

## NOTICE OF RULEMAKING

The New Mexico Board of Veterinary Medicine (NMBVM) will hold a rule hearing on Friday, October 1, 2021. Following the rules hearing, the Board of Veterinary Medicine will convene a regular meeting to adopt the rules and take care of regular business. The Board of Veterinary Medicine rules hearing will begin at 9:00 a.m. and the regular meeting will convene following the rules hearing. The meeting will be held via Zoom Videoconferencing, Meeting ID: 826 2834 8646, Passcode: 276999.

The purpose of the rules hearing is to consider amendments to the Board's rules. The proposed amendments, public comments, and written comments made during the rules hearing will be voted on by the Board at the regular Board meeting immediately following the rule hearing.

Copies of the proposed rules may be obtained in person from Frances R. Sowers, Executive Director, New Mexico Board of Veterinary Medicine, 7301 Jefferson Street, N.E., Suite H, Albuquerque, New Mexico 87109-4363, by calling (505) 553-7021 or by downloading from the Board's web site: [www.NMBVM.org](http://www.NMBVM.org). Interested persons may submit their comments on the proposed rules in writing to Frances R. Sowers, Executive Director, New Mexico Board of Veterinary Medicine, 7301 Jefferson Street, N.E., Suite H, Albuquerque, New Mexico 87109-4363 or by email to [director@NMBVM.org](mailto:director@NMBVM.org) or by participating in the rules hearing.

The New Mexico Board of Veterinary Medicine, is adopting the following rules that are part of the New Mexico Administrative Code (NMAC): 16.24.7 – Minimum Standards – Animal Shelters.

Subsection F of Section 61-14-5 NMSA 1978, authorizes the Board to promulgate rules and regulations that may be necessary to carry out the duties of the Board.

Notice Date: August 24, 2021  
Hearing Date: October 1, 2021  
Effective Date: Proposed as November 5, 2021  
Technical Citations: HB219

The Board is establishing rules as mandated by state legislation contained in House Bill (HB) 219. HB291 states, "The Board shall provide for inspections of animal shelters and euthanasia agencies and adopt, promulgate and revise rules necessary to carry out the provisions of the Animal Sheltering Act."

The Board through these rules promulgations is implementing minimum standards for animal shelters.

### **The Board is proposing to adopt the rule amendment as follows:**

#### **16.24.7.7 DEFINITIONS:**

- A. Words starting with the letter A:**
- (1) **"Act"** means the Veterinary Practice Act, Section 77-1-1 through 77-1-12 NMSA 1978.
  - (2) **"Animal"** means any animal, except humans, not defined as "livestock" in Subsection L of this section.
  - (3) **"Animal shelter"** means:
    - (a) a county or municipal facility that provides shelter to animals on a regular basis; and
    - (b) 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
    - (c) does not include a municipal zoological park.
- B. Words starting with the letter B: "Board"** means the board of veterinary medicine.
- C. Words starting with the letter C:**
- (1) **"Capacity for Care"** means the overall ability of an animal shelter to provide humane

care of animals.

(2) **“Colony housing”** means housing two or more animals in the same primary enclosure or playgroups.

(3) **“Companion animal”** means any vertebrates 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.

(4) **“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.

**D. Words starting with the letter D:**

(1) **“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.

(2) **“DEA”** means United States drug enforcement administration.

(3) **“Disposition”** means the adoption of an animal; return of an animal to the owner; return to field; 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.

**E. Words starting with E:**

(1) **“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.

(2) **“Enrichment”** means improving the environment and behavioral care for confined animals.

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

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

(5) **“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 NMSA 1978, that are used for the purposes of euthanasia and pre-euthanasia of animals.

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

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

(8) **“Exotic”** means any vertebrate animals, excluding man, wild animals, livestock and companion animals.

**F. Words starting with F: “FDA”** means United States food and drug administration.

**G. Words starting with G: “Group Housing”** means housing two or more animals in the same primary enclosure or playgroups.

**H. Words starting with H: “Humanely”** means actions marked by compassion, sympathy or consideration, especially for the prevention of the suffering of the animal.

**I. Words starting with I: “Isolation”** means to separate apart from others.

**J. Words starting with J: [RESERVED]**

**K. Words starting with K: [RESERVED]**

**L. Words starting with L: “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.

**M. Words starting with M: “May”** means permissive and a possible means to best practices.

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

**O. Words starting with O: [RESERVED]**

**P. Words starting with P:**

(1) **“Personal protective equipment”** means items such as gloves, eye protection, gowns, and boots that protect a person from exposure to chemical or biological agents.

(2) **“Population management”** means a proactive process of planning, ongoing daily evaluations and responses to changing conditions as an organization cares for multiple animals, based on that organization’s capacity for care and statistical data.

(3) **“Potable water”** means clean, fresh water that is suitable for drinking.

