

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

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

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 - N, 7/1/18]

16.24.1.3 STATUTORY AUTHORITY: Section 61-14-5 NMSA 1978.
[16.24.1.3 NMAC - N, 7/1/18]

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

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

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 - N, 7/1/18]

16.24.1.7 DEFINITIONS:

- A. Words starting with the letter A:**
- (1) **“Act”** means the Veterinary Practice Act, Subsections B of Sections 77-1-1 through 77-1-12 NMSA 1978.
 - (2) **“Animal”** means any animal, except humans, not defined as "livestock" in Subsection T 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) **“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.
 - (2) **“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; 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) **"Euthanasia"** means to produce the humane death of an animal by standards deemed acceptable to the board as set forth in its rules.

(3) **"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.

(4) **"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.

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

(6) **"Euthanasia technician"** means a person licensed by the board to euthanize animals for a euthanasia agency.

(7) **"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: [Reserved]

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: [Reserved]

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: [Reserved]

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: [Reserved]

Q. Words starting with Q: [Reserved]

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) **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) **"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.

(2) **"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]

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

16.24.1.8 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.

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

16.24.1.9 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.

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

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.

16.24.1 NMAC, General Provisions, filed 2/5/2014, repealed effective 6/30/2018