

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 24    ANIMAL SHELTERING PROVIDERS**  
**PART 1        GENERAL PROVISIONS**

**16.24.1.1        ISSUING AGENCY:** Regulation and Licensing Department, Animal Sheltering Board.  
[16.24.1.1 NMAC - Rp, 16.24.1.1 NMAC, x/x/13]

**16.24.1.2        SCOPE:** This part applies to applicants, licensees, certificate holders and persons or agencies within the jurisdiction of the board.  
[16.24.1.2 NMAC - Rp, 16.24.1.2 NMAC, x/x/13]

**16.24.1.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Animal Sheltering Act, Sections 77-1B-2, 77-1B-3, 77-1B-4, 77-1B-5, 77-1B-6, 77-1B-7, 77-1B-8, 77-1B-9, 77-1B-10 and 77-1B-11 NMSA 1978.  
[16.24.1.3 NMAC - Rp, 16.24.1.3 NMAC, x/x/13]

**16.24.1.4        DURATION:** Permanent.  
[16.24.1.4 NMAC - Rp, 16.24.1.4 NMAC, x/x/13]

**16.24.1.5        EFFECTIVE DATE:** x/x/2013 unless a later date is cited in the history note at the end of a section.  
[16.24.1.5 NMAC - Rp, 16.24.1.5 NMAC, x/x/13]

**16.24.1.6        OBJECTIVE:** To define terms relevant to animal sheltering, euthanasia, circumstances under which a license is required, persons exempted from licensing, custody and alteration of a license, transferability, display of license, notification of changes, local regulations, and professional ethical standards, and to set forth standards for the operation, meeting and record keeping requirements of the board.  
[16.24.1.6 NMAC - Rp, 16.24.1.6 NMAC, x/x/13]

**16.24.1.7        DEFINITIONS:**

- A.**        “Act” means the Animal Sheltering Act, Sections 77-1B-1 through 77-1B-12 NMSA 1978.
- B.**        “Animal” means any animal, except humans, not defined as “livestock” in Subsection T of this section.
- C.**        “Animal shelter” means:
  - (1) a county or municipal facility that provides shelter to animals on a regular basis, including a dog pound; and
  - (2) a private humane society or a private animal shelter that temporarily houses stray, unwanted or injured animals through administrative or contractual arrangements with a local government agency; and
  - (3) does not include a municipal zoological park.
- D.**        “Board” means the animal sheltering board.
- E.**        “Companion animal” means any vertebrate commonly kept as domestic pets, excluding man, and those under the jurisdiction of the New Mexico department of game and fish and those under the jurisdiction of the New Mexico livestock board.
- F.**        “Consulting pharmacist” means a pharmacist whose services are engaged on a routine basis by a euthanasia agency and who is responsible for the distribution, receipt and storage of drugs according to the state and federal regulations.
- G.**        “Dangerous drug” means a drug, other than a controlled substance enumerated in Schedule I of the Controlled Substances Act, that because of a potentiality for harmful effect or the method of its use or the collateral measures necessary to its use is not safe, except under the supervision of a practitioner licensed by law to direct the use of such drug and hence for which adequate directions for use cannot be prepared. ‘Adequate directions for use’ means directions under which the layperson can use a drug or device safely and for the purposes for which it is intended.
- H.**        “DEA” means United States drug enforcement administration.
- I.**        “Department” means the regulation and licensing department.

**J. “Disposition”** means the adoption of an animal; return of an animal to the owner; release of an animal to a rescue organization; release of an animal to another animal shelter or to a rehabilitator licensed by the department of game and fish or the United States fish and wildlife service; or euthanasia of an animal.

**K. “Emergency field euthanasia”** means the process defined by rule of the board to cause the death of an animal in an emergency situation when the safe and humane transport of the animal is not possible.

**L. “Euthanasia”** means to produce the humane death of an animal by standards deemed acceptable to the board as set forth in its rules.

**M. “Euthanasia agency”** means a facility licensed by the board that provides shelter to animals on a regular basis, including a dog pound, a humane society or a public or private shelter facility that temporarily houses stray, unwanted or injured animals, and that performs euthanasia.

**N. “Euthanasia drugs”** means non-narcotic schedule II or schedule III substances and chemicals as set forth in the Controlled Substances Act, Section 30-31-1 et. seq. NMSA 1978, that are used for the purposes of euthanasia and pre-euthanasia of animals.

**O. “Euthanasia instructor”** means a euthanasia technician or a veterinarian certified by the board to instruct other individuals in euthanasia techniques.

**P. “Euthanasia technician”** means a person licensed by the board to euthanize animals for a euthanasia agency.

**Q. “Exotic”** means any vertebrate animal, excluding man, wild animals, livestock and companion animals.

**R. “FDA”** means United States food and drug administration.

**S. “Humanely”** means actions marked by compassion, sympathy or consideration, especially for the prevention of the suffering of the animal.

**T. “Livestock”** means all domestic or domesticated animals that are used or raised on a farm or ranch and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae but does not include canine or feline animals.

**U. “Non-livestock”** means any animal not covered under the definition of livestock in Subsection L of Section 77-1B-2 NMSA 1978.

**V. “Rescue organization”** means an organization that rescues animals and is not involved in the breeding of animals.

**W. “Sharps”** means any discarded article that may cause punctures or cuts. Such wastes may include, but are not limited to needles, scalpel blades, glass slides, glassware, suture needles and trocars.

**X. “Supervising veterinarian”** means a person who is a veterinarian, who holds both a valid New Mexico controlled substance license and a valid federal drug enforcement agency license and who approves the drug protocols and the procurement and administration of all pharmaceuticals at a euthanasia agency.

**Y. “Veterinarian”** means a person who is licensed as a doctor of veterinary medicine by the board of veterinary medicine pursuant to the Veterinary Practice Act, Section 61-14-1 et. seq. NMSA 1978.

**Z. “Veterinary facility”** means any building, mobile unit, vehicle or other location where services included within the practice of veterinary medicine are provided.

**AA. “Wild animal”** means any vertebrate animals under the jurisdiction of the New Mexico game and fish department.

[16.24.1.7 NMAC - Rp, 16.24.1.7 NMAC, x/x/13]

#### **16.24.1.8 BOARD OPERATIONS:**

**A. Quorum.** The board shall transact official business only at a legally constituted meeting with a quorum present. A simple majority of the appointed board members constitutes a quorum. The board is in no way bound by any opinion, statement, or action of any board member, the board administrator, or other staff except when such action is pursuant to a lawful instruction or direction of the board.

**B. Addressing the board.** Except for proceedings to adopt, amend, or repeal rules in accordance with the Uniform Licensing Act, Section 61-1-29 NMSA 1978, the board, at its sole discretion, may provide a reasonable opportunity for persons attending an open meeting to address the board on an agenda item. The request to speak shall be timely made and shall not delay or disrupt the board’s meeting. No person shall be permitted to address the board on any pending or concluded application, complaint, investigation, adjudicatory proceeding, or matter in litigation, except to confer for the purpose of settlement or simplification of the issues. Any public comment to the board shall be brief, concise, and relevant to the agenda item. The board may limit the total time allotted for comments and the time allotted to any person.

**C. Conflict of interest, recusal.** Any board member who cannot be impartial in the determination of a matter before the board and who cannot judge a particular matter or controversy fairly on the basis of its own merits, including because the board member had prior knowledge of the controversy, shall not participate in the any board deliberation or vote on the matter. A board member with a personal, social, family, financial, business, or pecuniary interest in a matter shall recuse himself or herself and shall not participate in a hearing, consideration, deliberation, or vote on the matter, except as provided by law.

**D. Confidentiality.** Board members shall not disclose to any non-member the content of any executive session discussion or deliberation, or any other confidential matters that may be the subject of an executive session or attorney-client privileged communications except as ordered by a court of competent jurisdiction or where the board knowingly and intentionally permits disclosure. Nothing herein shall preclude the board from including in executive session discussions or confidential committee meetings the board administrator or other persons the board deems necessary to assist the board in carrying out its operations. Such other persons shall be bound by the same rules of executive session as board members.

[16.24.1.8 NMAC - Rp, 16.24.1.8 NMAC, x/x/13]

#### **16.24.1.9 BOARD MEETING TELEPHONIC ATTENDANCE:**

**A.** Pursuant to the provisions of the Open Meetings Act, Subsection C of Section 10-15-1, NMSA 1978, board members may participate in a meeting of the board by means of a conference telephone or similar communications equipment.

(1) Board members' participation in meetings telephonically shall constitute presence in person at the meeting.

(2) Telephonic participation may occur only when it is difficult or impossible for the board member to be physically present, that is, when there are circumstances which make attendance in person extremely burdensome.

**B.** Each board member participating telephonically shall be identified when speaking and all participants shall be able to hear all other participants.

**C.** Members of the public attending the meeting shall be able to hear all members of the board and members of the public who speak during the meeting.