(4) **“Primary enclosure”** means an animal enclosure in which the animal normally eats, eliminates, rests, and sleeps.

**Q. Words starting with Q: “Quarantine”** means restriction of activity, enforced isolation. As defined by Subsection Q of Section 7.4.2.7 NMAC quarantine means the strict containment of all animals specified in the order of the district health officer upon the private premises of the owner, or under restraint by leash, or within a closed cage or paddock and shall include other measures ordered by the district health officer to control the spread of rabies.

**R. Words starting with R: “Rescue organization”** means an organization that rescues animals and is not involved in the breeding of animals.

**S. Words starting with S:**

(1) **“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.

(2) **“Spot-cleaning”** means using cleaning solution and a paper towel or rag to remove any smudges or contaminants in lieu of total disinfection.

(3) **“Supervising veterinarian”** means a person who is a New Mexico-licensed 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.

**T. Words starting with T: [RESERVED]**

**U. Words starting with U: [RESERVED]**

**V. Words starting with V:**

(1) **“Ventilation”** means the circulation of air; a system or means of providing fresh air.

(2) **“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.

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

**W. Words starting with W: “Wild animal”** means any vertebrate animals under the jurisdiction of the New Mexico game and fish department.

**X. Words starting with X: [RESERVED]**

**Y. Words starting with Y: [RESERVED]**

**Z. Words starting with Z: [RESERVED]**

[16.24.7.7 NMAC - N, 5/25/2021; A, 11/5/2021]

**16.24.7.8 SHELTERING CAPACITY STANDARDS:**

**A.** The delivery of sheltering services shall be provided in a competent and humane manner.

**B.** Sheltering services shall be performed in a manner ensuring the health and well-being of animals while in the care of sheltering providers. The recommended standard of care is [~~a minimum of~~] 15 minutes per animal per day.

**C.** Sheltering providers shall practice active population management within the balance of decisions and practices that support the overall population of the shelter.

[16.24.7.8 NMAC - N, 05/01/2021; A, 11/5/2021]

**16.24.7.9 PREMISES - STRUCTURAL:** All exterior structures and fencing may:

**A.** be constructed of building materials that will ensure a sound physical structure;

**B.** be maintained in good repair;

**C.** protect animals from injury and ensure containment within shelter;

**D.** prevent the entry of outside animals and unauthorized persons;

**E.** include fencing sufficiently constructed to prevent animals from jumping, climbing or digging to escape.

[16.24.7.9 NMAC - N, 05/01/2021]

**16.24.7.10 FACILITY STANDARDS:**

- A.** Animal housing areas may be physically apart from areas where food and drink for human consumption are prepared, served or stored.
- B.** Interior building surfaces may be constructed and maintained to be water resistant to moisture and easily cleaned.
- C.** Animal food storage and equipment cleaning areas may be physically apart from animal housing.
- D.** Reliable, adequate electric power or gas may be provided for lighting, air circulation, heating, and cooling.
- E.** Reliable and adequate potable water shall be provided. Back flow preventers may be installed on any threaded faucets with attached hoses for the purpose of cleaning the facility, or on the main water line serving the facility.
- F.** Noise control may be considered for the wellbeing of animals as well as visitors, volunteers and staff. Noise mitigation may include:
  - (1) Housing cats away from the sound of dogs.
  - (2) Facility modifications to minimize or contain barking.
  - (3) Training staff to minimize slamming doors.
  - (4) Using music to reduce animal stress.
- G.** Readily accessible washrooms or sinks may be provided to maintain personal hygiene of animal caretakers.
  - (1) A two-compartment sink in good repair may be provided for washing and sanitizing equipment used for animal care and feeding.
  - (2) A tub or low-pressure hose may be available to wash any animal that becomes soiled to avoid the use of high-pressure hoses for cleaning animals.
- H.** Indoor housing for animals shall be sufficiently heated or cooled to protect animals from extreme temperatures. The ambient temperature shall be consistent with the requirements of the specific species.
- I.** Indoor housing for animals may be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health of the animals.
- J.** Water supply may allow for hose hook up to readily reach all parts of animal housing. Water pressure shall be adequate for cleaning of animal housing areas.
- K.** A suitable method to rapidly eliminate excess water from animal housing areas may be provided. Drains shall be properly constructed and maintained in good repair. If closed drainage systems are used, wastewater shall be disposed of by connection to a sanitary sewer or approved sewage disposal system.

[16.24.7.10 NMAC - N, 05/01/2021]

**16.24.7.11 ANIMAL ENCLOSURE AND HOUSING STANDARDS:**

- A.** General Indoor Enclosures.
  - (1) Primary enclosures shall provide sufficient space to allow each animal to make normal postural adjustments to:
    - (a) Turn freely.
    - (b) Easily stand.
    - (c) Sit.
    - (d) Stretch.
    - (e) Move their head without touching the top or sides of the enclosure.
    - (f) Lie in a comfortable position with limbs extended.
    - (g) Move about and assume a comfortable posture for feeding, drinking, urinating, and defecating.
    - (h) Dogs and cats shall be able to hold their tails erect when in a normal standing position.
  - (2) Primary enclosures may allow animals to be able to see out while avoiding visual contact with other animals.
  - (3) Animals housed shall be confined to a primary enclosure at all times unless under the direct supervision of shelter personnel or a designee.
  - (4) Primary enclosures shall be structurally sound and maintained in good repair and sanitary condition to protect the animals from injury and disease.

