

Department of Agriculture – Animal Services Division
Adopting new sections R3-2-1201, R3-2-1202, R3-2-1203
Effective Date: July 8, 2023

A.R.S. § 3-1213 requires the State Veterinarian to establish procedures for county, city, and town animal pounds that do not have a licensed veterinarian on the staff to obtain and administer sodium pentobarbital or a derivative of sodium pentobarbital. A.R.S. § 11-1021 specifies counties' responsibilities for proper and humane care of impounded animals, and the procedures for humane euthanasia of animals in their custody which requires administration of euthanasia be performed by a licensed veterinarian or in accordance with the procedures established by A.R.S. § 3-1213. This proposed rule outlines the procedures to be established by the State Veterinarian to effectively execute this statutory mandate.

To the best of my knowledge, this statutory requirement has been law for about 20 years and historically, the State Veterinarian provided an authorization letter to the Drug Enforcement Agency (DEA) after reviewing the application and suitability of the county animal control officer identified as the responsible person. This individual could then obtain a DEA license for controlled substances. Since this process was a simple agreement and not defined at all in rule, in consultation with our representative from the Arizona Attorney General's Office, it was recommended going forward that we author a rule to address this need and more importantly, provide a more defined and robust mechanism to audit or exercise control over this process. Several law enforcement agencies and shelters across the state utilize this lawful provision to acquire and administer sodium pentobarbital in the execution of their duties.

In the past, the State Veterinarian had encouraged county pounds or law enforcement agencies to have a veterinarian on staff or on contract to provide euthanasia services, however, over the last decade, the number of veterinarians practicing in rural areas has dropped precipitously. Most agencies cannot afford to keep a veterinarian on contract and may not even have access to one. Given the need for county animal shelters and law enforcement agencies to successfully perform their duties, this mechanism to procure sodium pentobarbital to facilitate euthanasia in a dignified and humane manner is needed.

DEA licensure is needed for county shelters or law enforcement agencies to acquire sodium pentobarbital and the Controlled Substance Act through the DEA documents specific handling, inventory, and control requirements for individuals to store and use this medication. The DEA is the primary enforcement arm with additional provisions for audits through the Office of the State Veterinarian through this rule. The mechanism for responsible individuals to demonstrate their competence and satisfactory training requirements and understanding of the Controlled Substance Act referenced by American Veterinary Medical Association (AVMA) Approved Curricula as well as documented support from three references attesting to their professionalism and moral character are also detailed in this rule package. Since the authorization from the State Veterinarian would run concurrent with the expiration of the DEA license (valid for three years), responsible individuals will essentially be required to recertify every three years whereby they will need to retake and successfully complete an AVMA-approved euthanasia curriculum.

The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

ARTICLE 12. ACQUISITION AND USE OF SODIUM PENTOBARBITAL AND DERIVATIVES BY UNLICENSED INDIVIDUALS IN ANIMAL SHELTERS

Section

R3-2-1201. Definitions

R3-2-1202. General Provisions

R3-2-1203. Requirements of Euthanasia Approved Curriculum; Recordkeeping; Inspection

ARTICLE 12. ACQUISITION AND USE OF SODIUM PENTOBARBITAL AND DERIVATIVES BY UNLICENSED INDIVIDUALS IN ANIMAL SHELTERS

R3-2-1201. Definitions

1. "Agreement" shall refer to a contract signed by the responsible person and the State Veterinarian whereby the responsible person has met all requirements set forth in Section R3-2-1202. The agreement remains in effect until the expiration of the DEA registration or a change in employment status of the responsible person with the animal shelter.
2. "Approved curriculum" means any euthanasia-training curriculum approved by the AVMA or the State Veterinarian of Arizona.
3. "Authorized employee" means an unlicensed individual who is authorized to euthanize animals, takes direction from a responsible person or a licensed person, and has obtained State-Veterinarian-approved training in the use and handling of controlled substances as set forth in this Article.
4. "AVMA" means the American Veterinary Medical Association.
5. "AVMA Guidelines for the Euthanasia of Animals: 2020 Edition" means that specific edition of guidelines and does not include any later amendments or editions of the incorporated material, and is on file with the Department.
6. "Controlled Substances Act" refers to 21 U.S.C.A. § 801, et seq.
7. "Controlling person" means the natural person who exercises legal ownership, control, or designated leadership of a shelter.
8. "DEA" refers to the Federal Drug Enforcement Agency.
9. "Licensed person" means a veterinarian licensed by the Arizona Veterinary Medical Examining Board, who is exempt from the euthanasia training requirements.
10. "Responsible person" means an unlicensed individual who meets the requirements of R3-2-1202, who is employed by the shelter, and who in the absence of a licensed person, has agreed to supervise the acquisition, storage, administration, and record-keeping of the controlled substances in accordance with the Controlled Substances Act and this Article.