[16.24.1.9 NMAC - Rp, 16.24.1.9 NMAC, x/x/13]

#### **16.24.1.10 INSPECTION OF PUBLIC RECORDS:**

**A. Public Records.** The board operates in compliance with the Inspection of Public Records Act, Section 14-2-1 et. seq. NMSA 1978. The board administrator is the custodian of the board's records.

**B. Copying charges.** The custodian shall charge the standard copying charge established by the department.

**C. Creating records.** The board shall not be required to create any document or compile data for an individual or private entity.

**D. Reasonable access.** Consistent with the Inspection of Public Records Act and taking into account the available staff, space, and the needs of other legitimate public business, the custodian may determine the reasonable time, place, and conditions for access to public records.

**E. Removal.** Public records shall not be removed from the board office.

[16.24.1.10 NMAC - Rp, 16.24.1.10 NMAC, x/x/13]

**16.24.1.11 NON-PUBLIC RECORDS:** The following records are considered confidential and are not subject to public inspection:

**A.** letters of reference;

**B.** medical reports or records of chemical dependency, physical or mental examinations or treatment;

**C.** the contents of any examination used to test for an individual's knowledge or competence;

**D.** investigative files if disclosure would impede the investigation;

**E.** written communication relating to actual or potential disciplinary action, including complaints, until the board acts or declines to act; and

**F.** matters of opinion in personnel files.

[16.24.1.11 NMAC - Rp, 16.24.1.11 NMAC, x/x/13]

**16.24.1.12 SAVINGS CLAUSE:** If any provision of these rules or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of these rules and the application of such provisions to other persons or circumstances shall not be affected thereby.  
[16.24.1.12 NMAC - Rp, 16.24.1.12 NMAC, x/x/13]

**HISTORY OF 16.24.1 NMAC:**

**History of Repealed Material:**

16.24.1 NMAC, General Provisions, filed 05/14/2009 - duration expired 7/21/2012.

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 24    ANIMAL SHELTERING PROVIDERS**  
**PART 2         LICENSURE AND CERTIFICATION**

**16.24.2.1        ISSUING AGENCY:** Regulation & Licensing Department, Animal Sheltering Board.  
[16.24.2.1 NMAC - Rp, 16.24.2.1 NMAC, x/x/13]

**16.24.2.2        SCOPE:** This part applies to applicants, licensees, certificate holders and persons or agencies within the jurisdiction of the board.  
[16.24.2.2 NMAC - Rp, 16.24.2.2 NMAC, x/x/13]

**16.24.2.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Animal Sheltering Act, Sections 77-1B-5, 77-1B-6, 77-1B-7, NMSA 1978.  
[16.24.2.3 NMAC - Rp, 16.24.2.3 NMAC, x/x/13]

**16.24.2.4        DURATION:** Permanent.  
[16.24.2.4 NMAC - Rp, 16.24.2.4 NMAC, x/x/13]

**16.24.2.5        EFFECTIVE DATE:** x/x/2013 unless a later date is cited in the history note at the end of the section.  
[16.24.2.5 NMAC - Rp, 16.24.2.5 NMAC, x/x/13]

**16.24.2.6        OBJECTIVE:** To provide for the most humane restraint, in-facility capture, and death possible for animals when euthanasia is required.  
[16.24.2.6 NMAC - Rp, 16.24.2.6 NMAC, x/x/13]

**16.24.2.7        DEFINITIONS:** [Reserved]

**16.24.2.8        PRACTICING WITHOUT A LICENSE OR CERTIFICATE:**

**A.** It is a violation of the act for a person, other than a veterinarian licensed to practice in New Mexico, to perform euthanasia for a euthanasia agency in this state unless the individual is licensed by the board pursuant to the Act, Section 77-1B-6 NMSA 1978.

**B.** It is a violation of the act for an entity other than a veterinary facility to perform euthanasia unless the agency is licensed by the board pursuant to the Act, Section 77-1B-8 NMSA 1978.  
[16.24.2.8 NMAC - Rp, 16.24.2.8 NMAC, x/x/13]

**16.24.2.9        LICENSURE OR CERTIFICATION EXEMPTIONS:**

**A.** The act does not apply to veterinarians licensed in New Mexico.

**B.** The act does not apply to wildlife rehabilitators working under the auspices of the department of game and fish.

**C.** A for profit veterinary facility serving as a euthanasia agency pursuant to a contract with a local government is exempt from the provisions of the act; provided that the veterinary facility is subject to licensure and rules adopted pursuant to the Veterinary Practice Act, Section 61-14-1 et. seq. NMSA 1978.

**D.** A municipal facility that is a zoological park is exempt from the provisions of the act.

**E.** A commissioned law enforcement officer is exempt from the act when conducting emergency field euthanasia or in situations where the public's health or safety is at risk or the animal is irremediably suffering.

**F.** The board may exempt a euthanasia instructor from the required euthanasia technician testing based upon review of the applicant's credentials and practical experience in shelter euthanasia. The applicant shall be required to obtain a euthanasia instructor certificate and is subject to the required certified euthanasia instructor duties.

[16.24.2.9 NMAC - Rp, 16.24.2.9 NMAC, x/x/13]

**16.24.2.10       CUSTODY AND ALTERATION OF LICENSE OR CERTIFICATE:**

**A.** Licenses and certificates issued by the board are at all times the property of the board, and may remain in the custody of the licensee or certificate holder only as long as the licensee or certificate holder complies with the act and board rules.

- B.** Licenses and certificates shall not be altered in any way.
  - C.** Inspectors or board designees shall retrieve any license or certificate that is suspended, revoked, expired, or left by a licensee or certificate holder who is no longer employed at an establishment.
- [16.24.2.10 NMAC - Rp, 16.24.2.10 NMAC, x/x/13]

**16.24.2.11 LICENSE OR CERTIFICATE NOT TRANSFERABLE:** A license or certificate issued by the board pursuant to the act shall not be transferred or assigned.

[16.24.2.11 NMAC - Rp, 16.24.2.11 NMAC, x/x/13]

**16.24.2.12 DISPLAY OF LICENSE OR CERTIFICATE AND NOTIFICATION OF CHANGES:**

- A.** A euthanasia technician license or a euthanasia agency license shall at all times be posted in the euthanasia room of the euthanasia agency, unless the euthanasia technician is working at a location other than the euthanasia agency. If the euthanasia technician is performing euthanasia offsite, the licensee shall have the license in his or her possession. Euthanasia instructor certificate holders shall have the certificate in his or her possession when teaching any board approved euthanasia technician training course.
  - B.** Licensees and certificate holders shall notify the board of any change of address, phone or other contact information within 30 days. If a euthanasia agency has a change of address, its current license will be invalidated on the date the change in address is effective and the agency shall reapply to the board for a valid license in order to perform euthanasia.
- [16.24.2.12 NMAC - Rp, 16.24.2.12 NMAC, x/x/13]

**16.24.2.13 APPLICATION FOR LICENSURE AS A EUTHANASIA TECHNICIAN:**

- A.** All persons who will provide euthanasia services on or after January 1, 2010, with the exception of licensed New Mexico veterinarians or state or federally licensed wildlife rehabilitators, shall be licensed by the board by January 1, 2010, or before they begin performing euthanasia services after January 1, 2010. Any person not licensed in that time frame may be in violation of the act for practicing euthanasia without a license.
- B.** In order to obtain a license as a licensed euthanasia technician, the applicant shall submit the following documentation and a completed application on a form provided by the board which may available online, accompanied by the required fees:
  - (1) proof of age indicating the applicant is at least 18 years of age, such as a copy of a driver's license or a copy of a state issued identification card (do not submit a copy of a birth certificate);
  - (2) two 2" x 2" original photographs taken within the past six months;
  - (3) a notarized authorization for release of information form;
  - (4) state criminal history background check as specified in 16.24.2.17 NMAC;
  - (5) verification that the applicant holds a high school diploma or its equivalent;
  - (6) verification that the applicant holds a certificate of completion, or similar document, of a board approved euthanasia technician training course within three years preceding the date the application for licensure is submitted, which course shall be approved as described in 16.24.2.18 NMAC;
  - (7) verification of passing a board approved examination administered by a certified euthanasia instructor at a board approved euthanasia training course with a grade of at least 80%;
  - (8) passing a board approved jurisprudence examination, administered by the board, with a grade of at least 80%;
  - (9) any other information or verifications the board may request.
- C.** 60-day temporary euthanasia technician license.
  - (1) A temporary license may be issued at the discretion of the board. The temporary license is intended to assist a licensed euthanasia agency to hire trained personnel in the event the agency's only licensed euthanasia technician leaves the agency or is no longer able to perform euthanasia for any reason. The temporary license is valid for a period of no more than 60 calendar days. The temporary license cannot be renewed by the euthanasia technician. No more than one temporary license may be granted to an individual unless approved by the board in consideration of extenuating circumstances.
  - (2) To qualify for a temporary license, an applicant shall submit all items required in Paragraphs (1) through (4) of Subsection B of 16.24.2.13 NMAC, submit proof of completion of a euthanasia technician training course within three years preceding the date of the application, successfully complete the jurisprudence exam, and submit three references regarding euthanasia by injection proficiency from licensed veterinarians or New Mexico licensed euthanasia technicians who have witnessed the applicant perform these procedures.

