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?

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

02 NCAC 52J .0412 is readopted with substantive changes as published in 36:12 NCR 1015 as follows:

02 NCAC 52J .0412 ISSUANCE OF CERTIFICATION

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

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0413 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?

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

02 NCAC 52J .0413 is readopted with substantive changes as published in 36:12 NCR 1015 as follows:

02 NCAC 52J .0413 LENGTH OF CERTIFICATION

A Euthanasia Technician Certificate issued by the Animal Welfare Section is valid for five years from the date of issuance unless it is revoked pursuant to this Section or upon termination of employment ~~or volunteer status~~ as described in this Section.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52J .0414 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?

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.

Page 1, Line 5: Consider "...until recertified by the Animal Welfare Section pursuant to 02 NCAC 52J .0416."

Page 1, Lines 7-9: "at that certified facility" is confusing. Consider "from a certified facility, ...".

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

02 NCAC 52J .0414 is readopted with substantive changes as published in 36:12 NCR 1015 as follows:

02 NCAC 52J .0414 TERMINATION OF EMPLOYMENT

Upon termination of employment ~~or volunteer status~~ from a certified facility, a Certified Euthanasia Technician shall not perform animal euthanasia in a certified facility until recertified by the Animal Welfare Section. The Certified Euthanasia Technician's certification shall be canceled effectively upon termination of employment. ~~employment or volunteer status~~. No later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment ~~or volunteer status~~ at that certified facility the Certified Euthanasia Technician shall notify ~~complete a form notifying~~ the Animal Welfare Section of the termination of employment. ~~employment or volunteer status and shall return the form and the Certificate to the Animal Welfare Section.~~

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

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?

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 _____."

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

02 NCAC 52J .0415 is readopted with substantive changes as published in 36:12 NCR 1015 as follows:

02 NCAC 52J .0415 NOTICE OF TERMINATION

A certified facility shall notify the Animal Welfare Section in writing, no later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment ~~or volunteer status~~ at that certified facility.

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

Eff. March 23, 2009;

Readopted Eff. July 1, 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.

What criteria will the Animal Welfare Action use in determining reinstatement?

Page 1, Lines 13: "may" should be "shall".

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

02 NCAC 52J .0416 is readopted with substantive changes as published in 36:12 NCR 1015 as follows:

02 NCAC 52J .0416 RECERTIFICATION

(a) If a former Certified Euthanasia Technician is employed ~~or is accepted as a volunteer~~ at a certified facility before the expiration of his or her certification, the ~~former Certified Euthanasia Technician or~~ employer may request reinstatement of ~~his/her~~ the certification from the Animal Welfare Section. The reinstated Certification shall be good for five years from the date of its initial issue.

~~(b) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility after the expiration of his certification, the former Certified Euthanasia Technician may only euthanize animals under the direct supervision of a licensed veterinarian or currently certified euthanasia technician for three months or until he/she passes practical examination whichever is less. The former Certified Euthanasia Technician and the manager of the certified facility shall each notify the Animal Welfare Section within 10 days of the date the former Certified Euthanasia Technician is employed or accepted as a volunteer. The Certified Euthanasia Technician may not euthanize animals until the certification has been reinstated by the Animal Welfare Section.~~

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

Eff. March 23, 2009;

Readopted Eff. July 1, 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 anacronym is used the first time in a Rule.

(a)(1), Page 1, Line 7: Consider adding "pursuant to 02 NCAC 52J .407;"

(a)(2), Page 1, Lines 8 and 9: This sentence is vague and ambiguous.

(a)(3), Page 1, Line 10: What kind of stress management training? How will the agency determine the sufficiency of the training?

(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.)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

02 NCAC 52J .0417 is readopted with substantive changes as published in 36:12 NCR 1015 as follows:

02 NCAC 52J .0417 CERTIFICATION RENEWAL

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

- (1) within the 12 months immediately preceding the application for certification renewal the Certified Euthanasia Technician has taken and passed a practical examination ~~for each method of euthanasia for which they are seeking certification renewal;~~ in current EBI techniques;
- (2) the applicant receives up-to-date information about ~~the method of euthanasia for which the applicant is seeking certification;~~ the current standards and guidelines on EBI; and
- (3) the applicant receives training in stress management.

