

PROPOSED RULEMAKING

STATE BOARD OF CRANE OPERATORS

[49 PA. CODE CH. 6]

Licensure by Endorsement—Crane Operators

The State Board of Crane Operators (Board) proposes to add §§ 6.16 and 6.17 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 years of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of a provisional endorsement license. This proposed rulemaking

sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. The fee for submission of an application for licensure by endorsement is the same fee set for the initial licensing application fee under § 6.4(a) (relating to fees).

An exposure draft of the proposed annex was sent out to stakeholders on July 8, 2020. On August 7, 2020, comments were received from the National Commission for the Certification of Crane Operators (NCCCO). NCCCO recommended that the Board include the Occupational Safety and Health Administration's (OSHA) language regarding government-issued licenses in 29 CFR 1926.1427(c) (relating to operator training, certification, and evaluation) as a component of being considered substantially equivalent, including: a written exam, a practical (hands-on) exam, exams covering the topics in 29 CFR 1926.1427(j)(1) and (2), a determination by the entity overseeing the licensure program that it meets OSHA's requirements, and an official statement from the other jurisdiction's licensing body that it has been deemed compliance would be ideal in this regard. Under the substantial equivalent requirement of § 6.16(a)(1) of this proposed rulemaking, the Board will review all the requirements for licensure in the jurisdiction from which the applicant has received licensure. The Board is aware of OSHA's requirements and is required to implement Federal mandates when reviewing applications. As it currently does for all applications, the Board will ensure that all the necessary components of the original licensing jurisdictions certification, including a written and practical exam and other OSHA requirements, are included as part of that certification.

The next comment recommended that the Board include additional language to assure that the Board only considers a "license, certification, registration or permit" issued in another jurisdiction as substantially equivalent if the certifying agency accepted in the jurisdiction that issued the licensee, certificate, registration or permit was "[a]ccredited by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA) at the time of the issuance of the certification." This suggestion has already been established in the definitional sections of section 102 of the Crane Operator Licensure Act (act) (63 P.S. § 2400.102), and § 6.2 (relating to definitions) of the Board's regulations, which are applicable to any applications made under this new provision. NCCCO also recommended that the Board "[i]nclude a reference to 29 CFR 1926.1427(c)(1)—(c)(4) 'Operator certification or licensing,' within § 6.16(a)(1)(i)." In response, the Board notes that the Board will be reviewing the requirements of the original licensing jurisdiction to ensure that the applicant is eligible to receive a license in this Commonwealth in accordance with the requirements of the act and current regulations, and the licensure process of the other jurisdiction is substantially equivalent of that of the Commonwealth. The referenced CFR section is included in the substantial equivalent standards referenced in § 6.16(a)(1). The Board is duty-bound to enforce and implement Federal requirements that must be met and will continue to do so for all applications, including

licensure by endorsement applications. Accordingly, the Board does not believe it is necessary to add these provisions as doing so would be duplicative.

Description of the Proposed Amendments

Proposed § 6.16 would establish the definition of “jurisdiction” as to be applied in any applications made under this new section and requires an applicant to satisfy six criteria required for licensure by endorsement. The first criterion, as set forth in § 6.16(a)(1), requires an applicant to provide proof of a current license, certification, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed standards under section 502 of the act (63 P.S. § 2400.502) and § 6.11 (relating to general requirements). Section 6.16(a)(1)(i) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant’s expense, translation of the applicable law, regulation or other rule by a professional translation service.

Proposed subsection (a)(2) would require demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of crane operation for at least 2 years of the 5 years immediately preceding the filing of the application in the jurisdiction that issued the license, certificate, registration or permit.

Proposed subsection (a)(3) and (4) would incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(5) would provide for payment of an application fee, as required under 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the same fee set for the initial licensing application fee under § 6.4(a) of the Board’s current fee schedule of \$100.

Next, proposed subsection (a)(6) would require the applicant to apply for licensure in accordance with the act and Chapter 6 (relating to State Board of Crane Operators) in the manner and format prescribed by the Board.

In proposed § 6.16(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown.

As authorized by 63 Pa.C.S. § 3111(a)(3) and (4), § 6.16(c) gives the Board the discretion to determine that an act prohibited by § 6.16(a)(3) or (4) are not impediments to the granting of a license, certification, registration or a permit.

Consistent with section 63 Pa.C.S. § 3111(b), proposed § 6.17 would provide that the Board, in its discretion,

may issue a provisional endorsement license while an applicant is satisfying remaining requirements of 63 Pa.C.S. § 3111 and proposed § 6.16. Section 6.17(b) would set the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license on a showing of good cause. Section 6.17(c) would set forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license. Finally, § 6.17(d) would clarify that while an individual may reapply for a license by endorsement under § 6.16, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$100 application fee in § 6.4(a).

Sunset Date

The Board continuously monitors the cost effectiveness of the Board’s regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2022, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Dean F. Picarella, Board Counsel, P.O. Box 69523, Harrisburg, PA 17106-9523 or RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-7104 (Licensure by Endorsement), when submitting comments.

ANDREW S. GOULET,
Chairperson

Fiscal Note: 16A-7104. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 6. STATE BOARD OF CRANE OPERATORS

LICENSURE

(*Editor's Note:* The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 6.16. **Licensure by endorsement.**

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) as a professional crane operator, an applicant shall provide proof satisfactory to the Board, that the applicant has met all of the following conditions:

(1) Has a current license, certification, registration or permit in good standing to practice as a professional crane operator in another jurisdiction whose standards are substantially equivalent to those established by the Board under section 502 of the act (63 P.S. § 2400.502) and § 6.11 (relating to general requirements). The following apply:

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date of law, regulation or other rule.

(2) Demonstrates competency by the following: experience in the profession of crane operating by demonstrating, at a minimum, that the applicant has actively engaged in the practice of crane operating under a license, certification, registration or permit in a substantially equivalent jurisdiction or jurisdictions for at least 2 years of the 5 years immediately preceding the filing of the application with the Board.

(3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice crane operating under section 703(a) of the act (63 P.S. § 2400.703(a)) or § 6.41—6.44 (relating to disciplinary actions).

(4) Has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Has paid the initial licensing application fee as required under § 6.4(a) (relating to fees) of the act.

(6) Has applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating

to competency and experience. The applicant may request an interview by video teleconference for good cause shown.

(c) *Prohibited acts.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under subsection (a)(3) or disciplinary action by a jurisdiction is not impediment to licensure under 63 Pa.C.S. § 3111.

(d) *Definition.* As used in this section, the term "jurisdiction" means a state, territory or country.

§ 6.17. **Provisional endorsement license.**

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 and § 6.16 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) On a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) The Board completes its assessment of the applicant and either denies or grants the license.

(2) The holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 6.16 after expiration or termination of a provisional endorsement license. The individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 22-492. Filed for public inspection April 1, 2022, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Euthanasia

The State Board of Veterinary Medicine (Board) proposes to add Subchapter B (relating to animal protection organizations and euthanasia technicians), §§ 31.101—31.115 and 31.121—31.130 to read as set forth in Annex A. This proposed rulemaking will implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182) by providing for the licensure and regulation of animal protection organizations to purchase and possess drugs for euthanasia, and of euthanasia technicians to administer drugs for euthanasia.

Effective Date

This proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Act 182, which amended the Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101—328.1102), requires the Board to promulgate by regulation the requirements for licensure and regulation of animal protection organizations to purchase and possess drugs for euthanasia and euthanasia technicians to administer drugs for euthanasia. See 3 P.S. § 328.304. Section 5(1) of the Veterinary Medicine Practice Act (act) (63 P.S. § 485.5(1)) authorizes the Board to adopt rules and regulations governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent of the act. Section 13(a) of the act (63 P.S. § 485.13(a)) authorizes the Board to fix the fees required for examination, licensure, certification, registration, renewal of licenses and registrations, renewal of certificates and temporary permits.

Background and Purpose

Act 182 prohibited the use of carbon monoxide chambers for euthanasia of small domestic animals in this Commonwealth. Act 182 also provided a legal means for animal protection organizations that operate shelters in which sick, injured or unwanted animals are euthanized to purchase and possess drugs for euthanasia. Act 182 also created a new class of licensee, to be regulated by the Board, who are individuals who have completed a training program qualifying them to humanely perform euthanasia of small domestic animals. Prior to enactment, licensure was not required, and training was not uniform for these individuals. Act 182 gives the Board broad authority to develop criteria for licensure, regulation of the performance of euthanasia consistent with ADMAL and the act and for institution of discipline against these new classes of licensees regulated by the Board.