[16.24.2.13 NMAC - Rp, 16.24.2.13 NMAC, x/x/13]

**16.24.2.14 APPLICATION FOR CERTIFICATION AS A EUTHANASIA INSTRUCTOR:**

**A.** In order to obtain a certificate as a certified euthanasia instructor the applicant shall submit the following documentation and a completed application on a form provided by the board, which may be available online, accompanied by the required fees:

- (1) proof of age indicating the applicant is at least 21 years of age such as a copy of a driver's license or a copy of a state issued identification card (do not submit a copy of a birth certificate);
- (2) two 2" x 2" original photographs taken within the past six months;
- (3) a notarized authorization for release of information form;
- (4) state criminal history background check as specified in 16.24.2.17 NMAC;
- (5) verification that the applicant holds a high school diploma or its equivalent;
- (6) verification that the applicant holds a certificate of completion of a board approved euthanasia technician training course, completed within one year preceding the date the application for certification is submitted;
- (7) verification of passing a board approved examination for a board approved euthanasia technician training course with a grade of at least 90%;
- (8) verification of at least one year of practical experience in the euthanasia of shelter animals preceding the date of application;
- (9) any other information or verifications the board may request.

**B.** The board may exempt a euthanasia instructor from taking a required board approved euthanasia technician training course and test based upon review of the applicant's credentials and practical experience in shelter euthanasia. The applicant shall be required to obtain a euthanasia instructor certificate and is subject to the required certified instructor duties.

[16.24.2.14 NMAC - Rp, 16.24.2.14 NMAC, x/x/13]

**16.24.2.15 APPLICATION FOR LICENSURE AS A EUTHANASIA AGENCY:** All agencies that will provide euthanasia services on or after January 1, 2010, shall be licensed by the board by January 1, 2010, or before performing euthanasia services if the agency does not begin performing euthanasia services until a later date. In order to obtain a license as a euthanasia agency, the applicant shall submit the following documentation and a completed application on a form provided by the board, which may be online, accompanied by the required fee:

**A.** the agency shall have at least one licensed euthanasia technician on staff who shall at all times be assisted by a trained assistant as specified in Subsection I of 16.24.3.11 NMAC for each method of humane euthanasia;

**B.** the agency shall provide the names of their current licensed euthanasia technicians at the time of application or renewal for licensure and shall notify the board when there is a change in licensed euthanasia technicians at the agency within 30 days;

**C.** the agency shall have a written contingency plan for providing euthanasia in the event the agency is without a licensed euthanasia technician;

**D.** the agency shall notify the board in the event it no longer has a licensed euthanasia technician on staff within 72 hours;

**E.** the agency shall keep accurate controlled substance and dangerous drug logs, in compliance with applicable state controlled substances laws, which shall be inspected quarterly according to the guidelines of the New Mexico pharmacy board and shall be made available to the board approved euthanasia agency inspector;

**F.** the agency shall identify and describe any contracts with a supervising veterinarian, a consulting pharmacist and any holder of DEA licenses;

**G.** the agency shall comply with board requests for inspections;

**H.** the agency shall pay the license fee established by the board; and

**I.** the agency shall provide any other information or verifications the board may request.

[16.24.2.15 NMAC - Rp, 16.24.2.15 NMAC, x/x/13]

**16.24.2.16 APPLICATION FOR LICENSE OR CERTIFICATE RENEWALS:**

**A.** Licenses and certificates shall be valid for three years from the date the license or certificate is issued. Each licensee or certificate holder shall, on or before the expiration date of the license or certificate submit a renewal form provided by the board, which may be online, and pay a renewal fee as established by the board. Holders of a license or certificate who fail to renew on or before the expiration date may not practice past the

expiration date and may be considered to be practicing without a license. Any person may reinstate an expired license or certificate within three years of its expiration by making application to the board for renewal and paying the current renewal fee along with all delinquent renewal fees and late fees. After three years have elapsed since the date of expiration, a license or certificate may not be renewed and the holder shall apply for a new license or certificate and take the required examination. The board may assess a late fee on the applicant as established by the board. License or certificate holders shall also comply with Subsections B through D to renew a license or certificate, as applicable.

**B.** For each renewal, a euthanasia technician shall also:

(1) provide proof of having taken 12 hours of board approved continuing education courses or in-service training during the prior three years, which may include, but are not limited to, animal handling, euthanasia, recording and handling of controlled substances and dangerous drugs, shelter operations and teacher training courses;

(2) complete any continuing education course specifically required by the board within the preceding three years;

(3) be responsible for proving the validity of the reported continuing education hours by submitting photocopies of seminar registrations or completion certificates, or similar documentation;

(4) submit a request for course approval including a course description with course outline, the number of course hours, and agency teaching the course, in writing to the board if there is a question about whether a particular course, class, or seminar will be approved for credit;

(5) pass a board approved jurisprudence examination, administered by the board, with a grade of at least 80%.

**C.** For each renewal, a euthanasia instructor shall also:

(1) provide proof of having taken 24 hours of board approved continuing education courses during the prior three years, which may include, but are not limited to, animal handling, euthanasia, recording and handling of controlled substances and dangerous drugs, shelter operations and teacher training courses;

(2) complete any continuing education course specifically required by the board within the preceding three years;

(3) be responsible for proving the validity of the reported continuing education hours by submitting photocopies of seminar registrations or completion certificates, or similar documentation;

(4) submit a request for course approval including a course description with course outline, the number of course hours, and agency teaching the course, in writing to the board if there is a question about whether a particular course, class, or seminar will be approved for credit;

(5) pass a board approved jurisprudence examination, administered by the board, with a grade of at least 80%.

**D.** For each renewal, a euthanasia agency shall also:

(1) submit to an annual inspection and correct any deficiencies found during its inspection;

(2) submit a current list of its licensed euthanasia technicians.

[16.24.2.16 NMAC - Rp, 16.24.2.16 NMAC, x/x/13]

#### **16.24.2.17 APPLICANT BACKGROUND CHECK PROCEDURE:**

**A.** Pursuant to Section 77-1B-5(N) NMSA 1978 all applicants for initial issuance, reinstatement or renewal of a license or certificate in New Mexico shall be required to establish positive identification for a state criminal history background check, except commissioned law enforcement officers.

**B.** Completed RLD release of information form and DPS authorization for release of information form shall be submitted to the department of public safety with a money order or cashiers check made out to the department of public safety, for the prescribed fee for the amount established by the department of public safety for the processing of state criminal history background checks.

[16.24.2.17 NMAC - Rp, 16.24.2.17 NMAC, x/x/13]

#### **16.24.2.18 CURRICULUM FOR BOARD APPROVED EUTHANASIA TECHNICIAN TRAINING COURSES:**

**A.** In order to receive board approval for a euthanasia technician training course that will be taught on or after July 1, 2009, the euthanasia instructor shall submit a written request for approval to the board along with 12 copies of the instructor's manual, the course curriculum and a description of the test administered by the instructor.



Courses will be approved until such time as the board revokes the approval. Approved courses will subject to annual review. The curriculum shall include the following.

- (1) Animal anatomy and physiology as related to euthanasia.
- (2) Euthanasia: the history, current standards, stages of euthanasia, best practices.
- (3) Euthanasia by injection: acceptable sites (advantages, disadvantages, criteria for selecting which site), restraint for each type of injection, injection techniques and mechanics of each technique, acceptable euthanasia drugs, best practices.
- (4) Pre-euthanasia anesthesia: uses, stages of anesthesia, criteria for judging depth of anesthesia, drugs for this use, administration sites and methods, best practices.
- (5) Verification of death: proper and accurate methods of verification of death.
- (6) Pharmaceuticals: controlled and non-controlled substances (types, method of actions, uses), dosage calculations, security and storage of both types of drugs, record keeping, drug logs, controlled substance logs, labeling of drug mixtures, material safety data sheets (MSDS sheets), inventory management.
- (7) Proper disposal techniques: euthanized animals, drug waste, expired drugs, sharps, biohazardous or infectious waste.
- (8) Euthanasia by non-injection method: criteria for choosing case for non-injection method.
- (9) Emergency field euthanasia: methods and best practices for emergency field euthanasia.
- (10) Animal handling: humane handling techniques, techniques to reduce animal stress, restraint of wild or unsocialized animals, humane capture techniques for in-facility escapes.
- (11) Species other than dogs and cats: restraint techniques, acceptable and best euthanasia techniques for each species, public health concerns, rabies (description of disease, signs, submission procedures).
- (12) Euthanasia room: equipment and supplies (use and location), backup equipment, setup, lighting, safety measures.
- (13) Staff health and safety concerns: zoonotic disease, emergency equipment (use, location), sharps handling and disposal, work place safety, safety equipment and apparel, eye wash station; compassion fatigue and euthanasia-related stress (recognition, reduction techniques, professional services).