(b) The applicant shall submit an application for certification renewal to the Animal Welfare Section. The application shall be on a form created by the Animal Welfare Section and shall include a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has passed a practical examination in the ~~specific euthanasia techniques for which he or she is seeking certification.~~ techniques of EBI.

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

Eff. March 23, 2009;

Readopted Eff. July 1, 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”?

(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?

(2), Page 1, Line 11: To what “identification number” is the agency referring?

(4), Page 1, Line 16: “State” should be capitalized if referring to North Carolina exclusively.

(5), Page 1, Line 18-19: Consider specifying which government agencies.

(7), Page 1, Line 23: State” should be capitalized if referring to North Carolina exclusively.

(8), Page 1, Lines 24-25: Isn’t this already required by Rules .0414 and .0415? If so, consider deleting.

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.

(a)(1), Page 1, Line 7: Consider adding “pursuant to 02 NCAC 52J .407;”

(a)(2), Page 1, Lines 8 and 9: This sentence is vague and ambiguous.

(a)(3), Page 1, Line 10: What kind of stress management training? How will the agency determine the sufficiency of the training?

(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.)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

02 NCAC 52J .0418 is readopted with substantive 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 scanning for a microchip and documentation of absence of microchip, or of reasonable but unsuccessful attempts to reach the owners associated with a microchip present in an animal or of emergency circumstances which precluded such attempts;
- (2) Accurately Record ~~Record~~ the identification number of the animal, its species, sex, breed description and date, dosages and route of administration for drugs that are administered for sedation and euthanasia and amounts for drugs wasted;
- (3) Order euthanasia supplies;
- (4) Maintain the security of all controlled substances and other drugs in accordance with applicable state and federal laws and regulations;
- ~~(5) — Directly supervise probationary Euthanasia Technicians;~~
- ~~(6)~~ (5) 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) Euthanize ~~animals~~; animals in accordance with the rules of this Section;
- ~~(8)~~ (7) Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers, instruments and equipment used in the administration of drugs in accordance with all applicable federal, state and local laws and regulations; and
- ~~(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. July 1, 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?

(1), Page 1, Line 9: Is the agency referring to the duties prescribed in Rule .0418?

(2), Page 1, Lines 10-14: This is vague. Would this include a technician who gets a DUI?

(6), Page 1, Lines 20-33: This is wordy. Consider re-writing to be more concise, clear, and unambiguous.

(6), Page 1, Line 21: Is the “conduct” of any kind or related to certification?

(6), Page 1, Line 22: “Agency” implies the government. Consider using another term or terms.

(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?

(6), Page 1, Line 32: What is the agency’s authority to conduct an “inspection”?

(7), Page 12, Line 7: “Conviction of a criminal offense” is a defined term. Therefore “as described in this Section” is unnecessary.

William W. Peaslee
Commission Counsel
Date submitted to agency: June 7, 2022

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

02 NCAC 52J .0419 is readopted with substantive 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, 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;
- (2) Abuse of Chemical Substances. Abuse 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
 - (d) Abetting anyone in the foregoing activities;
- (3) Euthanizing animals without supervision as required by this 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 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;
- ~~(8)(7)~~ Conviction of any criminal offense as described in this Section;
- ~~(9)(8)~~ Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the rules in this Subchapter and/or entering of inaccurate or misleading information into the records of a certified facility;

- 1 (10) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper
2 security and storage for euthanasia and restraint drugs as established under applicable United States
3 Drug Enforcement Administration and North Carolina Department of Health and Human Services
4 statutes and rules;
- 5 (11) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the
6 containers, instruments and equipment in a manner permitted by this Subchapter;
- 7 (12) Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia
8 and restraint chemical agents;
- 9 (13) Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a license,
10 certificate or registration or any other disciplinary action by another state or United States
11 jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is
12 licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or
13 jurisdiction on grounds other than nonpayment of the renewal fee; and
- 14 (14) Failure of any applicant or certificate holder to cooperate with the North Carolina Department of
15 Agriculture and Consumer Services during any investigation or inspection.
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17 *History Note: Authority G.S. 19A-24;*
18 *Eff. March 23, 2009;*
19 *Readopted Eff. July 1, 2022.*