The Board consulted with the Department of Agriculture to obtain a list of non-profit kennels licensed in this Commonwealth, and sent a draft rulemaking to these parties, as well as numerous animal protection organizations and veterinarians practicing in the field of shelter medicine. The Board met with interested parties on no less than three separate occasions, and after allowing all interested parties to provide input, a draft was completed. Thereafter, the Board voted to adopt this proposed rulemaking.

Description of Proposed Amendments

Proposed §§ 31.101—31.104 (relating to general provisions), set forth general provisions applicable to animal protection organizations and euthanasia technicians. Section 31.101 (relating to applicability of subchapter) sets forth the applicability of the subchapter.

Proposed § 31.102 (relating to definitions) would include definitions for the following key terms used in the regulation: ADMAL (The Animal Destruction Method Authorization Law), animal protection organization, certificate holder, chemical restraint, DEA (The United States Drug Enforcement Administration), drug for euthanasia, euthanasia technician, OSHA (The Occupational Safety and Health Administration within the United States Department of Labor), PDA (The Pennsylvania Department of Agriculture), restraint, shelter, small domestic animals and supervisor of animal care services.

Proposed § 31.103 (relating to applicability of other laws and rules) would note the applicability of other laws relevant to the purchase, possession and administration of drugs for euthanasia. The act regulates the practice of veterinary medicine, which includes the administration of drugs to animals, including drugs used for humane euthanasia. ADMAL is the foundational statute for these proposed regulations. The Controlled Substance, Drug, Device and Cosmetic Act (Drug Act) (35 P.S. §§ 780-101—780-144) includes provisions related to controlled substances and other drugs that animal protection organizations would be authorized to purchase and possess under Act 182. The Dog Law (3 P.S. §§ 459-101—459-1206) provides for licensure and regulation of kennels, including nonprofit kennels that are operated as animal shelters by animal protection organizations. Section 31.103 also provides that individuals and certificate holders subject to the provisions of this proposed rulemaking may also be subject to State or local/municipal laws or ordinances relevant to the subject matter addressed by this proposed rulemaking. Finally, § 31.103(b) provides notice that activities and proceedings before the Board are subject to 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure).

Proposed § 31.104 (relating to schedule of fees) would provide the schedule of fees for animal protection organizations, to include a fee for application for certificate of registration (includes initial inspection), re-inspections, biennial renewal fee of the certificate of registration and a late renewal fee. For euthanasia technicians, this section would provide a fee for application for initial licensure, application for approval of employment change, verification of licensure, biennial renewal and a late renewal fee. The initial certification and licensure fees are considered “fees for services” performed by the Board staff, and thus are calculated by the Bureau of Professional and Occupational Affairs Revenue Office by estimating the cost to provide the specific service, to include reviewing the application and accompanying documents to determine compliance with Act 182 and the regulations. The fee for processing the application for certificate of registration (for animal protection organizations), as compared to the application for initial license (of euthanasia technicians), is considerably higher because the fee for processing the application for certificate of registration includes the cost of an initial inspection of the shelter premises. The late renewal fee is set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225) and is incorporated here for ease of reference.

Proposed §§ 31.105—31.115 (relating to certificate of registration for animal protection organizations) would set forth provisions related to animal protection organizations. Section 31.105 (relating to application for certificate of registration) would address the application for certificate of registration, which would be the organization’s authorization from the Commonwealth to purchase and possess drugs for euthanasia within the shelter facility. Section 31.106 (relating to qualifications for a certificate of registration; duty to update certification information) would provide details on the qualifications that an animal protection organization must meet to be granted a certificate of registration.

These organizations have not previously been able to purchase and possess drugs, including controlled substances. However, once an organization has obtained a certificate of registration from the Board, it will be able to

purchase drugs; and once the organization also obtains a Certificate of Registration from the United States Drug Enforcement Administration (DEA), it will be able to purchase certain controlled substances. The Board believes it is important to proceed cautiously to ensure that no fraudulent organization will be able to obtain a certificate of registration that would allow them to purchase drugs. To provide this protection, the Board determined that an inspection of the shelter facility was required. Section 31.106(d) would set forth the inspection requirement and provides that an organization may not commence operations until the organization has been inspected and found compliant.

Proposed § 31.107 (relating to authority of certificate holders to purchase, possess and administer controlled substances; limitations on authority) would set forth the authority of certificate holders to purchase, possess and administer controlled substances and limitations on that authority. Subsection (a) would provide that a certificate holder who holds a current unrestricted DEA Certificate of Registration may purchase, possess and administer drugs for euthanasia and may transfer drugs for euthanasia to a currently licensed euthanasia technician or veterinarian employed by or under contract with the certificate holder to provide euthanasia services. Subsection (b) would provide limitations, including that a certificate holder may not purchase, possess or administer any controlled substance or other legend drug under the authority of the certificate of registration that is not for euthanasia. This provision would not prohibit a certificate holder that has a staff veterinarian to possess drugs used for other purposes acquired under the authority of the staff veterinarian's license and DEA registration. Subsection (b) would also prohibit a certificate holder from transferring a drug for euthanasia to anyone other than a euthanasia technician or veterinarian; and would prohibit the certificate holder from allowing any drug for euthanasia to leave the shelter premises. Subsection (b) would also prohibit the disposal of drugs in any manner other than that required by Federal regulation and would prohibit the certificate holder from allowing any other organization or individual to use the certificate holder's certificate of registration from the Board or the DEA to purchase, possess, administer or transfer a drug for euthanasia or any other controlled substance or legend drug.

Proposed § 31.108 (relating to duties of certificate holders) would set forth duties of certificate holders, which include ensuring that euthanasia technicians are competent to humanely administer euthanasia, to provide a suitable area for activities related to euthanasia and to obtain a DEA certificate of registration. This section would also provide details of paperwork required to be submitted to the Board. Certificate holders will be required to obtain separate certificates of registration from the Board and DEA for each address where euthanasia drugs are stored or administered, and certificate holders will be required to submit a copy of the DEA Certificate of Registration to the Board within 5 business days of receiving each initial Certificate of Registration and within 5 business days of the renewal of each Certificate of Registration. The Board proposes to require certificate holders to provide a hard copy of the controlled substance log for drugs for euthanasia to the Board every 60 days, along with a summary report showing the total number of animals euthanized by species and amount of drugs administered, and the invoices for each drug ordered. These summary reports would also inform the Board of physical facility and personnel changes relevant to the

provision of euthanasia as well as any criminal convictions or disciplinary actions taken against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder by a licensing agency of another jurisdiction.

Proposed § 31.109 (relating to area used for animal euthanasia; required equipment and supplies) would set forth requirements for the area, equipment and supplies needed to humanely perform euthanasia. This proposal is intended to provide for minimum acceptable standards.

Proposed § 31.110 (relating to approved drugs for euthanasia) would provide that the Board will publish the list of approved drugs for euthanasia that certificate holders may purchase, possess and administer in the *Pennsylvania Bulletin* and on the Board's web site. The Board anticipates that the list will include sodium pentobarbital and drugs that are used to sedate animals prior to administration of the sodium pentobarbital agents. This section would also provide that a certificate holder may petition the Board for the addition or deletion of drugs from the approved list. This section would limit certificate holders to using drugs for euthanasia only to provide humane euthanasia of small domestic animals at the shelter. Finally, the section would provide that certificate holders shall use drugs for euthanasia that are within their expiration date.

The provisions in proposed §§ 31.111 and 31.112 are essentially standard across all types of organizations, including both shelters and veterinary hospitals, for the storage and record keeping related to controlled substances and other drugs.

Proposed § 31.111 (relating to storage and security of drugs for euthanasia, certificates of registration and drug order forms) would direct certificate holders to the regulations of the DEA, which sets rules for the storage, security and disposal of controlled substances; would make the certificate holder the party responsible for ensuring proper storage, security and disposal of drugs for euthanasia at the shelter; would provide minimum security measures for storage of drugs for euthanasia; and would provide rules for handling paperwork associated with ordering controlled substances.