**B.** The board may approve euthanasia technician training courses that were taught between July 1, 2006 and June 30, 2009, in its discretion.  
[16.24.2.18 NMAC - Rp, 16.24.2.18 NMAC, x/x/13]

## **HISTORY OF 16.24.2 NMAC:**

### **History of Repealed Material:**

16.24.2 NMAC, Licensure and Certification, filed 5/14/2009 - duration expired 7/21/2012.

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 24    ANIMAL SHELTERING PROVIDERS**  
**PART 3         DUTIES OF LICENSEES AND CERTIFICATE HOLDERS**

**16.24.3.1        ISSUING AGENCY:** Regulation & Licensing Department, Animal Sheltering Board.  
[16.24.3.1 NMAC - Rp, 16.24.3.1 NMAC, x/x/13]

**16.24.3.2        SCOPE:** This part applies to applicants, licensees, certificate holders and persons or agencies within the jurisdiction of the board.  
[16.24.3.2 NMAC - Rp, 16.24.3.2 NMAC, x/x/13]

**16.24.3.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Animal Sheltering Act, Sections 77-1B-5, 77-1B-6, 77-1B-7, NMSA 1978.  
[16.24.3.3 NMAC - Rp, 16.24.3.3 NMAC, x/x/13]

**16.24.3.4        DURATION:** Permanent.  
[16.24.3.4 NMAC - Rp, 16.24.3.4 NMAC, x/x/13]

**16.24.3.5        EFFECTIVE DATE:** x/x/2013 unless a later date is cited in the history note at the end of the section.  
[16.24.3.5 NMAC - Rp, 16.24.3.5 NMAC, x/x/13]

**16.24.3.6        OBJECTIVE:** To establish board approved procedures for humane euthanasia of common shelter animals in New Mexico that include duties of euthanasia agencies, euthanasia technicians, and euthanasia instructors in order to ensure approved humane restraint and euthanasia techniques are consistently practiced.  
[16.24.3.6 NMAC - Rp, 16.24.3.6 NMAC, x/x/13]

**16.24.3.7        DEFINITIONS:** [Reserved]

**16.24.3.8        GENERAL REQUIREMENTS FOR LICENSED EUTHANASIA TECHNICIANS AND AGENCIES:**

**A.** Euthanasia shall be performed by a licensed euthanasia technician employed or under contract with a licensed euthanasia agency, by a licensed veterinarian, or in the case of emergency field euthanasia, may be performed by a commissioned law enforcement officer by means of gunshot.

**B.** Euthanasia technicians shall scan all companion animals for a microchip and look for a license or other identification tag directly prior to performing euthanasia. Every microchip, license or identification tag located shall be recorded. If a microchip, license or identification tag is found at the time of euthanasia, the licensed euthanasia technician shall verify that all reasonable attempts to contact the owner have been made and only after verification may the euthanasia proceed. If the verification is not possible, then the euthanasia shall be postponed until verification is completed, except in situations in which the animal is in severe, acute distress or is irremediably suffering.

**C.** Euthanasia technicians shall euthanize dogs and cats only by the use of an FDA approved sodium pentobarbital euthanasia solution, or any other board approved euthanasia solutions, with the exception of emergency field euthanasia as provided for in 16.24.3.15 NMAC.

**D.** Euthanasia agencies using controlled substances shall have under contract a consulting pharmacist as defined in the New Mexico Pharmacy Act.

**E.** Euthanasia agencies shall be inspected at least once annually.

**F.** Euthanasia technicians shall euthanize all other non-livestock animals in accordance with Section 61-11-1 et. seq. NMSA 1978 and the applicable methods, recommendations and procedures set forth in 16.24.3.9 NMAC and 16.24.3.12 through 16.24.3.15 NMAC.

**G.** Euthanasia technicians and euthanasia agencies shall maintain storage, security, recordkeeping and disposal methods of controlled substances used for euthanasia as set forth in the board approved euthanasia technician training courses in accordance with the New Mexico pharmacy board and DEA regulations. Euthanasia technicians and euthanasia agencies shall adhere to all existing state and federal laws and protocols.

**H.** Euthanasia agencies shall display material safety data sheets for all drugs used in the euthanasia process in the euthanasia area or shall make such material available and accessible to all employees on the premises.

**I.** Euthanasia technicians may use pre-euthanasia drugs as set forth in the board approved euthanasia technician training courses.

**J.** Euthanasia technicians and their assistants shall handle animals humanely as detailed in board approved euthanasia instruction from the commencement of and throughout the euthanasia process. Remains shall be disposed of in a respectful manner.

**K.** A euthanasia agency shall handle, treat and dispose of infectious waste, including but not limited to remains, anatomical body parts, excretions, blood soiled articles and bedding, that are generated from an animal that the agency knows or has reason to suspect has a disease that is capable of being transmitted to humans as follows.

(1) All infectious waste will be sterilized or disinfected by heat, steam, chemical disinfection, radiation, or desiccation.

(2) Infectious waste held for disposal shall be collected in sanitary leak resistant bags clearly labeled for biohazard disposal. The bag shall contain the gloves worn while collecting the waste and those used in treatment and post mortem examinations of suspect animals.

(3) All sharps shall be disposed of in labeled sharps containers. Such containers shall be rigid-sided, solidly sealed containers that are highly resistant to puncture. These containers shall be incinerated or disposed of in an environmentally safe manner by a duly licensed disposer or an approved medical sharps incineration facility or shall be disposed of in such a way as to render the sharps harmless. This disposal shall not apply to infectious waste sharps, which, contained in a puncture resistant container, should be disposed of as described in infectious waste disposal. Due to the small volume of sharps generated in a euthanasia agency, transportation of the filled, sealed containers shall not be mandated by nor limited to commercial haulers.

**L.** A euthanasia agency shall dispose of drugs as follows.

(1) The removal and disposal of outdated or unwanted dangerous drugs shall be pursuant to the rules of the board of pharmacy and be the responsibility of the consultant pharmacist.

(2) Outdated or unwanted controlled substances shall be disposed of through a DEA-registered reverse distributor or pursuant to the requirements of Title 21, Code of Federal Regulations, Part 1307.

(3) The transfer of any dangerous drug inventory to another registrant shall be pursuant to the rules of the board of pharmacy and be the responsibility of the consultant pharmacist in compliance with state and federal laws and regulations for the transfer of such drugs.

**M.** A euthanasia agency shall handle waste materials that are generated from an animal that does not have a disease transmissible to humans and is not suspected of being contaminated with an agent capable of infecting humans as provided under this section.

(1) Animal remains.

(a) A euthanasia technician shall dispose of an animal's remains promptly by release to owner, burial, cremation, incineration, commercial rendering or, if permitted by local ordinance, placement in a public landfill.

(b) If prompt disposal of an animal's remains is not possible, the euthanasia technician shall contain the animal's remains in a freezer or store them in a sanitary, non-offensive manner until such time as they can be disposed of as provided above.

(2) A euthanasia technician shall dispose of tissues, specimens, bedding, animal waste and extraneous materials, not suspected of harboring pathogens infectious to humans, by approved municipality or county disposal methods.

**N.** In the event of the occurrence of a suspect foreign animal disease or disease of potential concern to state or national security, the euthanasia agency will immediately contact the state department of agriculture, the U. S. department of agriculture, and other applicable departments. The euthanasia technician and euthanasia agency shall handle all tissues, laboratory samples, and biomedical waste associated with such cases in accordance with the recommendations made by the department of agriculture, and other departments and agencies, which are deemed necessary and appropriate in such cases.