(a) Primary enclosures shall be constructed and maintained to enable the animals to remain dry and clean and to provide convenient access to food and clean water.

(b) Latches shall be secure and in good working order so that animals cannot escape.

(5) Floors of primary enclosures shall be constructed to prevent injury to animals, ensure adequate draining and prevent pooling of fluids. Wire mesh or slatted floors in cages shall not be used.

(6) Guillotine or doors separating two enclosure section shall be in working order.

(7) Animals shall not be able to escape from their primary enclosure.

(8) When housing aggressive, under quarantine or protective custody animals, condition of all enclosures shall be monitored daily with various types of locks considered.

(9) Primary enclosures may house one animal; if compatible, two altered animals per enclosure with the exceptions of litters housed with their dams or colony housing. Animals shall not be randomly housed in groups. Animals that fight shall not be grouped with other animals.

(10) Isolation areas shall be provided for animals with infectious diseases. Ten percent of the total housing may be designated for this purpose. The isolation housing may be double-sided to facilitate cleaning without removing the animal. Handwashing stations may be available at all isolation areas. Isolation areas may have separate cleaning tools and personal protective equipment.

(11) Dogs shall not be tethered except in the short term to facilitate cleaning primary enclosure or in the event of a fire or flood emergency. In emergency situations, short term tethering of dogs shall be used only until transport to another facility can be made. The safety of the dog shall be ensured while tethered. Cats shall not be tethered.

(12) Animals placed in crates or carriers, even for a short time, shall have ample space to stand up, turn around and lie down. Crates and carriers shall be disinfected and dried after each use and before another animal is placed in the crate or carrier. Crates and carriers may not be used as primary enclosures.

**B. Outdoor Primary Enclosures.** It is not recommended that primary enclosures be exclusively outdoors and not for very young, old, sick, or injured animals.

(1) Structurally sound, weatherproof enclosures may be made accessible to animals housed exclusively outdoors. Water resistant and windproof structure of suitable size shall be provided so animals stay warm and dry during cold weather; shaded and cool during hot weather. The structure may have a water-resistant door covering or offset doorway to minimize drafts, provide proper ventilation and made of durable materials with the floor raised off the ground to prevent water entry.

(2) A shaded area may be provided to all animals housed in an outdoor primary enclosure. An animal shall be able to rest in the shade, outside of the interior structure, but within the fencing or run.

(3) Sufficient clean, absorbent bedding material in addition to other means of protection from weather may be provided for the health and safety of the animals and may prevent strong ~~odors~~ odors forming if replaced regularly.

(4) Floors of outdoor enclosures may be constructed of gravel, sand or soil; a solid material such as concrete is preferable. It is not possible to sanitize or disinfect gravel, sand or soil.

**C. Enclosure Requirements for Cats**

(1) Cats shall be able to assume normal postures in primary enclosures. Space may be large enough to accommodate bedding, food and water dishes and a litter box. When there is more than one cat occupying a cage, additional floor and vertical space may be provided.

(2) Primary enclosures may be made of stainless steel, fiberglass, or other impervious material that is water-resistant and can be cleaned and sanitized. Chicken wire, barbed wire and wood shall not be used.

(3) Feral cat boxes, which allow for hiding places within the cage, reduce stress for all cats.

(4) Cats may be housed in a separate building or in a separate room far removed from rooms containing dog runs.

**D. Enclosure Requirements for Dogs.** Dogs shall be able to assume normal postures and engage in normal behaviors playing and moving freely without encountering another dog. Space may be large enough to accommodate bedding, food and water bowls.

(1) Enclosure height may be a minimum of one and one-half times the height of the dog at the shoulder.

(2) Floors in dog runs may slope to drain liquid out of runs to prevent pooling or puddling in runs or walkways. Slope may be one-quarter to one-half inch per linear foot.

(3) To prevent water and waste material from flowing from run to run, there may be solid

walls between dog runs. Height of walls may be sufficient to prevent nose-to-nose contact of dogs between runs.

(4) Fencing or other materials that allow for airflow may be used, horizontally and vertically, above the solid walls providing a protective barrier at least six feet high between runs to prevent dogs from jumping over.

(5) All solid surfaces of dog runs may be constructed of water-resistant concrete, stone, cement block, brick, metal, or non-porous synthetic material which can be cleaned and sanitized. Sealed floors can be cleaned and disinfected most effectively. Fencing materials may be water resistant which can be easily cleaned and sanitized. Fencing materials shall be gauged and spaced to avoid escape by or injury to dogs. Chicken wire, barbed wire and wood shall not be used.

