

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 1741\*  
Committee Substitute Favorable 6/9/10  
PROPOSED SENATE COMMITTEE SUBSTITUTE H1741-PCS50956-RB-92**

Short Title:   Animal Euthanasia Technicians. (Public)

Sponsors:

Referred to:

May 18, 2010

1   A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
3 TO REGISTER ANIMAL SHELTERS UNDER THE NORTH CAROLINA  
4 CONTROLLED SUBSTANCES ACT FOR THE LIMITED PURPOSE OF OBTAINING,  
5 POSSESSING, AND USING DRUGS FOR ANIMAL EUTHANASIA, TO AUTHORIZE  
6 CERTIFIED EUTHANASIA TECHNICIANS TO ADMINISTER THESE DRUGS TO  
7 EUTHANIZE DOGS AND CATS ON THE PREMISES OF THE ANIMAL SHELTER,  
8 AND TO GIVE THE DEPARTMENT OF AGRICULTURE AND CONSUMER  
9 SERVICES EXPLICIT AUTHORIZATION TO REJECT CERTIFICATION OF OR TO  
10 DECERTIFY A EUTHANASIA TECHNICIAN FOR CERTAIN FELONY  
11 CONVICTIONS, AS RECOMMENDED BY THE GENERAL STATUTES  
12 COMMISSION.

13 The General Assembly of North Carolina enacts:

14           **SECTION 1.** G.S. 90-101 reads as rewritten:  
15 "**§ 90-101. Annual registration and fee to engage in listed activities with controlled**  
16 **substances; effect of registration; exceptions; waiver; inspection.**

17       (a) Every person who manufactures, distributes, dispenses, or conducts research with  
18 any controlled substance within this State or who proposes to engage in any of these activities  
19 shall annually register with the North Carolina Department of Health and Human Services, in  
20 accordance with rules adopted by the Commission, and shall pay the registration fee set by the  
21 Commission for the category to which the applicant belongs. An applicant for registration shall  
22 file an application for registration with the Department of Health and Human Services and  
23 submit the required fee with the application. The categories of applicants and the maximum fee  
24 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



1	Distributor .....	600.00
2	Manufacturer .....	700.00

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

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

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

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

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

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

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

35       "**§ 114-19.29. 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 section 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       section."

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