**O.** It shall be a violation of the act for euthanasia technicians and euthanasia agencies to end an animal's life using the following methods:

- (1) decompression;
- (2) nitrous oxide;
- (3) drowning;
- (4) decapitation;
- (5) cervical dislocation;
- (6) pithing;

- (7) exsanguination;
  - (8) electrocution;
  - (9) gunshot, excluding properly performed field euthanasia in an emergency situation as defined in 16.24.3.13 NMAC below;
  - (10) air embolism;
  - (11) nitrogen flushing;
  - (12) strychnine;
  - (13) acetone or any other industrial solvent;
  - (14) any other chemical agent;
  - (15) intrahepatic injection (IH); and
  - (16) any method not specifically approved by the board.
- [16.24.3.8 NMAC - Rp, 16.24.3.8 NMAC, x/x/13]

**16.24.3.9 DUTIES OF A LICENSED EUTHANASIA TECHNICIAN:** The duties of a euthanasia technician shall include but are not limited to:

- A. performing euthanasia on a sufficient number and variety of animals under the direct supervision of a veterinarian or an experienced, licensed euthanasia technician to demonstrate proficiency in the performance of humane euthanasia before performing euthanasia without supervision, and, verifying in writing to the board (for example, by a letter written by the supervising veterinarian or euthanasia technician) within 60 days that the technician has demonstrated proficiency and maintains that documentation at the euthanasia agency, provided that this requirement does not apply to euthanasia technicians who have performed euthanasia for a period of at least six months;
  - B. preparing animals for euthanasia, including scanning for the presence of a microchip in companion animals;
  - C. carefully and accurately recording the dosage and drug waste for every euthanasia performed pursuant to the rules of the New Mexico board of pharmacy;
  - D. maintaining the security of all controlled substances and dangerous drugs, including records relating to controlled substances and dangerous drugs, at the euthanasia agency in accordance with applicable state and federal laws;
  - E. reporting to the board, the regulation and licensing department or the department of health any infraction of the act or rules adopted pursuant to the act, or any misuse of drugs;
  - F. humanely capturing, restraining, and euthanizing animals as taught in board approved euthanasia technician training courses;
  - G. disposing of remains in accordance with law;
  - H. maintaining one's license in an active status;
  - I. reporting any change of address, telephone or other contact information to the board within 30 days;
  - J. providing to the board or authorized board representative a reply to a request for information allowed under the act or these rules within ten working days;
  - K. a euthanasia technician shall prepare a report of any euthanasia performed that deviates from board approved rules, and the euthanasia agency shall keep these records on file for three years.
- [16.24.3.9 NMAC - Rp, 16.24.3.9 NMAC, x/x/13]

**16.24.3.10 DUTIES OF A CERTIFIED EUTHANASIA INSTRUCTOR:** The duties of a certified euthanasia instructor shall include but are not limited to:

- A. reporting any change of address, phone or other contact information to the board within 30 days;
  - B. maintaining current knowledge of New Mexico board of pharmacy rules, the New Mexico board of veterinary medicine rules and these rules, as they apply to euthanasia and controlled substances used in the practice of euthanasia;
  - C. providing reports on a form provided to the board within 30 days of the completion of the courses;
  - D. complying with continuing education requirements as set by the board;
  - E. providing to the board or authorized board representative, a reply to a request for additional information allowed under the act or these rules within ten working days.
- [16.24.3.10 NMAC - Rp, 16.24.3.10 NMAC, x/x/13]

**16.24.3.11 DUTIES OF A LICENSED EUTHANASIA AGENCY:** The duties of a licensed euthanasia agency shall include, but are not limited to:

**A.** keeping records for a period of 3 years showing:

(1) those individuals who are authorized in writing, in accordance with these rules, by the euthanasia agency to administer an FDA approved sodium pentobarbital euthanasia solution or other board approved euthanasia solution;

(2) logs with respect to controlled substances used to carry out humane euthanasia in accordance with the New Mexico pharmacy board rules;

**B.** having at least one licensed euthanasia technician on staff or having a contract with a veterinary facility for the purposes of performing euthanasia; in the event the agency falls below this minimum requirement, the agency shall immediately apply to the board to license additional individual(s) or forfeit its license;

**C.** accurately reporting annually no later than January 31 of each year on board provided forms, regarding the impound, disposition and reason for euthanasia of all animals for the prior year; the board may suspend or revoke the agency's license in the event the agency fails to report their annual numbers to the board by February 28<sup>th</sup> of each year;

**D.** expediting the euthanasia procedure for any animal accepted by a euthanasia agency that is critically ill or severely injured and that in the determination of the euthanasia agency requires euthanasia; in these cases, the euthanasia agency shall place the animal in a quiet environment and give the animal treatment to reduce pain and suffering until a euthanasia technician or veterinarian is able to euthanize the animal;

**E.** having a current euthanasia policy and procedures manual; the manual shall include but is not limited to the following:

(1) a copy of the act, Section 77-1B-1 et. seq. NMSA 1978, and the animal sheltering rules, Title 16 Chapter 24 Parts 1 - 5 NMAC;

(2) a copy of the euthanasia training manuals provided by the board approved euthanasia technician training courses attended by the euthanasia technicians working at the euthanasia agency;

(3) a list of methods of euthanasia allowed at the euthanasia agency and the policy and procedures for each method;

(4) a list of licensed euthanasia technicians, the methods they have been trained in, the date of training and the date of expiration of their license;

(5) the name, address and contact information for the veterinarian or euthanasia technician responsible for the euthanasia agency facility license;

(6) the name, address and contact information for the veterinarian responsible for veterinary medical care of the animals; the contact information shall include telephone numbers for working hours, weekends, nights and holidays;

(7) a protocol for euthanasia procedures to use in emergencies, after hours, holidays and weekends;

(8) procedures to follow if no licensed euthanasia technician is present and euthanasia of an animal is necessary;

(9) a list of methods of verifying death of an animal after a euthanasia process is performed;

(10) the name and contact information of the manufacturer and supplier of all materials used in euthanasia procedures at the euthanasia agency, including such materials as:

(a) bottled gas (if applicable);

(b) the chamber used to euthanize animals by inhalant gas (if applicable);

(c) injectable FDA approved sodium pentobarbital euthanasia solution or other board approved euthanasia solution; and,

(d) tranquilizer or anesthetic solution;

(11) a copy of the original DEA certification permitting the use of controlled substances;

(12) a material safety data sheet for any chemical or gas used for euthanasia in that agency;

(13) a material safety data sheet for any anesthetic or tranquilizer used in that agency;

(14) notice of the signs and symptoms associated with human exposure to the agents used for euthanasia at that agency;

**F.** providing for the observation or inspection of the euthanasia process and euthanasia agency as requested by the board; observations or inspections may be done by any means including through a board approved instructor, inspector, or appointed designee;

**G.** a euthanasia technician shall prepare a report of any euthanasia performed that deviates from board approved rules, and the euthanasia agency shall keep these records on file for three years;

**H.** the agency shall ensure that any assistants to the euthanasia technician have received, at a minimum, documented in-service training as to the proper handling and restraint of animals for the purposes of euthanasia; this training can be provided by the agency's own licensed euthanasia technician.  
[16.24.3.11 NMAC - Rp, 16.24.3.11 NMAC, x/x/13]

**16.24.3.12 EUTHANASIA BY INJECTION OF FDA APPROVED SODIUM PENTOBARITAL EUTHANASIA SOLUTION OR BOARD APPROVED EUTHANASIA SOLUTIONS:**

**A.** The approved routes of injections of an FDA approved sodium pentobarbital euthanasia solution or board approved euthanasia solutions, listed in order of preference, are:

- (1)** intravenous injection as taught in board approved euthanasia technician training courses;
- (2)** intraperitoneal injection, but only if used as taught in a board approved euthanasia technician training course and as set forth below; or
- (3)** intracardiac injection, but only if used in accordance with Section 30-18-15 NMSA 1978 and as set forth below; it is unlawful for a euthanasia technician to use intracardiac injections to administer euthanasia on a conscious animal if the animal could first be rendered unconscious in a humane manner.

**B.** Intracardiac injection shall be acceptable only when performed on anesthetized or comatose animals. If a euthanasia technician uses intracardiac injection, the euthanasia technician shall administer the appropriate pre-euthanasia drugs as set forth in the board approved euthanasia technician training courses and shall ascertain that the animal is not conscious before administering the intracardiac injection.

**C.** Euthanasia technicians shall place animals who received an intraperitoneal injection in small cages in a quiet area to minimize excitement and trauma except that newborns and infants may be held.

**D.** Only veterinarians or euthanasia technicians shall administer the injections set forth in the board approved euthanasia technician training.

**E.** The euthanasia agency shall equip the designated area used for injection to ensure accuracy in the procedure and safety for the euthanasia technician, which should include but is not limited to sufficient lighting, useable animal restraint devices, and an eye wash station.

**F.** Euthanasia technicians shall administer injectable euthanasia agents to animals with at least the minimum dosage, as set forth in the board approved euthanasia technician training courses.

**G.** Euthanasia technicians shall place animals given an FDA approved sodium pentobarbital euthanasia solution or board approved euthanasia solutions by intraperitoneal injection in a quiet area, separated from physical contact with other animals during the dying process except that newborns and infants may be held.

**H.** Euthanasia technicians shall monitor the animals from the time euthanasia is performed until verification of the death of each animal.

**I.** Euthanasia technicians shall verify death by a combination of ascertaining the absence of ocular reflexes as well as the cessation of heartbeat or by observing the onset of rigor mortis, or other methods established by the board approved euthanasia technician training courses prior to remains storage and disposal.