(6) If more than one dog occupies the same primary enclosure, additional floor and vertical space may be provided.

E. Enclosure Requirements for Other Species. Species other than dogs and cats shall have special requirements for housing and care.

(1) Stray livestock. The New Mexico Livestock Board shall be contacted to help facilitate the identification and ownership.

(2) Exotic animals. A veterinarian or someone with expertise in handling and caring for the species may be contacted for guidance.

(3) Wild animals. The appropriate agency shall be contacted to take possession of the animal.

(a) Wild birds. The U.S. Fish and Wildlife Service shall be contacted.

(b) For any other wild animals, N.M. Department of Game and Fish shall be contacted.

F. Foster Housing Standards.

(1) Potential foster homes may go through an application process with background checks and home inspections.

(2) Guidelines addressing the following may be established:

(a) Vaccination and altered status of foster home animals.

(b) Maximum number of animals allowed.

(c) Housing and care standards.

(d) Maximum length of foster stay.

(3) Foster parents may be trained or educated on standards of care and potential health and wellness issues; emergency contact information may be provided.

(4) Care capacity within foster home may be considered before sending animals into the homes.

(5) Foster animals may be altered and have current vaccinations unless under the care of a veterinarian.

(6) Tag or microchip identification for foster animals may be provided to foster homes.

G. Colony/Group Housing Standards - Dogs. Dogs housed in the same primary enclosure may be maintained in compatible groups with the following restrictions:

(1) Primary enclosures may house one, or two, altered compatible dogs per enclosure. Litters may be housed with their dams.

(2) A female dog in season shall not be housed in the same primary enclosure with a male dog.

(3) An unaltered male dog shall not be housed in the same primary enclosure with an unaltered female other than under breeding age litter mates.

(4) An aggressive dog shall be housed individually in a primary enclosure; for protection of shelter personnel the enclosure shall be marked accordingly.

(5) Nursing mothers and their puppies may be removed from other animals. Removal will allow privacy, protection from unwanted intrusion and noise, alleviates fear/aggression, and to promote general well-being.

(6) Dogs shall not be housed in the same primary enclosure as cats.

(7) Dogs shall not be housed in the same primary enclosure with any other species of animals.

H. Colony/Group Housing Standards – Cats. When housing cats in colony rooms, the following guidelines may be followed:

(1) Cats may have at least 18 square feet of floor space per cat to maintain a distance of three

to ten feet between cats; non-inclusive of perches or walkways. In temperate climates, can include outdoor access with 24-hour access to indoors.

(2) Cats with unknown vaccination history may be evaluated for health and behavior, vaccinated, isolated, and observed for at least 24 hours before being placed in cat colony rooms.

(3) Unsterilized males shall be separated from females. A female in season shall not be housed in the same primary enclosure as a male.

(4) Nursing mothers and their kittens may not be housed with other cats.

(5) One 12" x 8" cat litter pan for every three cats or five kittens may be provided.

(6) Water shall be provided at all times and dry food may be available at all times.

(7) Colony rooms may be equipped with shelves, resting boxes and hiding boxes.

(8) Stainless steel, fiberglass or other materials that are water resistant and can be cleaned and sanitized may be used. Wood shall not be used.

(9) Any cat exhibiting aggressive behavior shall be housed individually in its primary enclosure; for the protection of shelter personnel the enclosure shall be marked accordingly.

[16.24.7.11 NMAC - N, 05/01/2021; A, 11/5/2021]

#### **16.24.7.12 SANITATION STANDARDS:**

**A.** Written sanitation protocols shall be developed to provide consistent and thorough sanitation of the facilities. Protocols may be reviewed periodically in consultation with a veterinarian. Protocols may be updated for best practices. During an outbreak, sanitation protocols may be revised as needed to address specific pathogens.

**B.** Animal housing units or kennels shall be cleaned once daily at minimum and shall be thoroughly cleaned and disinfected once an animal no longer occupies the unit or kennel.

**C.** Animal waste shall be removed from primary enclosures daily or more often to prevent contamination of animals and to reduce disease hazards and odors. Waste shall be disposed of in accordance with local ordinance.

**D.** Cages, kennels, containers, equipment, and other items shall be cleaned at least once daily to maintain sanitary conditions.

**E.** Kennels and cages shall not be hosed down while animals are inside the kennels and cages.

**F.** To minimize stress for an animal remaining in an enclosure, spot cleaning may be used as appropriate. The enclosure shall be thoroughly cleaned and disinfected once an animal leaves an enclosure.

**G.** Cleaning may be carried out in the following order: from first to last to minimize the spread of disease.

(1) Healthy puppies and kittens; healthy, nursing bitches and queens.

(2) Healthy adult or quarantined animals.