Proposed § 31.112 (relating to maintenance of records and inventories of drugs for euthanasia) would require that certificate holders comply with applicable Federal and State laws related to registration, ordering and receiving, security, record keeping and disposal of drugs for euthanasia. Furthermore, subsection (b) would require the certificate holder to maintain all drugs for euthanasia in their original container, clearly marked as to contents, until the drugs are ready to be used or reconstituted for use. Subsection (c) would require the certificate holder to maintain current and accurate records of the purchase, administration, transfer and disposal of drugs for euthanasia, to include a master logbook, drug administration records and a weekly physical inventory. Subsection (d) states the master log shall be created and maintained as required by the DEA, and subsection (e) would require a certificate holder to provide the required records to the Board or its agents upon demand, and to keep the required records as a separate form for each container of a drug for euthanasia. Furthermore, subsection (e) provides a list of information that is required to be recorded on the forms and requires records to be maintained at the shelter facility in a readily retrievable file. Subsection (f) sets forth requirements for weekly physical inventory of drugs for euthanasia. Subsection (g) requires the supervisor of animal care services or his or her designee to report

suspected or documented theft and or diversion of drugs for euthanasia to the Board and DEA immediately, and subsection (h) states a certificate holder shall maintain original copies of the records at the shelter for not less than 2 years. If a certificate holder surrenders its Board or DEA Certificate of Registration, subsections (i) and (j) state the original copies of the records required by § 31.112 shall be retained at the shelter facility if the shelter is a subsequent certificate holder, or with a custodian of records if there is no subsequent certificate holder, and the certificate holder shall dispose of drugs for euthanasia in accordance with DEA regulations and shall send a copy of the disposal documentation to the Board.

Proposed § 31.113 (relating to renewal of certificate of registration) would provide for the biennial renewal of certificates, as is the case with all of the authorizations/licenses issued by the 29 licensing boards and commissions within the Bureau of Professional and Occupational Affairs. Certificates of registration would be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104. An initial certification of registration issued at any time after June 1 of an even-numbered year would not be subject to renewal until the next even-numbered year. A certificate holder would renew the certificate prior to the expiration date of the certificate. Applications for renewal would be submitted in accordance with Board regulations and in the manner and format prescribed by the Board, and a renewed certificate of registration would be valid for a period of 2 years.

Proposed § 31.114 (relating to grounds for refusal, suspension, revocation or imposition of other disciplinary sanction) would provide that certificate holders are subject to all applicable disciplinary provisions and penalty provisions in the act, ADMAL and other laws applicable to licensees of the Board. Subsection (c) would prohibit a certificate holder or other animal protection organization from providing euthanasia to small domestic animals unless a current certificate of registration is held by the licensee or organization. Subsection (d) would provide that a certificate holder is subject to discipline for failing to admit agents of the PDA to conduct investigations or inspections that agency is authorized to conduct, for having the organization's DEA Certificate of Registration disciplined, for any enforcement action by the PDA, for failing to ensure that euthanasia technicians employed by the organization hold current licenses, and for conduct of a euthanasia technician who performs duties in an unsafe or inhumane manner, or in a manner that violates applicable law.

Proposed § 31.115 (relating to disciplinary sanctions) would explain the disciplinary sanctions the Board may impose when it finds that a certificate holder has violated the act or ADMAL, and the legal process by which the Board may take action against a certificate holder. Subsection (c) would give notice that the Board may summarily revoke the certificate of a certificate holder if the PDA revokes the organization's kennel license.

Proposed §§ 31.121—31.130 (relating to euthanasia technicians) would govern euthanasia technicians. Section 31.121 (relating to application for licensure) would set forth the application process for an individual seeking licensure as a euthanasia technician, to include filing an application, paying the required fee, and demonstrating the applicant meets the requirements of ADMAL and the applicable Board regulations. Subsections (b) and (c) would explain what may be done should the Board deny the application.

Proposed § 31.122 (relating to qualifications for licensure) would set forth the qualifications an applicant would be required to meet to be granted a license. The qualifications would include being over 18 years of age. In addition, the proposal would require an applicant to have either a high school diploma or its equivalent or, if the applicant had neither, three letters of recommendation including one letter from a licensed veterinarian. The reason for this requirement is that the duties of a euthanasia technician will include calculating the correct dosage of drugs to administer to animals based on the strength of the drug, the animal's weight and condition, and the desired effect.

Proposed § 31.122 would also provide two pathways for an applicant to demonstrate the requisite knowledge to practice as a euthanasia technician. First, as provided in ADMAL, the applicant could show completion of a euthanasia technician certification course. The Board approved a course submitted by the Humane Society of the United States and the course has been offered in several locations in this Commonwealth. The Board would also provide, by regulation, a second pathway to licensure for individuals who have been licensed under the laws of another state or territory of the United States that had similar requirements and who has been engaged in the practice for at least 1 year out of the last 5 years.

Proposed § 31.122 would also preclude licensure for an applicant who has been convicted of a drug trafficking offense as defined in 63 Pa.C.S. § 3113(i) (relating to consideration of criminal convictions), a crime that directly relates to the profession as defined in 63 Pa.C.S. § 3102 (relating to definitions), or a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses). ADMAL does not prohibit the licensure of individuals with criminal convictions, however section 304(c)(1)(ii)(C) of ADMAL (3 P.S. § 328.304(c)(1)(ii)(C)) does suggest that applicants must meet other requirements established by the Board. Section 9(b)(4) of the act (63 P.S. § 485.9(b)(4)) prohibits the licensure of individuals convicted of a felony under the Drug Act. However, the act of July 1, 2020 (P.L. 575, No. 53) (Act 53) states "provisions of the respective practice acts relating to felony drug convictions under" the Drug Act, or similar statute if convicted in another jurisdiction, "shall only apply to an individual who has been convicted of a drug trafficking offense" as defined in 63 Pa.C.S. § 3113(i). It is for this reason § 31.122(a)(4) specifies that applicants for licensure as a euthanasia technician may not have been convicted of a drug trafficking offense as defined in 63 Pa.C.S. § 3113(i). Furthermore, 63 Pa.C.S. § 3113(b)(1) states there is a "rebuttable presumption that licensure of the individual with a criminal conviction that directly relates to the occupation, trade or profession would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions" in 63 Pa.C.S. § 3113(b)(1), which is why § 31.122(a)(4) precludes the licensure of individuals convicted of a crime that directly relates to the profession as defined in 63 Pa.C.S. § 3102. Finally, 63 Pa.C.S. § 3113(e) empowers the Board to license applicants convicted of a crime of violence only if the applicant meets certain enumerated criteria in 63 Pa.C.S. § 3113(e), which is why § 31.122(a)(4) precludes the licensure of individuals convicted of a crime of violence as defined in 42 Pa.C.S. § 9714. The Board recognizes that under certain conditions, individuals convicted of the offenses listed in § 31.122(a)(4) may still be issued a license. For this reason, the Board added language clarifying that, should

an applicant be able to demonstrate, at a hearing before the Board or its designee, the required mitigating or rehabilitative criteria as enumerated in Act 53 and 63 Pa.C.S. § 3113(b)(1), as applicable, the underlying conviction need not present a barrier to licensure.

Subsection (b) would notify applicants that the Board will not consider an incomplete application. An application is not complete until all supporting documents, such as the criminal history record check or verification of licensure in other states, has been received. Subsection (c) would notify applicants that applications will be thoroughly investigated to determine the accuracy of information submitted. Subsection (d) would notify applicants that the Board may require the submission of additional information or may require an applicant to appear before the Board to provide additional information. Finally, subsection (e) would notify applicants that an application will be active for 12 months.

Proposed § 31.123 (relating to educational programs and examinations for euthanasia technicians) would address educational programs and examinations. The proposed provisions track the language of Act 182. In addition, the proposed provisions provide direction to organizations that might wish to submit a euthanasia technician training course to the Board for approval, by listing the material that must be submitted, including a copy of the evaluative tool used to measure competence of students who have completed the certification course. An examinee may be provided no more than three attempts at demonstrating competence through utilization of the administrator's evaluative tool without a requirement that the student retake the training course prior to being reevaluated. This section also notifies the public that the list of approved courses will be posted on the Board's web site.

