

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

16.24.3.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.24.3.1 NMAC - N, 7/1/18]

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 - N, 7/1/18]

16.24.3.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Veterinary Practice Act, Subsections B of Sections 77-1-5, 77-1-6, 77-1-7 NMSA 1978.
[16.24.3.3 NMAC - N, 7/1/18]

16.24.3.4 DURATION: Permanent.
[16.24.3.4 NMAC - N, 7/1/18]

16.24.3.5 EFFECTIVE DATE: July 1, 2018 unless a later date is cited at the end of a section.
[16.24.3.5 NMAC - N, 7/1/18]

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 - N, 7/1/18]

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 every other calendar year.

F. Euthanasia technicians shall euthanize all other non-livestock animals in accordance with Section 61-11-1 Pharmacy Act. 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 a sedative or anesthetic 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 promptly in compliance with local ordinance.

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 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 veterinarian, 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 state veterinarian, 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 - N, 7/1/18]

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 a skilled, knowledgeable 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 each 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 and 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 license in an active status;

I. reporting any change of name, 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 four years.

[16.24.3.9 NMAC - N, 7/1/18]

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 name, address, phone or other contact information to the board within 30 days;

B. maintaining current knowledge of New Mexico board of pharmacy rules and the New Mexico board of veterinary medicine 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. 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 - N, 7/1/18]

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

- A.** keeping records for a period of four 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 no later than January 31 annually on board provided forms, 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 to the board by February 28 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;
 - (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)** sedative 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 four 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 - N, 7/1/18]

16.24.3.12 EUTHANASIA BY INJECTION OF FDA APPROVED SODIUM PENTOBARBITAL 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 to a conscious animal.

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

D. 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.

E. 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.

F. 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.

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

H. 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 - N, 7/1/18]

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 six percent carbon monoxide gas concentration, but not to exceed ten percent, 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 - N, 7/1/18]

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 twenty percent 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 - N, 7/1/18]

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:
euthanasia;

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

(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 four 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 - N, 7/1/18]

HISTORY OF 16.24.3 NMAC:

History of Repealed Material:

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

16.24.3 NMAC, Duties of Licensees and Certificate Holders, filed 2/5/2014, repealed effective 6/30/2018.