(3) Unhealthy isolated animals.

**H.** To minimize the spread of disease, water and food containers and all other utensils shall be cleaned and sanitized using generally accepted methods such as the use of heat and chemical sanitizing solution. Containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions; food pans and bowls shall be cleaned between each use. If sinks are the method for cleaning, water and food pans or bowls shall be soaked and washed separately from litter pans with water and disinfectant changed between water and food pans or bowls and litter pans.

**I.** Product manufacturer instructions shall be followed precisely when cleaning, sanitizing and disinfecting. Chemicals shall not be mixed. Pine products and fumes are extremely toxic to cats and birds and shall not be used near them or to clean cat enclosures, pans, bowls etc.

**J.** Mopping may be avoided to reduce the spread of pathogens. If hosing is not possible and mopping must be used, disinfectant solution shall not be used from one housing area to another.

**K.** Water and food pans or bowls may be made of metal or be disposable. Plastic should not be used because it may be chewed and ingested and may retain contaminants.

**L.** Litter boxes shall be provided for cats in their primary enclosures with soiled litter disposed of on an as needed basis, a minimum of once a day. Litter boxes may be disposable or reusable if they are cleaned daily and sanitized before use by another cat. The use of plastic litter boxes is not recommended because they cannot be sufficiently disinfected and may be a source of disease.

**M.** Animal and food waste, soiled bedding, debris, and other organic waste may be stored in closed containers and disposed of on an as needed basis to avoid vermin infestation, odors, disease, and nuisances. Waste may be removed at least weekly from the facility. All reusable trash containers may be regularly sanitized and disinfected. All clothing and bedding shall be laundered and thoroughly dried before reuse.

**N.** To maintain sanitary conditions, pens and runs with absorbent or loose flooring i.e., sand, gravel or soil soiled with urine and/or fecal matter shall have such materials replaced as necessary. These types of organic materials cannot be sanitized or disinfected when the surface is muddy, water puddled or when odors and vermin are present.

**O.** Buildings and grounds shall be kept clean, in good repair and free of trash.

**P.** Weeds may be mowed or cut down where animals are kept or exercised.

**Q.** An effective program shall be maintained for the control of insects, fleas, avian, and mammalian pests.

**R.** Opened food supplies may be stored separately in closed waterproof containers. Unopened supplies of food may be stored off of the floor and adequately protected against contamination or infestation by vermin.

**S.** Animal bedding may be stored off of the floor and adequately protected against contamination or infestation.

**T.** Dead animals shall be stored and disposed of in strict compliance with state laws and local ordinances to avoid disease hazard or nuisance.

[16.24.7.12 NMAC - N, 05/01/2021]

#### **16.24.7.13 ANIMAL CARE AND HANDLING STANDARDS:**

##### **A. Food and Water**

(1) Animals may be fed twice daily except in cases of veterinary treatment or malnutrition. The food shall be free of contamination, palatable and of sufficient quality and nutritive value to meet normal daily requirements for the condition, size and age of the animal. Refrigeration may be provided for perishable food.

(2) Uneaten food shall be discarded after 24 hours. Food offered to an animal remaining uneaten shall not be fed to other animals.

(3) Care shall be taken not to underfeed or overfeed animals.

(4) Special consideration regarding types of food and frequency of feeding shall be given to puppies, kittens, older animals, and nursing dams.

(5) Malnourished or emaciated animals may need an increased food intake; introduction of food shall be regulated and increased gradually preferably with veterinary guidance.

(6) Animals shall be provided potable water at all times.

(7) Food and water containers shall be accessible and located to minimize contamination by excrement or other material. Food and water containers shall be cleaned daily; disposable food containers may be used only if discarded after each use.

(8) Food and water containers may be of a size to ensure accessibility based on the size of the animal.

(9) Spoiled, moldy food or food contaminated with feces, droppings or insects shall never be used. Food left in food bowls from the previous day shall be disposed of, disposable bowls discarded and non-disposable bowls cleaned.

##### **B. Enrichment**

(1) Enrichment means improving the environment and behavioral care for confined animals. Enrichment reduces stress and improves well-being by providing physical and mental stimulation and encouraging species-typical behaviors. Enrichment shall not be considered optional.

(2) If the recommended space requirements for dogs cannot be met due to shelter configuration, dogs may be exercised twice daily. For dogs requiring an opportunity to exercise, a written plan may be on file with each exercise session noted.

(3) Behavioral health and care of each animal as well as the conditions experienced by the entire population shall be a consideration of the shelter.

##### **C. Quarantine and Isolation**

(1) Animals that have bitten a human shall be quarantined pursuant to New Mexico State Law, local municipal or county ordinances.

(2) A veterinarian may be consulted.

(3) Animals under quarantine for observation of rabies symptoms after a bite incident shall be physically separated from all other animals and shall never be housed with animals under treatment for a communicable disease.