Proposed § 31.124 (relating to reports to be filed with the Board) would notify licensees of the reports they will be required to file with the Board, within 30 days of an occurrence, including the licensee's conviction of any felony or misdemeanor offense, imposition of disciplinary or corrective action on any license from this Commonwealth or any other state, a change in employment or a change in name or mailing address.

Proposed § 31.125 (relating to employment required; services to be provided at shelter only) would notify licensees that their license authorizes them to administer drugs for euthanasia only on the shelter premises at which the licensee is employed, or with which the euthanasia technician has a contract for the provision of humane euthanasia services.

Proposed § 31.126 (relating to renewal of license, inactive status and reactivation of license) would set the biennial renewal period to match that of the other licenses issued by the Board. A euthanasia technician license would be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104. An initial euthanasia technician license issued at any time after June 1 of an even-numbered year would not be subject to renewal until the next even-numbered year. A euthanasia technician would renew the euthanasia technician's license prior to the expiration date of the license by submitting a renewal form provided by the Board and paying the biennial renewal fee. Applications for renewal must be submitted in accordance with Board regulations and in the manner and format prescribed by the Board. A renewed license would be valid for a period of 2 years.

Proposed § 31.127 (relating to duties of euthanasia technicians) would set forth the duties of these licensees. The overarching guide to conduct, set forth in subsection (a), is to perform all euthanasia services humanely. Humane euthanasia is further defined in § 31.128 (relating to standards for euthanasia of small domestic animals). Subsection (b) provides a list of nine specific duties for licensees, including maintaining security of drugs for euthanasia, accurately recording drug administration information, and making reports as appropriate to the Board or other agency.

Proposed § 31.128 would set forth the minimum standards that must be followed in providing euthanasia services. "Humane" euthanasia would be elucidated to include language referencing the character of the services provided and the purposeful outcome of the services. Subsection (f) would provide a list of licensees authorized to administer drugs for euthanasia.

Proposed § 31.129 (relating to standards for administration of drugs for euthanasia) would provide direction to individuals administering drugs, including the requirement that an animal be held or restrained, as defined in § 31.102, unless restraining the animal would either increase the anxiety or fear of the animal or would place the person holding or restraining the animal in physical danger. In these cases, the animal must be placed alone in an enclosure appropriate for its species and size, except for dogs or cats under the age of 16 weeks or other animals that have not been weaned, which may be placed together in an enclosure with their littermates or dam. Paragraph (3) would require that an animal handler be available to assist the individual administering drugs for euthanasia.

Paragraph (4) would require chemical restraint to be used consistent with accepted standards to minimize distress to the animal or danger to the staff. This provision represents the Board's judgment, based on current available information, that the provision of chemical restraint prior to euthanasia is the prevailing and acceptable standard of practice that must be followed unless to do so would be likely to cause more distress to the animal. The objective is to minimize distress and maximize safety.

Paragraph (5) would echo the statutory mandate that intravenous injection be the standard method of euthanasia for dogs and cats, unless the age, physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler, or if the physical restraint necessary for intravenous injection would cause unnecessary fear or anxiety in the animal. Paragraph (6) would address the limited circumstances under which intraperitoneal injection may be used, and it sets forth what must be done after an intraperitoneal injection.

Paragraph (7) would require the gauge and length of the needle or catheter used to be appropriate to minimize pain and distress for the size and species of the animal and the method of injection. Paragraph (8) would require a new, unused disposable needle or catheter of medical quality to be used for the administration of drugs for euthanasia for each animal, with each needle or catheter being disposed of in a commercial sharps container immediately after a single use.

Proposed § 31.130 (relating to grounds for refusal, suspension, revocation or imposition of other disciplinary sanction) would provide notice that licensed euthanasia technicians are subject to all of the disciplinary and penalty provisions in the act, ADMAL, this chapter and

other applicable law. Furthermore, this section prohibits an individual who is not licensed by the Board or otherwise authorized by law to perform euthanasia from providing euthanasia to animals subject to ADMAL. Violations may be prosecuted before the Board and may be referred for criminal prosecution.

Fiscal Impact

This proposed rulemaking is not expected to have a fiscal impact on the general public. Animal protection organizations that seek a certificate of registration and individuals who seek a license as a euthanasia technician will be required to pay fees set forth in this proposed rulemaking. There may be costs associated with compliance with the facility and equipment requirements for existing facilities that do not currently comply. An estimate of the cost of compliance with this proposed rulemaking is set forth in the Regulatory Analysis Form (RAF) required by the Independent Regulatory Review Commission (IRRC), which is available on request.

Paperwork Requirements

This proposed rulemaking does not create additional paperwork for the Board, the Board's licensees or the general public. Certificate holders and licensed euthanasia technicians will be required to complete required paperwork relating to the purchase, dispensing and disposal of drugs used for euthanasia, but these requirements are set by Federal regulations and are included in this proposed rulemaking for ease of reference. Certificate holders and licensed euthanasia technicians will be required to complete biennial renewal applications and to submit updated information to the Board as set forth in this proposed rulemaking.

Sunset Date

The Board continuously monitors its regulations as required by Executive Order 1996-1. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2022, the Board submitted a copy of this proposed rulemaking and a copy of the RAF to IRRC and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Board Counsel, State Board of Veterinary Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5726, Euthanasia, when submitting comments.

THOMAS N. GARG, VMD,
Chairperson

Fiscal Note: 16A-5726. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

Subchap.

A. VETERINARIANS, CERTIFIED VETERINARY TECHNICIANS AND VETERINARY ASSISTANTS

B. ANIMAL PROTECTION ORGANIZATIONS AND EUTHANASIA TECHNICIANS

(Editor's Note: The following subchapter is proposed to be added and is printed in regular type to enhance readability.)

Subchapter B. ANIMAL PROTECTION ORGANIZATIONS AND EUTHANASIA TECHNICIANS

GENERAL PROVISIONS

- Sec.
- 31.101. Applicability of subchapter.
- 31.102. Definitions.
- 31.103. Applicability of other laws and rules.
- 31.104. Schedule of fees.

CERTIFICATE OF REGISTRATION FOR ANIMAL PROTECTION ORGANIZATIONS

- 31.105. Application for certificate of registration.
- 31.106. Qualifications for a certificate of registration; duty to update certification information.
- 31.107. Authority of certificate holders to purchase, possess and administer controlled substances; limitations on authority.
- 31.108. Duties of certificate holders.
- 31.109. Area used for animal euthanasia; required equipment and supplies.
- 31.110. Approved drugs for euthanasia.
- 31.111. Storage and security of drugs for euthanasia, certificates of registration and drug order forms.
- 31.112. Maintenance of records and inventories of drugs for euthanasia.
- 31.113. Renewal of certificate of registration.
- 31.114. Grounds for refusal, suspension, revocation or imposition of other disciplinary sanction.
- 31.115. Disciplinary sanctions.

EUTHANASIA TECHNICIANS

- 31.121. Application for licensure.
- 31.122. Qualifications for licensure.
- 31.123. Educational programs and examinations for euthanasia technicians.
- 31.124. Reports to be filed with the Board.
- 31.125. Employment required; services to be provided at shelter only.
- 31.126. Renewal of license, inactive status and reactivation of license.
- 31.127. Duties of euthanasia technicians.
- 31.128. Standards for euthanasia of small domestic animals.
- 31.129. Standards for administration of drugs for euthanasia.
- 31.130. Grounds for refusal, suspension, revocation or imposition of other disciplinary sanction.

GENERAL PROVISIONS

§ 31.101. Applicability of subchapter.

Subchapter B shall apply to all animal protection organizations operating in this Commonwealth and all individuals, except those exempted by statute, that provide, either personally or through contract or other arrangement, euthanasia for small domestic animals, whether or not the animal protection organization orders drugs for euthanasia under the certificate granted by the Board.

§ 31.102. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ADMAL—The Animal Destruction Method Authorization Law (3 P.S. §§ 328.101—328.1101).

Animal protection organization—A nonprofit society or association incorporated under 15 Pa.C.S. Chapter 53, Subchapter A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals or a municipality which operates an animal shelter.

Certificate holder—An animal protection organization that holds a current certificate of registration issued by the Board.

Chemical restraint—The use, through administration by routes recommended by the manufacturer, of drugs for euthanasia to sedate or tranquilize an animal prior to the provision of euthanasia.

