

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 1741*
PROPOSED COMMITTEE SUBSTITUTE H1741-PCS30518-RFf-86**

Short Title: Animal Euthanasia Technicians.

(Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REGISTER ANIMAL SHELTERS UNDER THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT FOR THE LIMITED PURPOSE OF OBTAINING, POSSESSING, AND USING DRUGS FOR ANIMAL EUTHANASIA, TO AUTHORIZE CERTIFIED EUTHANASIA TECHNICIANS TO ADMINISTER THESE DRUGS TO EUTHANIZE DOGS AND CATS ON THE PREMISES OF THE ANIMAL SHELTER, AND TO GIVE THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES EXPLICIT AUTHORIZATION TO REJECT CERTIFICATION OF OR TO DECERTIFY A EUTHANASIA TECHNICIAN FOR CERTAIN FELONY CONVICTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-101 reads as rewritten:

"§ 90-101. Annual registration and fee to engage in listed activities with controlled substances; effect of registration; exceptions; waiver; inspection.

(a) Every person who manufactures, distributes, dispenses, or conducts research with any controlled substance within this State or who proposes to engage in any of these activities shall annually register with the North Carolina Department of Health and Human Services, in accordance with rules adopted by the Commission, and shall pay the registration fee set by the Commission for the category to which the applicant belongs. An applicant for registration shall file an application for registration with the Department of Health and Human Services and submit the required fee with the application. The categories of applicants and the maximum fee for each category are as follows:

<u>CATEGORY</u>	<u>MAXIMUM FEE</u>
Clinic	\$150.00
<u>Animal Shelter</u>	<u>150.00</u>
Hospital	350.00
Nursing Home	150.00
Teaching Institution	150.00
Researcher	150.00
Analytical Laboratory	150.00
Dog Handler	150.00
Distributor	600.00



1 Manufacturer 700.00

2 (a1) Any physician who prescribes or dispenses Buprenorphine for the treatment of
3 opiate dependence shall annually register with the Department, in accordance with rules
4 adopted by the Commission. In the application for registration under this subsection, the
5 applicant shall document plans to ensure that patients are directly engaged or referred to a
6 qualified provider to receive counseling and case management, as appropriate, and shall
7 acknowledge the application of federal confidentiality regulations to patient information.
8 Applicant plans for referral to appropriate services shall be a written document and may include
9 either an executed memorandum of agreement, contractual arrangement, or linkage agreement
10 with qualified providers. The Department shall provide assistance upon request to physicians
11 registered under this subsection to identify and establish linkages with qualified providers of
12 counseling and case management. The Department shall provide the North Carolina Medical
13 Board with any evidence of noncompliance with this subsection by a qualified physician prior
14 to taking action to rescind the physician's registration to prescribe or dispense Buprenorphine
15 for the treatment of opiate dependency.

16 (a2) An animal shelter may register under this section for the limited purpose of
17 obtaining, possessing, and using sodium pentobarbital and other drugs approved by the
18 Department in consultation with the North Carolina Veterinary Medical Association for the
19 euthanasia of animals lawfully held by the animal shelter. An animal shelter registered under
20 this section shall also register with the federal Drug Enforcement Agency under the federal
21 Controlled Substances Act. An animal shelter's acquisition of sodium pentobarbital and other
22 approved drugs for use in the euthanizing of animals shall be made only by the shelter's
23 manager or chief operating officer or by a licensed veterinarian.

24 A person certified by the Department of Agriculture and Consumer Services to administer
25 euthanasia by injection is authorized to possess and administer sodium pentobarbital and other
26 approved euthanasia drugs for the purposes of euthanizing domestic dogs (Canis familiaris) and
27 cats (Felis domestica) lawfully held by an animal shelter. Possession and administration of
28 sodium pentobarbital and other approved drugs for use in the euthanizing of dogs and cats by a
29 certified euthanasia technician shall be limited to the premises of the animal shelter.

30 For purposes of this section, "animal shelter" means an animal shelter registered under
31 Article 3 of Chapter 19A of the General Statutes and owned, operated, or maintained by a unit
32 of local government or under contract with a unit of local government for the purpose of
33 housing or containing seized, stray, homeless, quarantined, abandoned, or unwanted animals.

34 (b) Persons registered by the North Carolina Department of Health and Human Services
35 under this Article (including research facilities) to manufacture, distribute, dispense or conduct
36 research with controlled substances may possess, manufacture, distribute, dispense or conduct
37 research with those substances to the extent authorized by their registration and in conformity
38 with the other provisions of this Article.

39 (c) The following persons shall not be required to register and may lawfully possess
40 controlled substances under the provisions of this Article:

- 41 (1) An agent, or an employee thereof, of any registered manufacturer,
42 distributor, or dispenser of any controlled substance if such agent is acting in
43 the usual course of his business or employment;
- 44 (2) The State courier service operated by the Department of Administration, a
45 common or contract carrier, or a public warehouseman, or an employee
46 thereof, whose possession of any controlled substance is in the usual course
47 of his business or employment;
- 48 (3) An ultimate user or a person in possession of any controlled substance
49 pursuant to a lawful order of a practitioner;
- 50 (4) Repealed by Session Laws 1977, c. 891, s. 4.

1 (5) Any law-enforcement officer acting within the course and scope of official
2 duties, or any person employed in an official capacity by, or acting as an
3 agent of, any law-enforcement agency or other agency charged with
4 enforcing the provisions of this Article when acting within the course and
5 scope of official duties; and

6 (6) A practitioner, as defined in G.S. 90-87(22)a., who is required to be licensed
7 in North Carolina by his respective licensing board.

8 (d) The Commission may, by rule, waive the requirement for registration of certain
9 classes of manufacturers, distributors, or dispensers if it finds it consistent with the public
10 health and safety.