(4) Quarantine areas may have a separate ventilation system and may only be accessible to shelter personnel or owners accompanied by shelter personnel.



(5) Animals diagnosed and/or under treatment for a communicable disease may be isolated from healthy animals to minimize spread of disease. If isolation is impossible or inadequate to control the spread of pathogens, the shelter shall weigh consequences of exposure to general population and the alternatives of euthanasia or transfer to an appropriate separate facility.

**D. Other Care Considerations**

(1) Shelter animals shall always be handled safely and humanely to prevent injury, distress and spread of disease both to animals and personnel.

(2) Adequate animal handling equipment such as transfer cages, nets, catch poles, syringe poles shall be available, kept clean and in good repair to ensure the safety of personnel and animals.

(3) Shelter personnel may be trained in current humane and sanitary animal handling techniques.

(4) Long term confinement, including feral and aggressive animals, who cannot be provided with basic care, daily enrichment and exercise without inducing stress shall be euthanized or transferred to a separate facility.

(5) The minimal amount of physical restraint needed without injury to people or animals shall be used.

(6) The use of catch poles for routine restraint of cats, including carrying or lifting, is inhumane and poses significant risk of injury to the animal and shall not be used. Humane traps, boxes or nets designed for restraint shall be used for handling fractious cats or cats who appear to be unaccustomed to handling.

(7) When cats are moved from one location to another, it is recommended to cover the carrier with a towel or sheet to reduce stress and susceptibility to disease.

(8) Cats may be provided with clean bedding in each cage. Bedding shall be replaced when soiled or wet and when a new animal is introduced to the enclosure.

(9) Bedding or platforms may be provided to dogs on an as needed basis. Clean bedding may be provided to old, young, ill, or injured dogs. Bedding shall be replaced when soiled or wet and when a new animal is introduced to the enclosure. Only single layer bedding may be used for puppies and kittens to prevent accidental suffocation. Bedding may be withheld if it poses a danger to the animal.

(10) Nursing dams may be provided with a whelping box. If a shelter is unable to provide a whelping box, the shelter shall ensure nursing dams have adequate bedding, warmth and cleanliness. Bedding shall be provided in the whelping box and replaced when soiled or wet.

(11) Nursing mothers and their babies may be removed from other animals to allow for privacy, protect them from unwanted intrusion and noise, to alleviate fear/aggression, and to promote their general well-being.

(12) Animals may be cleaned and groomed on an as needed basis.

(13) Medical issues may be treated; matted coats can cause pain, skin or eye irritation, or trap fecal matter. Bathing may be necessary to prevent or treat parasites and/or insects.

(14) No animal shall be allowed to suffer while in the care of the shelter.

(15) Care shall be taken to ensure that animals are not squirted or hosed with water, not put in contact with chemicals and not placed back in a wet or damp enclosures.

[16.24.7.13 NMAC - N, 05/01/2021]

**16.24.7.14 DISEASE CONTROL, HEALTH AND VETERINARY CARE STANDARDS:**

**A.** No animal shall be allowed to suffer due to lack of veterinary care.

**B.** Shelters shall not fail to provide treatment for pain.

**C.** Shelters shall ensure compliance with all federal, state and local laws concerning reportable diseases.

**D.** Animals may be examined for injury and signs of disease at the time of impound under the guidance of a veterinarian, if possible, and treated immediately if animal is in pain or distress. If injured or sick animals cannot be provided veterinary care in a timely manner to stop their pain and suffering, the animal shall be humanely euthanized or immediately transferred to another facility where veterinary care can be timely provided.

**E.** Common signs of illness, injury or parasitic infestation in dogs and cats that warrant veterinary care:

(1) Eyes are watery, appear swollen or show discharge.

(2) Ears are red or inflamed, show discharge or have a foul odor.

(3) Nose shows mucous, blood or pus discharge, or is crusty, congested or blocked.

(4) Gums are swollen or inflamed, teeth are loose or brown, or mouth has a foul odor.

- (5) Animal is sneezing, coughing or wheezing.
- (6) Animal has fleas or ticks; skin shows swelling or lesions.
- (7) Animal limps or does not place weight on a limb.
- (8) Animal is thin or obese.
- (9) Animal has wounds, abscesses, cuts, or abrasions.
- (10) Body temperature is abnormal.
- (11) Animal is vomiting or has diarrhea.

**F.** Shelter may have a trained and experienced staff member, a veterinary technician or a veterinarian available to check animals and to provide care. Symptoms of possible illness shall be noted, recorded and brought to a supervisor's attention immediately.

**G.** Animals may be observed daily for signs of disease or distress. An animal suspected of having an infectious disease may be physically separated from other susceptible animals until the animal is determined to be non-infectious.

**H.** A system may be in place to care for injured and sick animals brought to the shelter after normal working hours. Shelters may enter into a written contract with a local veterinarian to be available on call for treatment after hours.