DEA—The United States Drug Enforcement Administration.

Drug for euthanasia—A commercially available injectable drug or combination of drugs approved by the Federal Food and Drug Administration and the Board for the purpose of euthanasia of small domestic animals and chemical restraint approved by the Board for use in conjunction with the euthanasia of small domestic animals.

Euthanasia technician—An individual who holds a current euthanasia technician license issued by the Board.

OSHA—The Occupational Safety and Health Administration within the United States Department of Labor.

PDA—The Pennsylvania Department of Agriculture.

Restraint—A safe and humane method of restricting an animal's movement, including holding the animal or placing the animal in an appropriately-sized enclosure.

Shelter—The physical facility at which a certificate holder provides humane euthanasia in accordance with ADMAL.

Small domestic animals—Cats and dogs, and any of the following animals whose general intended purpose is to be kept and cared for as household pets: rabbits, mice, rats, hamsters, guinea pigs, ferrets, birds, reptiles and amphibians.

Supervisor of animal care services—The individual who is generally onsite at the shelter facility of a certificate holder and who is responsible to the animal protection organization for animal care services including euthanasia and supervision of euthanasia technicians.

§ 31.103. Applicability of other laws and rules.

(a) Individuals and certificate holders are subject to the act, ADMAL, this chapter and all other applicable law. For purposes of this section, applicable law includes all of the following:

- (1) The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).
- (2) The Dog Law (3 P.S. §§ 459-101—459-1206).
- (3) Regulations of the PDA, the DEA and OSHA.
- (4) Any other or subsequent statute, rule or regulation of any government entity, whether Federal, State or local, relevant to the purchase, possession and administration

of drugs for euthanasia of animals covered by ADMAL, the handling of animals, or the disposal of animal remains.

(b) Except as set forth in ADMAL, activities and proceedings before the Board are subject to 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure).

§ 31.104. Schedule of fees.

The Board will charge the following fees for the administration of this subchapter:

Animal protection organizations:

Application for certificate of registration (includes initial inspection)	\$244
Re-inspection fee	\$216
Biennial renewal of certificate of registration	\$50
Late renewal fee—per month or part of month	\$5
<i>Euthanasia technicians:</i>	
Application for initial license	\$87
Application for approval of employment change	\$81
Verification of licensure	\$15
Biennial renewal	\$25
Late renewal fee—per month or part of month	\$5

CERTIFICATE OF REGISTRATION FOR ANIMAL PROTECTION ORGANIZATIONS

§ 31.105. Application for certificate of registration.

(a) An applicant for a certificate of registration from the Board shall file an application in accordance with this chapter and in the manner and format prescribed by the Board.

(b) An applicant for a certificate of registration with the Board shall pay the fee set forth in § 31.104 (relating to schedule of fees) upon submission of the application.

(c) An applicant for a certificate of registration with the Board shall demonstrate that it meets the requirements of ADMAL and this chapter.

§ 31.106. Qualifications for a certificate of registration; duty to update certification information.

(a) The Board may issue a certificate of registration to an animal protection organization that meets all of the following requirements:

- (1) Demonstrates that it is a nonprofit society or association incorporated in this Commonwealth for the purpose of the prevention of cruelty to animals or is a municipality which operates an animal shelter.
- (2) Demonstrates that the supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician certification course.
- (3) Demonstrates, by submission of a criminal history record check, that the supervisor of animal care services has not been convicted of a drug trafficking offense as defined in 63 Pa.C.S. § 3113(i) (relating to consideration of criminal convictions), a crime that directly relates to the profession as defined in 63 Pa.C.S. § 3102 (relating to definitions), or a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), unless the supervisor of animal care services demonstrates, at a hearing before the Board or

its designee, the required mitigating or rehabilitative criteria as enumerated in the act and 63 Pa.C.S. § 3113(b)(1), as applicable.

(4) Demonstrates, through a precertification inspection by agents of the Board, that the animal protection organization has adequate shelter facilities to safely and humanely purchase, possess and administer drugs for euthanasia.

(5) Submits the names of all euthanasia technicians employed by or under contract with the animal protection organization to administer euthanasia drugs to animals.

(6) Submits the names of any licensed veterinarian associated with the animal protection organization, along with a description of the association.

(b) An application will not be considered until the application is complete and is accompanied by the required fee set forth in § 31.104 (relating to schedule of fees).

(c) An application for certificate of registration will be thoroughly investigated.

(d) An animal protection organization applying for a certificate of registration will be inspected by agents of the Board to determine if the equipment and facilities of the organization meet the requirements of this subchapter. An animal protection organization that does not meet the requirements of this subchapter may not commence or continue operations until the organization has been inspected again and found to be compliant. An animal protection organization shall pay the re-inspection fee set forth in § 31.104 prior to re-inspection.

(e) The Board reserves the authority to require an applicant to provide additional information or evidence to support the application for certificate of registration. The Board may require an applicant to appear before the Board to provide the Board this additional information or evidence.

(f) An application submitted to the Board will be active for a period of 12 months from the date the application is signed and verified by the applicant. If an application is dormant for a period of more than 12 months, it will be deemed withdrawn and a new application, including payment of the application fee, will be required should the applicant later seek registration.

(g) An applicant shall update the application if any information on the application changes prior to issuance of the certificate of registration.

§ 31.107. Authority of certificate holders to purchase, possess and administer controlled substances; limitations on authority.

(a) A certificate holder that holds a current, unrestricted DEA Certificate of Registration may do all of the following:

(1) Purchase, possess and administer, through its authorized agents, drugs for euthanasia.

(2) Transfer drugs for euthanasia to a currently licensed euthanasia technician or veterinarian who is employed by or under contract with the certificate holder to provide euthanasia to animals for the purpose of administration to animals; provided, however, that the drugs for euthanasia may only be used to provide euthanasia at the shelter.

(3) Dispose of drugs for euthanasia in accordance with law.

(b) A certificate holder may not do any of the following:

(1) Purchase, possess or administer any controlled substance or any other legend drug which is not a drug for euthanasia.

(2) Transfer a drug for euthanasia to anyone other than a currently licensed euthanasia technician or veterinarian employed by or under contract with the animal protection organization to provide euthanasia on the premises of the certificate holder.

(3) Authorize, permit or allow any drug for euthanasia purchased or possessed by the certificate holder under the authority of ADMAL to leave the premises of the shelter.

(4) Authorize, permit, or allow the disposal of drugs for euthanasia in any manner other than that required by law.

(5) Authorize, permit or allow any other individual or animal protection organization to use the certificate holder's certificate of registration issued by the Board or DEA Certificate of Registration to purchase, possess, administer or transfer a drug for euthanasia or any other controlled substance or legend drug.

§ 31.108. Duties of certificate holders.

(a) A certificate holder shall do all of the following:

(1) Ensure that a euthanasia technician providing euthanasia at the shelter is clinically competent to humanely administer euthanasia.

(2) Provide an area suitable for storage of drugs and equipment for euthanasia, and for the provision of euthanasia, in accordance with § 31.109 (relating to area used for animal euthanasia; required equipment and supplies).

(3) Register with and receive a certificate of registration from the DEA prior to the purchase, possession or administration of any drugs for euthanasia.

(4) Obtain separate certificates of registration from the Board and DEA for each address where euthanasia drugs are stored or administered.

(5) Submit a copy of the DEA Certificate of Registration to the Board within 5 business days of receiving each initial certificate of registration and within 5 business days of the renewal of each certificate of registration.

(6) Provide a hard copy of the controlled substance log for drugs for euthanasia to the Board every 60 days, along with a summary report which shall show, for the prior 60-day period, the total number of animals euthanized by species and copies of any invoices for each drug ordered showing the potency and quantity of each drug ordered.

(7) Cooperate with the Board and its agents in the inspection of the euthanasia facility, inspection of licenses and registrations, and investigation of complaints filed with the Board.

(b) In addition to the information required under subsection (a)(1)—(7), the 60-day summary report shall include notification of the following, as applicable:

(1) Change of supervisor of animal care services, including proof that the new supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician course.

(2) Change or addition of euthanasia technician, including the name and license number of the new or additional euthanasia technician or technicians employed by or under contract with the animal protection organization.

(3) Change to the list of personnel authorized to access drugs for euthanasia under § 31.111(c) (relating to storage and security of drugs for euthanasia, certificates of registration and drug order forms).