[16.24.3.12 NMAC - Rp, 16.24.3.12 NMAC, x/x/13]

**16.24.3.13 EUTHANASIA BY CARBON MONOXIDE GAS:**

**A.** Carbon monoxide is illegal for the euthanasia of dogs and cats.

**B.** Carbon monoxide may be used for the euthanasia of animals (excluding dogs or cats) that may present a zoonotic hazard.

**C.** Operations shall be in compliance with all applicable state and federal regulations under the occupational safety and health administration (OSHA) and an annual inspection of such equipment and operations shall be required. The following guidelines shall be observed:

- (1)** a euthanasia agency shall not operate a carbon monoxide chamber unless a euthanasia technician or New Mexico licensed veterinarian and one other adult are present at the time of operation;
- (2)** acceptable gas is limited to commercially compressed carbon monoxide gas and never gas piped from a motor;
- (3)** the ambient temperature inside the chamber shall not exceed 85 degrees fahrenheit (29.4 degrees celsius) when it contains live animals;
- (4)** if the chamber is commercially manufactured to euthanize only one animal at a time, no more than one animal at a time may be euthanized;

(5) if the chamber is commercially designed to euthanize more than one animal at a time, there shall be independent sections or cages to separate individual animals; if separation partitions are not used under specific circumstances, the specific circumstances shall be noted on the animal's disposition card; only animals of the same species shall be placed in the chamber simultaneously, with no more than the maximum number recommended by the manufacturer placed in the chamber;

(6) no live animal shall be placed in the chamber with a dead animal;

(7) prior to storage and disposal of remains, the euthanasia technician shall verify death by a combination of ascertaining the absence of ocular reflexes as well as the cessation of heartbeat or by observing the onset of rigor mortis or other methods established by the board approved euthanasia technician training courses prior to remains storage and disposal;

(8) euthanasia of this type shall be performed in a commercially manufactured carbon monoxide chamber and the manufacturer's operating and servicing instructions shall be strictly followed;

(9) the chamber shall be located outdoors or in a properly ventilated room, though if it is located indoors it shall not be located in the same room as kennels housing other animals;

(10) to avoid risk of death or injury to personnel operating the chamber, as well as personnel working in the vicinity of the chamber, the chamber shall be airtight and equipped with the following in working order:

(a) an exhaust fan that is capable of evacuating all gas from the chamber prior to the chamber being opened, is connected by a gas-type duct to the outdoors, and the chamber shall be thoroughly vented prior to removing any remains to avoid risk of death to the euthanasia technician or other personnel in the vicinity of the chamber;

(b) a gas flow regulator and flow meter for the canister;

(c) a gas concentration gauge to indicate that gas concentrations are at proper levels and that the gas concentration process shall achieve at least a 6.0% carbon monoxide gas concentration, but not to exceed 10%, within 5 minutes after the introduction of carbon monoxide into the chamber is initiated;

(d) an accurate temperature gauge for monitoring the interior of the chamber;

(e) a carbon monoxide monitor, which if located on the exterior of the chamber shall be connected to an audible alarm system that will sound in the room containing the chamber;

(f) explosion-proof electrical equipment, if equipment is exposed to carbon monoxide; and

(g) a view-port with either internal lighting or external lighting sufficient to allow visual surveillance of all animals within the chamber;

(11) all chamber equipment shall be in proper working order and used according to manufacturer's specifications during the operation of the chamber;

(12) the chamber shall be thoroughly cleaned after the completion of each cycle; chamber surfaces shall be constructed and maintained so they are impervious to moisture and can be readily sanitized; and,

(13) the euthanasia agency shall prominently display the operation, maintenance, and safety instructions in the area containing the chamber.

[16.24.3.13 NMAC - Rp, 16.24.3.13 NMAC, x/x/13]

#### **16.24.3.14 EUTHANASIA BY CARBON DIOXIDE GAS:**

**A.** Euthanasia by carbon dioxide gas is illegal for use on dogs and cats.

**B.** Carbon dioxide may be used for the euthanasia of animals, excluding dogs and cats, that may present a zoonotic hazard.

**C.** Operations and equipment shall be in compliance with any applicable state and federal regulations and may be inspected annually or as required by the board. Inspections must be performed by board trained inspectors.

**D.** Acceptable gas is limited to commercially compressed carbon dioxide gas.

**E.** If the chamber is manufactured to euthanize only one animal at a time, no more than one animal at a time may be euthanized in that chamber.

**F.** If the chamber is designed to euthanize more than one animal at a time there shall be independent sections or cages to separate individual animals. If separation partitions are not used under specific circumstances approved by the board, the specific circumstances shall be noted on the animal's disposition card. Only animals of the same species shall be placed in the chamber simultaneously with no more than the maximum recommended by the manufacturer.

**G.** Carbon dioxide should enter the chamber at a rate that displaces 20% of the oxygen each minute.

**H.** The optimal carbon dioxide flow for the chamber must be calculated.

**I.** No live animal shall be placed in the chamber with a dead animal.

**J.** Euthanasia of this type shall be performed in a commercially manufactured carbon dioxide chamber or one manufactured to commercial standards and the manufacturer's operating and services instructions shall be strictly followed.

**K.** The chamber shall be located outdoors or in a well-ventilated room to minimize exposure to the carbon dioxide.

**L.** The chamber must not be airtight. Air must be able to escape to leave room for the carbon dioxide. A vent hole near the top of the chamber or a loosely-fitted lid will let out the air but not the carbon dioxide. The vent hole will also prevent pressure buildup.

**M.** The carbon dioxide chamber shall have a view-port to allow visual surveillance of the animals within the chamber.

**N.** All chamber equipment shall be in proper working order and used according to the manufacturer's specifications during the operation of the chamber.

**O.** The chamber shall be thoroughly cleaned and aired out between uses. Chamber surfaces shall be constructed and maintained so they are impervious to moisture and can be readily sanitized.

**P.** The euthanasia agency shall prominently display the operation, maintenance, and safety instructions for the carbon dioxide chamber in the area containing the chamber.

**Q.** Euthanasia technicians shall verify death by a combination of ascertaining the absence of ocular reflexes as well as the cessation of heartbeat or by observing the onset of rigor mortis or other methods established by the board approved euthanasia technician training courses, prior to remains storage and disposal.

[16.24.3.14 NMAC - Rp, 16.24.3.14 NMAC, x/x/13]

#### **16.24.3.15 EMERGENCY FIELD EUTHANASIA:**

**A.** From time to time, there will be cases when emergency field euthanasia will be required. Cases shall be limited to:

(1) situations in which the animal is in severe, acute distress or is irremediably suffering in which delay or movement of the animal will cause severe pain and suffering;

(2) situations in which movement of the animal poses immediate and significant risk to the animal, human, or public health or safety.

**B.** If possible or practical, euthanasia by injection is the preferred method of field euthanasia. If practical, pre-euthanasia drugs shall be given to the animal prior to the euthanasia drugs.

**C.** If gunshot is used, it shall be performed by a euthanasia technician only if the euthanasia technician is properly certified in the use of firearms permitted by the employing agency of the euthanasia technician, or by a commissioned law enforcement officer. The gunshot shall be placed according to species as taught in board approved euthanasia technician training courses, whenever possible.

**D.** All instances of emergency field euthanasia shall be documented and shall include the following:

(1) a description of the incident that resulted in the need to conduct emergency field euthanasia;

(2) the date of the incident;

(3) the time of the incident;

(4) a description of the animal including species, gender, estimated age;

(5) the name and contact information of the euthanasia technician or law enforcement officer;

(6) the technique used; and,

(7) the reason why the animal could not be transported to a shelter or euthanasia agency.

**E.** Emergency field euthanasia incidents shall be reported to the board within 30 days. All documentation and records relating to the incident shall be kept on file by the euthanasia agency for three years and be available for review by the board.

**F.** The euthanasia technician or commissioned law enforcement officer shall verify death by pupil dilation and cessation of respiration or other methods established by the board approved euthanasia technician training courses prior to remains storage and disposal.