**I.** Animals with obvious signs of serious disease, injury or distress that cannot be addressed shall be humanely euthanized or be immediately transferred to another facility where veterinary care can be timely provided.

**J.** For humane reasons, it may be necessary to euthanize an animal despite the holding time requirements not having been met. An animal shall not be allowed to suffer while in the shelter's care.

**K.** Dogs and cats may be dipped or sprayed, top spotted or given oral treatment for fleas, ticks or internal parasites, as necessary. Methods shall be used according to the season, region of state and according to manufacturer's instructions concerning treatment strengths depending on size, age or health of animal.

[16.24.7.14 NMAC - N, 05/01/2021; A, 11/5/2021]

#### **16.24.7.15 VACCINATIONS STANDARDS:**

**A.** All dogs and cats may be vaccinated upon initial impound. A veterinarian or trained staff member may administer the following core vaccines:

(1) Dogs:

(a) DA2PP or DHPP vaccine to provide protection against distemper, adenovirus-2, parvovirus, parainfluenza. Adult dogs may be vaccinated upon intake. Puppies may be vaccinated starting at 4-6 weeks of age and re-vaccinated every 2-4 weeks until 16-18 weeks of age.

(b) Bordetella bronchiseptica vaccine to protect against kennel cough for puppies and adult dogs.

(2) Cats: FVRCP vaccine to provide protection against feline herpesvirus, feline viral rhinotracheitis, feline calicivirus, and feline panleukopenia. Adult cats may be vaccinated once upon intake. Kittens may be vaccinated starting at 4-6 weeks of age and re-vaccinated every 2-4 weeks until 18 weeks of age. A modified live vaccine is recommended.

**B.** All animals shall be considered unvaccinated unless a documented medical record exists. Special consideration shall be given to animals with medical conditions, pregnant animals and animals less than 4 weeks old.

**C.** Core vaccines may be administered at the time of intake for optimum disease control.

**D.** Rabies vaccinations may be given at the time of adoption or by the adopter's veterinarian depending on local municipal or county ordinance.

**E.** Rabies vaccinations shall be administered pursuant to Section 77-1-3 NMSA 1978.  
[16.24.7.15 NMAC - N, 05/01/2021]

#### **16.24.7.16 RECORD KEEPING STANDARDS:**

**A.** Records shall be kept for each animal impounded, for each animal accepted as an owner-surrender, for each animal brought to the shelter by a member of the public as a stray, and for each animal that is otherwise acquired.

**B.** Records shall include:

(1) Date of acquisition and manner of acquisition: animal control officer, public intake, owner surrender etc.

(2) Description and identifying characteristics including: species, breed, color, age, weight, gender, and any background information.

- (3) Tag and/or microchip information.
- (4) Reason for impoundment or relinquishment.
- (5) Veterinary care.
- (6) Disposition of the animal.
- (7) Date of redemption of adoption, transfer of ownership or euthanasia.
- (8) Name, address and telephone number of receiving person or entity.
- C. Statistics may include monthly intake and outcomes by type for each species.
- D. Collars, tags or other potential identification may be kept on the animal or in the animal's file during the impound time.
- E. Each animal shall be identifiable by use of cage/run cards and/or identifying collars.
- F. Photographs may be taken of each animal, maintained with the animal's records and posted on its cage to minimize the possibility of a mistaken euthanasia.
- G. Shelters shall maintain records for a minimum of two years from the date of an animal's final disposition.

[16.24.7.16 NMAC - N, 05/01/2021]

#### **16.24.7.17 COMMUNITY ACCESS AND SERVICE STANDARDS:**

- A. Shelters may be accessible to the public seeking to reclaim their animal or adopt an animal.
  - (1) Hours open to the public shall be clearly marked on the facility.
  - (2) The shelter's telephone number and address shall be listed in local telephone directories.
  - (3) The shelter may have internet presence with all pertinent information as well as listings of lost or found animals and animals available for adoption.
  - (4) Shelters may be open to the public at least one weekend day or two days until 6:00 p.m.
- B. Shelters may have provisions for animals dropped off after hours. Care shall be taken so that animals are protected from injury, theft and the elements. Unattended drop boxes are not recommended. Provisions may be made for after hours entry, impoundment and treatment procedures for animal control officers to follow. Sick or injured animals shall be attended to by trained personnel immediately due to potential for unalleviated suffering of the animal as well as liability to the shelter.
- C. When an animal has visible identification or a microchip upon impound, shelter personnel shall make every attempt to contact the owner. Each animal shall be scanned for a microchip and the number entered into the animal's record. If the owner surrenders a microchipped animal, the shelter shall determine if the surrendering owner matches the name on the microchip to ensure the animal is not stolen. In the case of stray animals, the shelter shall promptly attempt to contact the owner to whom the microchip is registered by telephone. In the event no contact can be made via telephone, then the shelter may send a letter to the address listed on the microchip registration. Attempts to trace microchip information and contact attempts with the registered owner shall be documented.
- D. In addition to being scanned at intake, animals shall be re-scanned prior to final disposition. If the final disposition is by euthanasia, scanning shall be done pursuant to Board of Veterinary Medicine rule 16.24.3.8 B Duties of Licensee and Certificate Holders.
- E. Shelters shall refer to local, municipal or county ordinance which address the minimum stray holding time. Stray animals without identification should be held long enough to give owner sufficient time to reclaim the animal. Stray animals with identification i.e., tag, tattoo, and/or microchip may be held long enough to allow the shelter sufficient time for notification and owner reclaim.
- F. Animals in law enforcement protective custody shall be in locked areas with appropriate signage that meet standards and are inaccessible to the public. Depending on the case type, owner may be allowed to visit the animal or animals.