(4) A disciplinary action taken against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder by a licensing agency of another jurisdiction, or a finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition of any felony or misdemeanor.

(5) Change in the physical location or significant changes to shelter, and if applicable, demonstration that a new DEA Certificate of Registration has been obtained for the new address.

§ 31.109. Area used for animal euthanasia; required equipment and supplies.

(a) A certificate holder shall provide an area used for animal euthanasia at a shelter that meets all of the following requirements:

(1) Is separated from the rest of the shelter and from public view, is not used for any other purpose while an animal is being euthanized, and in which unrelated animals are not present.

(2) Has bright and even lighting. Additional lighting over the location where euthanasia agents are administered by injection is highly recommended.

(3) Has an ambient temperature that is between 60 and 80 degrees Fahrenheit.

(4) Has adequate ventilation to prevent the accumulation of odors, including at least one exhaust fan.

(5) Has flooring which is dry and non-slip to prevent accidents and is easy to clean and disinfect.

(6) Is kept clean and disinfected.

(b) A certificate holder shall provide, at a minimum, the following equipment and supplies for the area used for animal euthanasia:

(1) A table or work area where an animal can be handled and restrained while being euthanized. The surface must be easily disinfected and appropriate for the species and size of animals euthanized by the animal protection organization.

(2) A cabinet, table or workbench where the controlled dangerous substances, needles, catheters, syringes, clipper and other equipment and supplies can be placed while euthanasia is being performed. This surface should be adjacent to, but separate from, the area where the animals are handled.

(3) A hand-washing sink that can be easily accessed by the animal protection organization's euthanasia technician and animal handler. For purposes of this provision, the sink must be no more than 30 feet from the area where euthanasia is conducted. Animal protection organizations with alternate physical layouts may request a variance from this provision.

(4) Emergency eye wash equipment in working order that can be easily accessed by the animal protection organization's euthanasia technician and animal handler. For purposes of this provision, the emergency eye wash equipment must be no more than 30 feet from the area where euthanasia is conducted. Animal protection organizations with alternate physical layouts may request a variance from this provision.

(5) Documented procedure for providing clean and sanitary towels.

(6) Equipment and supplies as needed for adequate room sanitation, such as detergents, disinfectants, paper towels, brooms and mops.

(7) Eye or face protection for personnel reconstituting drugs for euthanasia, performing injections or restraining animals for injection.

(8) Disposable medical exam gloves.

(9) Suitable personal protective equipment, including animal handling gloves.

(10) An assortment of muzzles or appropriate disposable material which can be used for muzzles.

(11) A control stick for dogs.

(12) Capture/restraint nets suitable for the species and size of animals normally handled by the certificate holder and constructed of materials that can be sanitized.

(13) Towels of terry cloth or other fabric suitable for restraining animals.

(14) Hair clippers with a minimum of two sets of # 30 or # 40 or equivalent size clipper blades, maintained sharp and in good condition.

(15) Quick-release tourniquets appropriate for the sizes of animals normally handled by the certificate holder.

(16) A supply of 18, 20 and 22 gauge disposable needles of medical quality in appropriate lengths and in other gauges and lengths as required by the species and size of animals normally handled by the certificate holder, in a quantity appropriate considering the number of animals euthanized by the certificate holder over a period of time and the schedule for ordering these supplies.

(17) A supply of disposable syringes of medical quality in sizes appropriate for the volumes of drugs which must be administered based on the species and sizes of animals normally handled by the certificate holder, in a quantity appropriate considering the number of animals euthanized by the certificate holder over a period of time and the schedule for ordering these supplies.

(18) A commercially available sharps container for used needles and syringes, constructed of puncture resistant material and which complies with 29 CFR 1910.1030(d)(2)(viii) (relating to bloodborne pathogens).

(19) A stethoscope.

(20) A penlight and spare batteries.

(21) Hand soap.

(22) A first-aid kit for humans, which includes, at a minimum, the supplies suggested by the American Red Cross for a first aid kit for a family of four.

(23) A spill kit, as defined by OSHA, suitable for cleaning spills of drugs for euthanasia.

(24) A freezer, refrigerator or mortuary cooler for the storage of the remains of euthanized animals pending disposition.

(c) The equipment and supplies must be kept clean, free of dust or other foreign matter and in good working order. The equipment and supplies must be stored in an orderly, safe manner.

§ 31.110. Approved drugs for euthanasia.

(a) The Board will publish the list of approved drugs for euthanasia that certificate holders may purchase, possess and administer in the *Pennsylvania Bulletin* and

on the Board's web site. The Board may update the list of approved drugs for euthanasia by adding or deleting drugs from the approved list to conform to standards of practice that are acceptable in the veterinary medical community. Changes to the list of approved drugs will be published in the *Pennsylvania Bulletin* and on the Board's web site.

(b) A certificate holder may petition the Board for the addition or deletion of drugs for euthanasia on the Board's approved list by filing a written petition with the Board setting out the request and justification for the request, as if a petition for amendment of regulations under 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations).

(c) A certificate holder may use drugs for euthanasia only to provide humane euthanasia of small domestic animals within the shelter facility.

(d) A certificate holder shall use drugs for euthanasia within the expiration date printed on the primary commercial container by the manufacturer.

§ 31.111. Storage and security of drugs for euthanasia, certificates of registration and drug order forms.

(a) A certificate holder shall store all drugs for euthanasia in accordance with the Federal regulations at the level of security required for practitioners at 21 CFR 1301.71—1301.77 (relating to security requirements). The level of security required may vary depending on the registered location, the number of employees and other personnel who have access to the area where drugs for euthanasia are stored, the quantity of drugs for euthanasia kept on hand and the prior history of theft or diversion. Specific questions regarding the adequacy of security measures shall be directed to the DEA.

(b) A certificate holder shall provide for the storage, security and disposal of drugs for euthanasia at the shelter. Acceptable storage and security is required at the location for which the animal protection organization is registered with the Board and DEA. Expired drugs shall be disposed of in accordance with Federal law and implementing regulations at 21 CFR Part 1317 (relating to disposal).

(c) A certificate holder shall store all drugs for euthanasia in a securely locked, substantially constructed cabinet which is securely attached to the building in which it is housed, and which is accessible only to personnel authorized by the animal protection organization to have access to the drugs. A list of individuals authorized to have access to the drugs shall be provided to the Board upon initial inspection, reinspection or upon request.

(d) A certificate holder shall store drugs for euthanasia in an environment that meets the manufacturer's recommendations for proper storage.

(e) A certificate holder shall maintain its original DEA Certificate of Registration in the cabinet or safe or separately securely locked metal container within the cabinet or safe, as appropriate, so that it is accessible only to the shelter director in charge of ordering or purchasing drugs for euthanasia or an individual who has a current DEA Certificate of Registration.

(f) A certificate holder shall secure unexecuted order forms for Schedule II drugs (DEA Form 222) in a cabinet or safe or separately securely locked metal container within the cabinet or safe, as appropriate, which is

accessible only to the shelter director or an individual who has a current DEA Certificate of Registration for Schedule II drugs.

§ 31.112. Maintenance of records and inventories of drugs for euthanasia.

(a) A certificate holder shall comply with all applicable Federal and State laws, rules and regulations relating to registration, ordering and receiving, security, record keeping, inventory and disposal of drugs for euthanasia.

(b) A certificate holder shall maintain all drugs for euthanasia in their original container, clearly marked as to contents, until the drugs are ready to be used or reconstituted for use.

(c) A certificate holder shall maintain current accurate records of the purchase, administration, transfer and disposal of drugs for euthanasia. These records shall consist of all of the following:

(1) A master logbook containing information about the purchase, receipt and disposal of all drugs for euthanasia.

(2) Drug administration records for every drug for euthanasia.

(3) A weekly physical inventory of all drugs for euthanasia.

(d) The master log shall be created and maintained as required by the DEA.

(e) The drug administration records shall meet all of the following requirements:

(1) Be made available to the Board or its agents on demand.

(2) Consist of a separate form for each container of a drug for euthanasia on which all of the following information is recorded:

(A) The generic name of the drug for euthanasia.

(B) The volume of the container.

(C) The concentration of the drug for euthanasia in milligrams per milliliter, capsule or tablet, as applicable.