[16.24.3.15 NMAC - Rp, 16.24.3.15 NMAC, x/x/13]

#### **HISTORY OF 16.24.3 NMAC:**

##### **History of Repealed Material:**

16.24.3 NMAC, Duties of Licensees and Certificates Holders, filed 5/14/2009 - duration expired 7/21/2012.



**TITLE 16            OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 24       ANIMAL SHELTERING PROVIDERS**  
**PART 4            COMPLAINTS, ENFORCEMENT AND DISCIPLINARY ACTION**

**16.24.4.1           ISSUING AGENCY:** Regulation and Licensing Department, Animal Sheltering Board.  
[16.24.4.1 NMAC - Rp, 16.24.4.1 NMAC, x/x/13]

**16.24.4.2           SCOPE:** This part applies to applicants, licensees, certificate holders and persons or agencies within the jurisdiction of the board.  
[16.24.4.2 NMAC - Rp, 16.24.4.2 NMAC, x/x/13]

**16.24.4.3           STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Animal Sheltering Act, Sections 77-1B-3, 77-1B-5, 77-1B-9, 77-1B-10, 77-1B-11, NMSA 1978.  
[16.24.4.3 NMAC - Rp, 16.24.4.3 NMAC, x/x/13]

**16.24.4.4           DURATION:** Permanent.  
[16.24.4.4 NMAC - Rp, 16.24.4.4 NMAC, x/x/13]

**16.24.4.5           EFFECTIVE DATE:** x/x/2013 unless a later date is cited in the history note at the end of a section.  
[16.24.4.5 NMAC - Rp, 16.24.4.5 NMAC, x/x/13]

**16.24.4.6           OBJECTIVE:** To inform licensees, certificate holders, applicants, animal shelters, euthanasia agencies and the public of the board's complaint, enforcement and disciplinary procedures.  
[16.24.4.6 NMAC - Rp, 16.24.4.6 NMAC, x/x/13]

**16.24.4.7           DEFINITIONS:** [Reserved]

**16.24.4.8           COMPLAINT PROCEDURES:**

**A.            Inquiries regarding filing of complaints.**

(1) Inquiries made to the board or to a board member regarding a potential complaint will be referred to the board administrator.

(2) Upon receipt of an inquiry, the board administrator shall forward to the potential complainant a statement regarding the board's jurisdiction, the conduct or grounds for possible action by the board against a licensee, certificate holder, applicant, or person or agency within the jurisdiction of the board, and a complaint form with instructions on how to file the complaint. The complainant shall submit the complaint in writing on a form provided by the board that is signed, notarized and submitted to the board administrator.

(3) Anonymous complaints may be investigated in the sole discretion of the board.

**B.            Procedures for processing complaints.** The board administrator shall:

(1) log in the date the complaint is received;

(2) determine whether the subject of the complaint is a licensed euthanasia technician, certified euthanasia instructor, licensed euthanasia agency, or an applicant or person otherwise within the jurisdiction of the board;

(3) assign an individual file with a complaint number, which numbering sequence shall begin each new calendar year;

(4) send a letter to the complainant confirming receipt of the complaint within 5 days of receipt; and

(5) forward the complaint file to the chair of the complaint committee and the complaint manager or designee, if any.

**C.            Review by the complaint committee.**

(1) The complaint committee is appointed by the board chair shall consist of at least one board member and may include liaisons from the compliance section of the regulation and licensing department.

(2) The complaint committee shall review the complaint and meet with the administrative prosecutor as needed.

(3) Unless the complaint committee determines that it will impede an investigation or interfere with the acquisition of documents or relevant papers or the development of the case, the complaint committee shall

inform the licensee, certificate holder, applicant, or person or agency within the jurisdiction of the board of the complaint and request a response to the allegations.

(4) The complaint committee or its designee may employ experts, consultants, or private investigators to assist in investigations of complaints.

(5) Upon completion of an investigation and review, the complaint committee shall submit a case summary containing alleged violations of the code, board regulations or the act and recommendations for legal disposition, to the full board. Throughout this process, the confidentiality of interested parties will be maintained.

**D. Review by the full board.**

(1) Any board member or any member of the complaint committee who is not capable of judging a particular controversy fairly, including because the board member had prior personal knowledge of the controversy, shall not participate in the decision of whether to issue a notice of contemplated action and shall not participate in the hearing, deliberation, or decision of the board.

(2) The board shall review the case summary presented by the complaint committee, relevant documents, witness statements, and other pertinent information regarding the complaint. If the board has sufficient evidence, when substantiated, that constitutes grounds for disciplinary action, the board may forward the evidence to the administrative prosecutor for issuance of a notice of contemplated action in accordance with the Uniform Licensing Act, Sections 61-1-1 et. seq. NMSA 1978.

(3) Following the issuance of a notice of contemplated action, the board may at its option authorize a board member, the hearing officer, or the administrative prosecutor to confer with the applicant or the licensee for the purpose of settlement of the complaint. Such settlement shall be approved by the board, shall be with the consent of the applicant or licensee, and shall include a knowing and intentional waiver by the applicant or the licensee of the right of the applicant or licensee to a hearing under the Uniform Licensing Act.

(4) Pursuant to Section 77-1B-10 NMSA 1978 the board may issue a cease and desist order or refer a complaint to the attorney general for a temporary restraining order or injunctive proceedings.  
[16.24.4.8 NMAC - Rp, 16.24.4.8 NMAC, x/x/13]

**16.24.4.9 ADJUDICATORY PROCEEDINGS:**

**A. General provisions and pre-hearing and preliminary matters.**

(1) All hearings shall be conducted either by the board or, at the election of the board, by a hearing officer.

(2) If the board appoints a hearing officer, the hearing officer shall have the authority to decide pre-hearing matters, preside over the hearing, and direct post-hearing matters in accordance with the requirements of the case in a manner that ensures an efficient and orderly hearing and expedites the final resolution of the case. Except as otherwise limited in this part, the hearing officer shall have the authority to rule on all non-dispositive motions. If the board does not appoint a hearing officer or if the hearing officer is unavailable or unable to proceed, the board chair or other board member designated by the board shall have the authority to decide pre-hearing or preliminary matters on behalf of the board. This authority shall be in accordance with the requirements of the case in a manner that ensures an efficient and orderly hearing and expedites the final resolution of the case, including:

(a) unopposed or stipulated motions to change venue;

(b) motions for continuance of a hearing date; a motion to vacate the hearing shall contain an affirmative statement that the licensee or applicant waives the right of the licensee or applicant to a hearing held not more than 60 days from the date of service of the notice hearing;

(c) the granting of one notice of preemptory excusal to each party if the notice is timely and if the preemptory excusal does not result in a loss of a quorum of the board; and,

(d) motions regarding discovery.

(3) The original of any papers and pleadings shall be filed with the board. Copies shall be sent to the hearing officer and attorneys or parties of record.

(4) The hearing officer or designated board member shall issue appropriate orders to control the course of the proceedings.

(5) Consistent with provisions of the Uniform Licensing Act and to the extent practicable, the rules of civil procedure for the district courts shall apply unless the hearing officer or designated board member orders otherwise.

(6) A request for an order shall be made by a motion filed with the board. Except for motions made during the course of the hearing, a motion shall be in writing. A motion shall state with particularity the grounds for the motion and shall set forth the relief and order sought.

(7) A motion shall be accompanied by a memorandum brief in support of the motion. The brief shall state with particularity the grounds for the motion and shall contain citations to authorities, statutes, and references to the pleadings on file. If matters outside of the pleadings are considered, a copy of the referenced material shall be attached to the brief. Responsive briefs shall be permitted in accordance with the rules of civil procedure for the district courts to the extent practicable unless the hearing officer or designated board member orders otherwise.

(8) The hearing officer or the designated board member may order the filing of briefs or other documents and may set oral argument on any matter.

(9) No more than 2 continuances of the hearing date will be granted without the approval of the board for good cause shown.

(10) All dispositive motions shall be decided by the board.

(11) No proposed settlement, consent agreement, voluntary surrender of a license in lieu of prosecution, or other proposal for the resolution of a pending disciplinary case shall be effective unless approved by the board and executed by the board and the licensee or applicant. The board or hearing officer may seek information from the administrative prosecutor and the licensee or applicant concerning circumstances of the case relevant to a consideration of the proposed settlement or clarification of the proposed terms and conditions. No board member is presumed to be biased and shall not be excused based solely on the reason that the member considered a proposed settlement, consent agreement, or other proposal for the resolution of a pending disciplinary case. The board may submit a counterproposal for the settlement or resolution of the case.

(12) Any proposed settlement, consent agreement, voluntary surrender of a license in lieu of prosecution, or other proposal for the resolution of a pending disciplinary case shall contain at least the following:

(a) an admission of all jurisdictional facts; an acknowledgment of the rights contained in the Uniform Licensing Act and an express waiver of those rights and of all rights to hearing and judicial review or any other opportunity to contest the validity of the board order in any other proceeding or forum;

(b) a statement that the proposal resolves only the violations alleged in the notice of contemplated action and a statement that the board reserves the right to initiate other proceedings for any other violations of the act or board regulations;

(c) a description of the general nature of the evidence underlying each alleged violation;

(d) if appropriate, a list of provisions of the acts or practices from which the licensee or applicant will refrain in the future;

(e) a statement of the type, terms, and conditions of the proposed disciplinary action of the board;

(f) a statement that the licensee will be responsible for all costs of disciplinary proceedings or a statement setting forth the reason why the licensee should be excused from paying costs; the affidavit of the board administrator concerning the costs incurred to date shall accompany the proposal;

(g) a statement that the decision and order of the board shall be a public record and reported, as required by law; and

(h) other provisions necessary to ensure the complete and final resolution of the proceedings.