11. “Shelter” means an animal care and control shelter operated by any town, city, county or the state, including privately operated animal shelters that are utilized by a town, city, county or the state.
12. “State Veterinarian” means the person appointed as the State Veterinarian under A.R.S. § 3-1211.

R3-2-1202. General Provisions

- A. Euthanasia of animals shall be done in compliance with the provisions of this Article and in accordance with procedures established under A.R.S. § 11-1021 by the local governing body.
- B. Any shelter that does not employ a licensed supervisory veterinarian may apply for a DEA controlled-substances registration for each physical location in order to administer euthanasia. DEA will only grant the registration if the shelter is approved by, and meets the standards of, the State Veterinarian, as follows:
 1. The responsible person is formally designated by the controlling person of the shelter as the individual responsible to obtain and manage controlled substances on behalf of the shelter;
 2. The responsible person must successfully complete an approved euthanasia training course;
 3. The responsible person and the State Veterinarian must execute an agreement obligating the responsible person to comply with this Article;
 4. The responsible person is 21 years of age or older; and
 5. The responsible person shall provide three professional references to the State Veterinarian to demonstrate professionalism and good moral character.
- C. Duties and responsibilities of the responsible person are to:
 1. Abide by all local, state, and federal laws and regulations pertaining to the operation of a shelter, including those laws and regulations governing possession and use of controlled substances.
 2. Ensure that any authorized employee who administers euthanasia complies with the American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals: 2020 Edition.
 3. Ensure that any authorized employee who administers euthanasia has successfully completed a curriculum of euthanasia training approved by the State Veterinarian.
- D. Prior to the expiration of the current DEA registration, the responsible person shall submit an application to the State Veterinarian at least 45 days prior to that expiration, requesting re-approval of the shelter according to the requirements of this Article. The State Veterinarian approval shall run concurrently with the DEA registration, except as indicated in subsection (E).
- E. The shelter shall inform the State Veterinarian within 14 days of a change in:
 1. Ownership or controlling person;
 2. Location;
 3. Responsible person; or
 4. Expiration or termination of an agreement or contract between a town, city, county or state utilizing the services of a privately operated shelter or shelters.
- B. Upon a change listed in subsection (E), the controlling person shall file an application with the State Veterinarian, requesting re-approval of the shelter according to the requirements of this

Article. The existing agreement terminates upon the date of the change, and the shelter shall not administer any controlled substances until the State Veterinarian approves the new application and a new DEA registration is obtained.

R3-2-1203. Requirements of Euthanasia Approved Curriculum; Recordkeeping; Inspection

- A. The following organizations offer approved euthanasia courses: The American Humane Association; The National Animal Care and Control Association; Companion Animal Euthanasia Training Academy. The State Veterinarian reserves the right to approve or withdraw the approval of curricula at any time. Approved curriculum training shall include an instructional section and a practical exam showing skill competency; and shall include, but not be limited to, the following topics:
1. Anatomy;
 2. Personnel safety, controlled substance diversion, and compassion fatigue;
 3. Controlled substance handling and mechanism of action;
 4. Humane methods of handling and euthanasia of domestic animals;
 5. Methods to ensure barriers between animals during euthanasia;
 6. Concepts particular to euthanasia of wild or feral animals;
 7. Administering pre-euthanasia sedatives;
 8. Verification of death; and
 9. Acceptable methods of disposal of animal remains and euthanasia supplies.
- B. The responsible person shall keep records of all euthanasia-related activities including, but not limited to:
1. Identification of animals euthanized;
 2. Reason for euthanasia;
 3. Method of euthanasia;
 4. Adverse events; and
 5. All recordkeeping required by the Controlled Substances Act.
- C. A shelter is subject to periodic random inspection by the Office of the State Veterinarian. Upon request by the Office of the State Veterinarian, the responsible person or controlling person shall immediately produce records.
- D. Following an audit or inspection, if evidence exists of non-compliance with the above standards, the State Veterinarian reserves the right to modify the agreement. The State Veterinarian may also terminate the agreement, and notify the DEA that the shelter has lost approval by the State Veterinarian to administer euthanasia by unlicensed individuals.