(D) The species, weight and individual identification number, if applicable, of every animal to which the contents of the container were administered, the route of administration and the volume or amount of drugs for euthanasia administered.

(F) The remaining balance of the drugs for euthanasia in the container.

(3) Be maintained at the shelter facility in a readily retrievable file.

(f) The weekly physical inventory of drugs for euthanasia shall meet all of the following requirements:

(1) Be conducted in accordance with DEA regulations at 21 CFR 1304.11 (relating to inventory requirements) and be recorded on a form acceptable to the DEA.

(2) Be signed or initialed by the supervisor of animal care services.

(3) Be maintained in a readily retrievable file at the shelter where the drugs are stored.

(g) The supervisor of animal care services or his or her designee shall report suspected or documented theft and or diversion of drugs for euthanasia to the Board and DEA immediately.

(h) A certificate holder shall maintain original copies of the records at the shelter for not less than 2 years.

(i) If a certificate holder surrenders its Board or DEA Certificate of Registration for a shelter, the original copies of the records required by this section shall be retained at the shelter facility if the shelter is a subsequent certificate holder. If the shelter is not a subsequent certificate holder, or if retaining the records at the shelter facility is impossible or impracticable, the certificate holder shall notify the Board in writing at least 30 days prior to the date a certificate holder surrenders its Board or DEA Certificate of Registration. The written notice must include instructions on how to obtain copies of the records from the custodian of the records and the name, address and telephone number of the custodian of records. The custodian of records shall maintain original copies of the records for not less than 2 years.

(j) If a certificate holder surrenders its Board or DEA Certificate of Registration, the certificate holder shall dispose of drugs for euthanasia in accordance with DEA regulations at 21 CFR Part 1317 (relating to disposal) and shall send a copy of the disposal documentation to the Board.

§ 31.113. Renewal of certificate of registration.

A certificate of registration shall be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104 (relating to schedule of fees). An initial certification of registration issued at any time after June 1 of an even-numbered year will not be subject to renewal until the next even-numbered year. A certificate holder shall renew the certificate prior to the expiration date of the certificate. Applications for renewal must be submitted in accordance with this subchapter and in the manner and format prescribed by the Board. A renewed certificate of registration is valid for a period of 2 years.

§ 31.114. Grounds for refusal, suspension, revocation or imposition of other disciplinary sanction.

(a) A certificate holder is subject to the disciplinary provisions in the act, including the authorization for the Board to discipline any license or certificate in section 21 of the act (63 P.S. § 485.21), which applies to the certificate of registration granted to an animal protection organization, for violating the act, this chapter and other applicable law as set forth in § 31.103 (relating to applicability of other laws and rules). The Board may refer matters related to a certificate holder to other civil, criminal or administrative agencies for investigation.

(b) A certificate holder is subject to the penalty provisions in the act, ADMAL, this chapter and other applicable law.

(c) A certificate holder or an animal protection organization that does not hold a current certificate of registration with the Board may not provide euthanasia to small domestic animals under ADMAL. The following apply:

(1) Violations of this section may be prosecuted before the Board under the act, ADMAL, 63 Pa.C.S. § 3108 (relating to civil penalties) or this chapter.

(2) The Board may refer any suspected or proven violation of the act, ADMAL, 63 Pa.C.S. § 3108 or this chapter for criminal prosecution.

(d) A certificate holder is subject to discipline by the Board for all of the following:

(1) Failing to admit agents of the Board to conduct investigations or inspections of the certificate holder's compliance with applicable laws or for failing to admit

agents of the PDA to conduct investigations or inspections that the PDA is authorized to conduct.

(2) Having discipline imposed by the DEA on the DEA Certificate of Registration or any enforcement action by the PDA.

(3) Failing to ensure that euthanasia technicians employed by or under contract with the certificate holder hold a current license issued by the Board.

(4) Allowing a euthanasia technician to perform duties in an unsafe or inhumane manner or in a manner that violates applicable law.

§ 31.115. Disciplinary sanctions.

(a) When the Board finds that a certificate holder or unlicensed entity performing euthanasia has violated the act or ADMAL, the Board may suspend or revoke the certificate of registration, impose other disciplinary sanctions set forth in section 24 of the act (63 P.S. § 485.24) and may impose civil penalties provided for in section 28 of the act (63 P.S. § 485.28), in section 502 of ADMAL (3 P.S. § 328.502) and in 63 Pa.C.S. § 3108 (relating to civil penalties).

(b) Disciplinary action will be taken in accordance with the procedures set forth in the act, 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure).

(c) The Board may summarily revoke the certificate of a certificate holder if the PDA revokes a license associated with the shelter or certificate holder.

EUTHANASIA TECHNICIANS

§ 31.121. Application for licensure.

(a) An applicant for licensure as a euthanasia technician shall do all of the following:

(1) File an application for licensure in a manner and format approved by the Board.

(2) Pay the application fee in § 31.104 (relating to schedule of fees) which shall be submitted with the application. Application fees are nonrefundable, regardless of the Board's determination as to whether a license will issue.

(3) Demonstrate that the applicant meets the requirements of ADMAL and this chapter.

(b) An applicant whose application for licensure has been provisionally denied by the Board is entitled to a hearing at which the applicant will bear the burden of demonstrating that the application should be granted.

(c) Final denial of an application for licensure is subject to appeal to the Commonwealth Court of Pennsylvania.

§ 31.122. Qualifications for licensure.

(a) The Board may issue a euthanasia technician license to an applicant who pays the application fee in § 31.104 (relating to schedule of fees) and submits satisfactory evidence that the applicant meets all of the following requirements:

(1) Is 18 years of age or older.

(2) Has received a high school diploma or its equivalent. If the applicant does not meet this requirement, the applicant may submit at least three letters or recommendation attesting to applicant's ability to perform the functions of a euthanasia technician, including at least one recommendation from a veterinarian licensed in this Commonwealth or another state.

(3) Has adequate knowledge of the potential hazards and proper techniques to be used in the administration of euthanasia drugs by satisfying the requirements of this section and meets at least one of the following criteria:

(i) Has successfully completed a euthanasia technician certification course, including at least 14 hours of instruction, which is administered by an animal protection organization or school approved by the Board under § 31.123 (relating to educational programs and examinations for euthanasia technicians) to administer the course and is listed on the Board's web site as an approved course.

(ii) Is a euthanasia technician registered or licensed under the laws of another state or territory of the United States which has requirements substantially similar to the requirements of this section and who presents satisfactory proof to the Board of being engaged in the practice of euthanasia for a period of at least 1 year out of the past 5 years.

(4) Has not been convicted of a drug trafficking offense as defined in 63 Pa.C.S. § 3113(i) (relating to consideration of criminal convictions), a crime that directly relates to the profession as defined in 63 Pa.C.S. § 3102 (relating to definitions), or a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), unless the applicant demonstrates, at a hearing before the Board or its designee, the required mitigating or rehabilitative criteria as enumerated in the act and 63 Pa.C.S. § 3113(b)(1), as applicable.

(b) An application will not be considered until the application is complete, including providing a criminal background check, obtaining verification of licensure in other states or making personal written statements regarding matters related to the qualifications for licensure as instructed by Board staff.

(c) An application for licensure will be thoroughly investigated. The Board or its agents may inquire from the references or by other means the Board deems expedient as to the accuracy of the information submitted. If the replies from the references cited are not received within a reasonable time, the Board will notify the applicant so the applicant can provide additional references. Information obtained in the investigation of an application will be maintained by the Board as a permanent record and will remain the property of the Board.

(d) The Board reserves the authority to require an applicant to provide additional information or evidence to support the application for licensure. The Board may require an applicant to appear before the Board to provide the Board with additional information or evidence.

(e) An application submitted to the Board will be active for a period of 12 months from the date the application is signed and verified by the applicant. If an application is dormant for a period of more than 12 months, it will be deemed withdrawn and a new application and application fee will be required should the applicant later seek licensure.

§ 31.123. Educational programs and examinations for euthanasia technicians.