(13) A proposal to settle a matter shall not stay the proceedings or vacate the hearing date unless otherwise ordered by the hearing officer or presiding officer upon the filing of a timely motion.

**B. Duties of the board administrator. The board administrator shall:**

(1) after consultation with the board or hearing officer, issue a notice of hearing stating the date, time, and place of the hearing;

(2) on behalf of the hearing officer or board, execute notices, scheduling orders, subpoenas, and subpoenas duces tecum, and other routine procedural documents that facilitate the efficient conduct of adjudicatory proceedings;

(3) maintain the official record of all papers and pleadings filed with the board in any matter;

(4) prepare an affidavit as to costs of any disciplinary proceeding at the conclusion of any hearing or upon request by a party submitting a proposed settlement, consent agreement, or voluntary surrender of a license in lieu of prosecution;

(5) prepare, certify, and file with the district court the record of the case on appeal or review;

(6) unless the board orders otherwise, have the authority to sign the decision of the board to grant or refuse a request to reopen the case.

**C. Conduct of hearings.**

(1) The hearing officer, or presiding officer if the case is heard by the board, shall ensure the fair, efficient, and orderly conduct of the hearing in accordance with the Uniform Licensing Act.

(2) Unless the board orders otherwise, a board member hearing officer, the board chair, or presiding officer shall have the authority to sign the written decision of the board.

(3) The board administrator shall serve the decision of the board on the licensee or applicant in accordance with law.

(4) A motion for an order staying the operation of a board decision shall be decided by the board.  
[16.24.4.9 NMAC - Rp, 16.24.4.9 NMAC, x/x/13]

**16.24.4.10 SURRENDER OF LICENSE OR CERTIFICATE:**

**A.** If a license or certificate is restricted, suspended, or revoked by the board for any reason specified in the rules and regulations of the board or in the act, the licensee or certificate holder shall immediately surrender the license or certificate of the licensee or the certificate holder in person or by registered mail to the board.

**B.** If the scope of practice of the licensee or certificate holder is restricted or limited or otherwise subject to conditions, the license or certificate may reflect the restriction, limitations, or condition.  
[16.24.4.10 NMAC - Rp, 16.24.4.10 NMAC, x/x/13]

**16.24.4.11 PUBLIC RECORDS:** Except as provided herein and except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record at the time of filing with the board. The notice of contemplated action, or the pre-notice of contemplated action settlement agreed upon prior to the issuance of a notice of contemplated action and the information contained in the complaint file becomes a public record and subject to disclosure.

[16.24.4.11 NMAC - Rp, 16.24.4.11 NMAC, x/x/13]

**HISTORY OF 16.24.4 NMAC:**

**History of Repealed Material:**

16.24.4 NMAC, Complaints, Enforcement and Disciplinary Action, filed 5/14/2009 - duration expired 7/21/2012.

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 24    ANIMAL SHELTERING PROVIDERS**  
**PART 5         FEES**

**16.24.5.1        ISSUING AGENCY:** Regulation and Licensing Department, Animal Sheltering Board.  
[16.24.5.1 NMAC - Rp, 16.24.5.1 NMAC, x/x/13]

**16.24.5.2        SCOPE:** This part applies to applicants, licensees, certificate holders and persons or agencies within the jurisdiction of the board.  
[16.24.5.2 NMAC - Rp, 16.24.5.2 NMAC, x/x/13]

**16.24.5.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Animal Sheltering Act, Sections 77-1B-5, 77-1B-6, 77-1B-7, NMSA 1978.  
[16.24.5.3 NMAC - Rp, 16.24.5.3 NMAC, x/x/13]

**16.24.5.4        DURATION:** Permanent.  
[16.24.5.4 NMAC - Rp, 16.24.5.4 NMAC, x/x/13]

**16.24.5.5        EFFECTIVE DATE:** x/x/2013 unless a later date is cited in the history note at the end of a section.  
[16.24.5.5 NMAC - Rp, 16.24.5.5 NMAC, x/x/13]

**16.24.5.6        OBJECTIVE:** To establish fees for application, licensure, certification, renewal and board provided services.  
[16.24.5.6 NMAC - Rp, 16.24.5.6 NMAC, x/x/13]

**16.24.5.7        DEFINITIONS:** [Reserved]

**16.24.5.8        FEES:** All fees are payable to the board and are non-refundable. No individual fee shall exceed \$150.00 annually. Fees are as follows.

<b>A.</b>	Application for euthanasia technician license	\$ 50.00
<b>B.</b>	Renewal for euthanasia technician license	\$ 50.00
<b>C.</b>	Application for 60-day temporary license	\$ 25.00
<b>D.</b>	Application for euthanasia instructor certification	\$ 150.00
<b>E.</b>	Renewal for euthanasia instructor certification	\$ 150.00
<b>F.</b>	Application for euthanasia agency license	\$ 200.00
<b>G.</b>	Renewal for euthanasia agency license	\$ 200.00
<b>H.</b>	Late renewal fee (includes technician, instructor and agency)	\$ 20.00
<b>I.</b>	Verification of licensure or certification	\$ 25.00
<b>J.</b>	Listing of licensees (paper or electronic)	\$ 50.00
<b>K.</b>	Charge for insufficient funds	\$ 25.00
<b>L.</b>	Duplicate licenses	\$ 15.00

[16.24.5.8 NMAC - Rp, 16.24.5.8 NMAC, x/x/13]

**HISTORY of 16.24.5 NMAC:**

**History OF Repealed Material:**

16.24.5 NMAC, Fees, filed 5/14/2009 - duration expired 7/21/2012.

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 24    ANIMAL SHELTERING PROVIDERS**  
**PART 6        FORMULARY FOR EUTHANASIA TECHNICIANS**

**16.24.6.1        ISSUING AGENCY:** Regulation & Licensing Department, Animal Sheltering Board.  
[16.24.6.1 NMAC - Rp, 16.24.6.1 NMAC, x/x/13]

**16.24.6.2        SCOPE:** This part applies to licensees, certificate holders and persons or agencies within the jurisdiction of the board.  
[16.24.6.2 NMAC - Rp, 16.24.6.2 NMAC, x/x/13]

**16.24.6.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Animal Sheltering Act, Sections 77-1B-5, 77-1B-6.1 NMSA 1978.  
[16.24.6.3NMAC - Rp, 16.24.6.3 NMAC, x/x/13]

**16.24.6.4        DURATION:** Permanent.  
[16.24.6.4 NMAC - Rp, 16.24.6.4 NMAC, x/x/13]

**16.24.6.5        EFFECTIVE DATE:** x/x/2013 unless a later date is cited in the history note at the end of the section.  
[16.24.6.5 NMAC - Rp, 16.24.6.5 NMAC, x/x/13]

**16.24.6.6        OBJECTIVE:** This part lists the formulary for euthanasia technicians.  
[16.24.6.6 NMAC - Rp, 16.24.6.6 NMAC, x/x/13]

**16.24.6.7        DEFINITIONS:** [Reserved]

**16.24.6.8        EUTHANASIA TECHNICIANS FORMULARY GENERAL PROVISIONS:** The following general provisions shall apply to the formulary:

- A.** drugs, dangerous drugs and controlled substances are defined in the New Mexico Drug, Device and Cosmetic Act and the New Mexico Controlled Substances Act;
- B.** definitions from the New Mexico Drug, Device and Cosmetic Act and the New Mexico Controlled Substances Act apply to the appropriate terms in the formulary;
- C.** a euthanasia technician shall comply with all federal and state laws that pertain to obtaining, possessing, administering any drug;
- D.** a substance shall only be approved for use if procured in compliance with all federal and state laws; the formulary does not supersede such laws; and
- E.** the following drugs, dangerous drugs and controlled substances are authorized in the modes of administration that are specified except as limited or restricted by federal or state law:
  - (1) Analgesics/sedatives:
    - (a) acepromazine 10mg/ml injectable
    - (b) xylazine 100mg/ml injectable
  - (2) Anesthetics
    - (a) ketamine HCL 100mg/ml injectable
    - (b) tiletamine HCL and zolazepam HCL 100mg/ml injectable
  - (3) Euthanasia solution
    - (a) sodium pentobarbital 260 mg/ml injectable
    - (b) sodium pentobarbital 390 mg/ml injectable
    - (c) sodium pentobarbital 392 mg/ml powder for injection
    - (d) sodium pentobarbital and phenytoin sodium combination solution for injection
  - (4) Diluents
    - (a) sterile water for injection
    - (b) sterile normal saline for injection
    - (c) bacteriostatic water for injection
    - (d) bacteriostatic normal saline for injection

[16.24.6.8 NMAC - Rp, 16.24.6.8 NMAC, x/x/13]

**HISTORY OF 16.24.6 NMAC:**

**History of Repealed Material:**

16.24.6 NMAC, Formulary for Euthanasia Technicians, filed 6/18/2010 - duration expired 7/21/2012.