11 (e) A separate registration shall be required at each principal place of business, research
12 or professional practice where the registrant manufactures, distributes, dispenses or uses
13 controlled substances.

14 (f) The North Carolina Department of Health and Human Services is authorized to
15 inspect the establishment of a registrant, applicant for registration, or practitioner in accordance
16 with rules adopted by the Commission.

17 (g) Practitioners licensed in North Carolina by their respective licensing boards may
18 possess, dispense or administer controlled substances to the extent authorized by law and by
19 their boards.

20 (h) A physician licensed by the North Carolina Medical Board pursuant to Article 1 of
21 this Chapter may possess, dispense or administer tetrahydrocannabinols in duly constituted
22 pharmaceutical form for human administration for treatment purposes pursuant to rules adopted
23 by the Commission.

24 (i) A physician licensed by the North Carolina Medical Board pursuant to Article 1 of
25 this Chapter may dispense or administer Dronabinol or Nabilone as scheduled in G.S. 90-90(5)
26 only as an antiemetic agent in cancer chemotherapy."

27 **SECTION 2.** G.S. 19A-24(b) reads as rewritten:

28 "(b) In addition to rules on the euthanasia of animals adopted pursuant to subdivision (5)
29 of subsection (a) of this section, the Board of Agriculture ~~may adopt rules on the euthanasia of~~
30 ~~animals for:~~ shall adopt rules for the certification of euthanasia technicians. The rules may
31 provide for:

- 32 (1) Written and practical examinations for persons who perform euthanasia.
33 (2) Issuance of certification to persons who have successfully completed both
34 training and examinations to become a euthanasia technician.
35 (3) Recertification of euthanasia technicians on a periodic basis.
36 (4) Standards and procedures for the approval of persons who conduct training
37 of euthanasia technicians.
38 (5) Approval of materials for use in euthanasia technician training.
39 (6) Minimum certification criteria for persons seeking to become euthanasia
40 technicians including, but not limited to: age; previous related experience;
41 criminal record; and other qualifications that are related to an applicant's
42 fitness to perform euthanasia.
43 (7) Denial, suspension, or revocation of certification of euthanasia technicians
44 ~~who either violate who:~~

45 a. Violate any provision of the Animal Welfare Act pursuant to Article
46 3 of Chapter 19A of the General Statutes or otherwise this Article or
47 rules adopted pursuant to this Article;

48 b. Have been convicted of or entered a plea of guilty or nolo contendere
49 to:

50 1. Any felony;

- 1 2. Any misdemeanor or infraction involving animal abuse or
2 neglect; or
3 3. Any other offense related to animal euthanasia, the duties or
4 responsibilities of a euthanasia technician, or a euthanasia
5 technician's fitness for certification;
6 c. Make any false statement, give false information, or omit material
7 information in connection with an application for certification or for
8 renewal or reinstatement of certification as a euthanasia technician;
9 or
10 d. Otherwise are or become ineligible for certification.
11 (8) Provision of the names of persons who perform euthanasia at animal shelters
12 and for the animal shelter to notify the Department when those persons are
13 no longer affiliated, employed, or serving as a volunteer with the shelter.
14 (9) Certified euthanasia technicians to notify the Department when they are no
15 longer employed by or are serving as a volunteer at an animal shelter.
16 (10) The duties, responsibilities, and standards of conduct for certified euthanasia
17 technicians."

18 **SECTION 3.** G.S. 19A-24 is amended by adding two new subsections to read:

19 "(c) Regardless of the extent to which the Board exercises its authority under subsection
20 (b) of this section, the Department may deny, revoke, or suspend the certification of a
21 euthanasia technician who has been convicted of or entered a plea of guilty or nolo contendere
22 to a felony involving the illegal use, possession, sale, manufacture, distribution, or
23 transportation of a controlled substance, drug, or narcotic.

24 (d) Persons seeking certification as euthanasia technicians, or a renewal of such
25 certification, shall provide the Department a fingerprint card in a format acceptable to the
26 Department, a form signed by the person consenting to a criminal record check and the use of
27 the person's fingerprints, and such other identifying information as may be required by the State
28 or national data banks. The Department may deny certification to persons who refuse to
29 provide the fingerprint card or consent to the criminal background check. Fees required by the
30 Department of Justice for conducting the criminal background check shall be collected by the
31 Department and remitted to the Department of Justice along with the fingerprint card and
32 consent form."

33 **SECTION 4.** Part 2 of Chapter 114 of the General Statutes is amended by adding
34 a new section to read:

35 "**§ 114-19.28. Criminal record checks of applicants for certification by the Department of**
36 **Agriculture and Consumer Services as euthanasia technicians.**

37 The Department of Justice may provide a criminal record check to the Department of
38 Agriculture and Consumer Services for a person who has applied for a new or renewal
39 certification as a euthanasia technician. The Department of Agriculture and Consumer Services
40 shall provide the Department of Justice a request for the criminal record check, the fingerprints
41 of the individual to be checked, any additional information required by the Department of
42 Justice, and a form signed by the person seeking certification consenting to the check of the
43 criminal record. The fingerprints shall be forwarded to the State Bureau of Investigation for a
44 search of the State's criminal history record file, and the State Bureau of Investigation shall
45 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal
46 history record check. The Department of Agriculture and Consumer Services shall keep all
47 information pursuant to this subsection privileged, in accordance with applicable State law and
48 federal guidelines, and the information shall be confidential and shall not be a public record
49 under Chapter 132 of the General Statutes. The Department of Justice may charge each
50 applicant a fee for conducting the checks of criminal history records authorized by this
51 subsection."

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SECTION 5. This act becomes effective October 1, 2010.