(a) In accordance with section 304(c)(1)(ii)(A) of ADMAL (3 P.S. § 304(c)(1)(ii)(A)), the Board may approve euthanasia technician certification courses that include at least 14 hours of instruction, administered by any of the following:

- (1) The National Animal Control Association.
- (2) The American Humane Association.
- (3) The Humane Society of the United States.
- (4) The Pennsylvania Veterinary Medical Association.
- (5) The University of Pennsylvania School of Veterinary Medicine.
- (6) The Federated Humane Societies of Pennsylvania.
- (7) Another organization or school approved by the Board.

(b) The Board will announce the list of approved euthanasia technician certification courses on its web site.

(c) Administrators of euthanasia technician certification courses that wish to be included on the list of Board-approved courses shall submit all of the following to the Board:

(1) A list of the minimum qualifications of instructors who will teach the courses.

(2) A copy of the program curriculum, which must consist of a minimum of 14 hours of instruction and must evidence the ability to provide certificate holders with the knowledge and ability to provide humane handling and euthanasia to small domestic animals in this Commonwealth by the administration of injectable agents by intravenous and intraperitoneal injection. Curriculum must include content in all of the following:

(i) Humane handling and appropriate restraint of animals for euthanasia.

(ii) Appropriate criteria and techniques to verify the death of an animal.

(iii) Proper handling of drugs for euthanasia.

(iv) Proper security and storage of drugs for euthanasia.

(v) Required documentation related to drugs for euthanasia.

(vi) Correct calculation of a dosage of drugs for euthanasia.

(vii) Universal precautions for handling and disposal of needles and syringes.

(viii) Preparation of injection site.

(ix) Injection technique for intravenous injection.

(x) Injection technique for intraperitoneal injection.

(xi) Appropriate uses of intraperitoneal injection.

(3) A copy of the evaluative tool used to measure competence of students who have completed the certification course. An examinee may be provided no more than three attempts at demonstrating competence through utilization of the administrator's evaluative tool without a requirement that the student retake the training course prior to being reevaluated.

§ 31.124. Reports to be filed with the Board.

(a) A licensed euthanasia technician shall provide written notice of any of the following to the Board within 30 days:

(1) A disciplinary action taken against the licensee by a licensing agency of another jurisdiction.

(2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition of any felony or misdemeanor offense.

(3) A change in the licensee's employment.

(4) A change in the licensee's name or mailing address.

(b) The Board may take disciplinary action against a licensee who violates this section.

§ 31.125. Employment required; services to be provided at shelter only.

A euthanasia technician license authorizes the license holder to administer drugs for euthanasia only on the shelter premises at which the euthanasia technician is employed or with which the euthanasia technician has a contract for the provision of humane euthanasia services.

§ 31.126. Renewal of license, inactive status and reactivation of license.

(a) A euthanasia technician license shall be renewed biennially before December 1 of each even-numbered year, by filing a biennial renewal application provided by the Board and paying the biennial renewal fee in § 31.104 (relating to schedule of fees). An initial euthanasia technician license issued at any time after June 1 of an even-numbered year will not be subject to renewal until the next even-numbered year.

(b) A euthanasia technician shall renew the euthanasia technician's license prior to the expiration date of the license by submitting a renewal form provided by the Board and paying the biennial renewal fee. Applications for renewal must be submitted in accordance with this subchapter and in the manner and format prescribed by the Board. A renewed license is valid for a period of 2 years.

§ 31.127. Duties of euthanasia technicians.

(a) A euthanasia technician shall perform euthanasia services humanely, as further set forth in § 31.128 (relating to standards for euthanasia of small domestic animals).

(b) A euthanasia technician shall do all of the following:

(1) Maintain the euthanasia technician's license in active status.

(2) Provide updated information to the Board as set forth in § 31.124 (relating to reports to be filed with the Board).

(3) Perform animal euthanasia in accordance with ADMAL and this chapter.

(4) If chemical restraint is not used, document the specific circumstances that make the administration of chemical restraint more likely to cause more distress to a particular animal.

(5) If intravenous injection of euthanasia solution cannot be used, document the physical condition, size or behavior of any dog or cat over the age of 16 weeks and any other animal to support the use of peritoneal injection.

(6) Verify death of an animal by examination and establishment of the absence of heartbeat and respiration and lack of corneal and pupillary reflexes before disposal of the body.

(7) Maintain the security of all controlled substances and other drugs used for the purposes of animal euthanasia.

(8) Promptly and accurately record the quantity of controlled substances and other drugs used for euthanasia and any drug waste.

(9) Immediately report suspected or documented theft or diversion of controlled substances and other drugs used for the purposes of animal euthanasia to the Board and the DEA.

§ 31.128. Standards for euthanasia of small domestic animals.

(a) In accordance with ADMAL, the euthanasia of small domestic animals in the custody of a certificate holder shall comply with the standards set forth in this subchapter.

(b) Euthanasia of animals shall be performed by administration of drugs for euthanasia approved by the Board.

(c) Euthanasia shall be provided in a humane manner, meaning that services are provided in a professional and gentle manner with respect for the individual animal and nature of that animal and its species, with the goal of minimizing pain, fright and anxiety in the animal being euthanized and any other animals in the area, using the best available ethical and veterinary medical knowledge and technology.

(d) The animal shall be kept as free from pain, fear and anxiety as possible.

(e) Death shall be confirmed by the cessation of all vital signs.

(f) Drugs for euthanasia shall be administered in a registered facility only by:

(1) A licensed veterinarian.

(2) A licensed euthanasia technician, acting in accordance with ADMAL and this subchapter.

§ 31.129. Standards for administration of drugs for euthanasia.

An individual administering drugs for euthanasia shall comply with all of the following standards:

(1) An animal shall be restrained, as defined in § 31.102 (relating to definitions), after injection of drugs for euthanasia until the animal is unconscious, except as provided in paragraph (2).

(2) If an animal should not be held or restrained because holding or other physical restraint would either increase the anxiety or fear of the animal or would place the person holding or restraining the animal in physical danger, it shall be placed alone in an enclosure which is appropriate for the species and size of the animal and permits adequate visual observation of the animal, except that dogs or cats under 16 weeks of age or other animals which have not been weaned may be placed together in an enclosure with their littermates or dam, or both.

(3) Unless the animal to be euthanized is heavily tranquilized, anesthetized or comatose, an individual administering drugs for euthanasia shall have the assist-

ance of an animal handler immediately available in the euthanasia area when the individual is administering an intravenous injection.

(4) Chemical restraint shall be used to minimize distress to the animal or danger to the staff, unless specific documented circumstances make the administration of chemical restraint more likely to cause more distress to the animal. Chemical restraint may be administered by routes as appropriate to the objectives of minimizing distress and maximizing safety.

(5) Intravenous injection of euthanasia solution shall be used on all dogs and cats 16 weeks of age or older and any other animal, unless the physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler, or the physical restraint required for intravenous injection would cause unnecessary fear or anxiety in the animal.

(6) A drug for euthanasia may be administered by intraperitoneal injection to an animal only when the physical condition, size or behavior of the animal presents a danger to the individual performing the injection or the animal handler, the physical restraint required for intravenous injection would cause unnecessary fear or anxiety in the animal or the small size of the animal would make location and injection into a vein extremely difficult or impossible.

(i) After an intraperitoneal injection of a drug for euthanasia, the animal shall be placed alone in an enclosure which is appropriate for the species and size of the animal and permits adequate visual observation of

the animal and where the animal can be kept calm and free of anxiety. An exception may be made in the case of young littermates.

(ii) An animal which has received a euthanasia drug by intraperitoneal injection shall be observed at least every 5 minutes after injection until death is verified.

(7) The gauge and length of the needle or catheter used shall be appropriate to minimize pain and distress for the size and species of the animal and the method of injection.

(8) A new, unused disposable needle or catheter of medical quality shall be used for the administration of drugs for euthanasia for each animal. Each needle or catheter shall be disposed of in a commercial sharps container immediately after a single use.

§ 31.130. Grounds for refusal, suspension, revocation or imposition of other disciplinary sanction.

(a) A licensed euthanasia technician is subject to all disciplinary provisions in the act, ADMAL, this chapter and other applicable law.

(b) A licensed euthanasia technician is subject to all penalty provisions in the act, ADMAL, this chapter and other applicable law.

(c) An individual performing euthanasia under this subchapter who is not licensed by the Board or otherwise authorized by law to perform euthanasia may not provide euthanasia to animals subject to ADMAL. Violations may be prosecuted before the Board, and may be referred for criminal prosecution.

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