[16.24.7.17 NMAC - N, 05/01/2021]

#### **16.24.7.18 SHELTER PERSONNEL STANDARDS:**

- A. The shelter shall maintain compliance with federal and state occupational safety regulations for chemical, biological and physical hazards in the workplace.
- B. All shelter personnel may be trained in all aspects of their responsibilities. Training topics may be, at minimum:
  - (1) Animal health and disease control.
  - (2) Humane care and treatment of animals.
  - (3) Control of animals in an animal shelter.

- (4) Transportation of animals.
- (5) Disease recognition.
- (6) Animal breed identification and behavior.
- (7) Pre-adoption evaluation and temperament testing.
- (8) Adoption policies and procedures.
- (9) Handling, capture and restraint techniques.
- (10) Personnel safety and use of equipment.
- (11) Euthanasia.
- (12) Compassion fatigue and self-care.

**C.** A shelter shall create and maintain a comprehensive procedures manual (SOP.) Shelter personnel may be provided with an SOP manual. The SOP may outline all shelter policies and procedures and the duties for each position.

**D.** Shelter personnel shall adhere to New Mexico's anti-cruelty law at all times. See 30-18-1 *et seq.* NMSA 1978.

**E.** Personal protective equipment and appropriate animal handling equipment shall be readily available to personnel.

**F.** Shelter personnel may wash their hands frequently to protect themselves and the animals. Hand sanitizers, first aid kits and eye wash stations may be made available to all employees, volunteers and visitors.  
[16.24.7.18 NMAC - N, 05/01/2021]

#### **16.24.7.19 ADOPTION STANDARDS:**

**A.** Shelters may establish adoption fees. An adoption program may be developed and implemented. If the shelter waives specific adoption fees, the shelter guidelines shall not be waived.

**B.** Shelters may develop criteria for potential adopters and unsuitable adopters. Adopters may sign a contract under which they agree to provide a specified level of care.

**C.** Shelters may learn temperament testing procedures to ensure that animals are fit for adoption and to facilitate the best possible match between adopters and animals.

**D.** An adoption screening program may include discussion of a suitable match between an adopter and animal.

**E.** When adopting out a known sick animal or animal that is receiving medical treatment, full disclosure shall be made to the person or organization receiving the animal.

**F.** In the event shelters offer animals for adoption that have not been sterilized, the shelter shall comply with New Mexico State law 77-1-20 A-F NMSA 1978.

**G.** Policies may be developed to avoid adopting out or releasing unaltered animals.

**H.** Shelters may consider a program to microchip all adopted animals.

**I.** Reasonable care shall be taken to adopt out or transfer only those animals free of disease and untreatable injury.

**J.** Animals believed to be dangerous, potentially dangerous in accordance with Chapter 77 Section 1A NMSA 1978, or have caused a serious injury resulting in same species or human death shall not be re-homed.

**K.** Shelters, in their due diligence, shall make every effort to place animals with recognized rescue organizations and responsible sanctuaries. Shelters may thoroughly research rescue organizations and sanctuaries prior to placement to avoid possible hoarding situations.

[16.24.7.19 NMAC - N, 05/01/2021]

#### **16.24.7.20 SHELTER TRANSPORT STANDARD:**

**A.** Transport vehicles and equipment shall be cleaned and sanitized prior to transport.

**B.** Animals shall not to be transported unrestrained in open beds of trucks.

**C.** Temperature extremes, below 45 degrees and above 80 degrees, during transport shall be avoided.

**D.** Compliance with state and local laws shall be followed for source and destination shelters.

**E.** Health certificates shall accompany animals crossing state lines as required.

**F.** Unfamiliar animals shall not be transported together in same enclosure.

**G.** Animals may be vaccinated and treated for internal and external parasites prior to transport.

**H.** Transport space may be adequate to allow the animal to turn around and lie down.

**I.** Transports anticipated longer than eight hours in duration may accommodate safe animal exercise and relief.

[16.24.7.20 NMAC - N, 05/01/2021]

**HISTORY OF 16.24.7 NMAC: [RESERVED]**