

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY REVIEW COMMISSION

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(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency
Department of State, Bureau of Professional and Occupational
Affairs, State Board of Veterinary Medicine

Independent Regulatory
Review Commission

April 29, 2024

(2) Agency Number: 16A

Identification Number: 5726

IRRC Number: 3336

(3) PA Code Cite:
49 Pa Code §§ 31.101—31.115 and 31.121—31.130.

(4) Short Title:
Euthanasia

(5) Agency Contacts (List Telephone Number and Email Address):
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(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
- FINAL REGULATION**
- Final Omitted Regulation

- Emergency Certification Regulation;
 - Certification by the Governor
 - Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101—328.1101) was amended in 2012 to prohibit euthanasia of animals by carbon monoxide. (See the act of October 24, 2012 (P.L. 1452, No. 182)). The amendments further authorized the State Board of Veterinary Medicine (Board) to register animal protection organizations that purchase, possess and administer drugs used for euthanasia of small domestic animals as defined in the amendment, and to license euthanasia technicians who would be authorized to administer drugs used for euthanasia within a registered organization’s facility/shelter.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Act 182, which amended ADMAL, 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 of 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 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.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is mandated by ADMAL.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to effectuate the amendments to ADMAL that relate to the registration of animal protection organizations and the licensure of euthanasia technicians. The Board anticipates that approximately 50 organizations will seek registration, and that approximately 75 individuals will seek licensure as a euthanasia technician. Animal protection organizations will benefit because they will now have the means to euthanize animals without having to arrange for a veterinarian's services.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. In fact, applicable Federal standards have been incorporated in the proposed rulemaking by reference.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation does not affect Pennsylvania's ability to compete. Most states allow non-veterinarians to perform euthanasia on small domestic animals. In most cases, these non-veterinarians are required to undergo a certain number of hours of training before being allowed to perform euthanasia on animals. However, in a few states even non-certified employees of animal shelters are allowed to perform the procedure with minimal training. Animal shelters, animal control agencies, and humane societies in several states may obtain a permit to possess the drugs used for the euthanasia of small domestic animals, in addition to veterinary clinics. Oftentimes a state has established procedures for the storage of the drugs for euthanasia, and in some cases, a state requires a licensed veterinarian or certified euthanasia technician to be on staff to receive a permit.

While nearly every other state in the Northeast region allows certified euthanasia technicians to administer drugs for euthanasia at animal shelters, few have comprehensive laws and regulatory schemes controlling the licensure (or certification) of euthanasia technicians and few have comprehensive laws and regulatory schemes controlling the licensure (or certification) of animal protection organizations (shelters, pounds, etc.), to allow them to purchase and possess drugs for euthanasia. The proposed fees are slightly lower than the fees of West Virginia, which is the only other state in the Northeast region with a euthanasia licensing and certification system similar to that of the Commonwealth.

Connecticut allows veterinarians, persons supervised by veterinarians, and agents or officers of the Connecticut Humane Society to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics, pet shops, and the Connecticut Humane Society. No comparable fees

for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Connecticut State Department of Health licenses veterinarians; not veterinary technicians, or euthanasia technicians. The Department of Agriculture has promulgated regulations regarding “dog pounds,” but the regulations do not discuss animal euthanasia.

Delaware allows veterinarians, nationally certified euthanasia technicians, certified euthanasia technicians (certified by a licensed veterinarian and the Office of Animal Welfare), licensed veterinary technicians, and persons certified by a licensed veterinarian (after passing a written and practical exam) to perform euthanasia on small domestic animals. Certified euthanasia technicians must be employed by a Delaware animal shelter, complete an approved euthanasia training course (minimum of 12 hours of instruction), pass a written examination given by or approved by the Office of Animal Welfare, and demonstrate proficiency in euthanasia procedure under the direct supervision of the shelter's staff veterinarian or consulting veterinarian. Recertification will be required every three years, and the certified euthanasia technician must submit a letter signed by their Delaware animal shelter employer attesting that they still meet the criteria listed in the initial certification section of the regulations and have remained proficient in giving intravenous and intraperitoneal injections, as well as making a positive determination of death. Drugs for euthanasia may be possessed by veterinary clinics and private or public animal shelters or agencies. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Delaware Veterinary Board website lists fees for veterinarian, and veterinary technician licensure; not euthanasia technicians. The Delaware Office of Animal Welfare fails to discuss certification of euthanasia technicians; accordingly, no fees are listed.

Maine allows veterinarians and certified euthanasia technicians to perform euthanasia on small domestic animals. A licensed animal shelter having both a consulting veterinarian and a certified euthanasia technician may purchase, store and administer euthanasia solution for the euthanasia of cats, dogs and ferrets that are vested to the shelter, provided the purchase, storage and administration is in accordance with federal requirements. The director of the licensed animal shelter, as a veterinarian, a certified euthanasia technician or an agent of the certified euthanasia technician, is the only person with the authority to purchase euthanasia solution. No comparable fees for licensure as a certified euthanasia technician have been found, however an animal shelter license costs \$100 per year. The Maine Veterinary Board website lists fees for veterinarian, and veterinary technician licensure, and fails to discuss certification of euthanasia technicians. The Maine Department of Agriculture, Conservation and Forestry fails to discuss certification of euthanasia technicians.

Maryland allows veterinarians and designated employees of animal control facilities to perform euthanasia on small domestic animals. The owner, or the board of directors, of an animal control facility must designate a “responsible individual” to be the person who purchases and maintains the required controlled dangerous substances for use at the animal control facility and designates the employees who are authorized to administer controlled dangerous substances in the course of the activities of the animal control facility. The responsible individual must complete a two-day euthanasia training course approved by the Board of Veterinary Medical Examiners (Board). Drugs for euthanasia may be possessed by veterinary clinics and animal control facilities licensed by the Board. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Maryland Veterinary Board website (found on the Department of Agriculture website) lists fees for veterinarian, and veterinary technician licensure, and fails to discuss certification of euthanasia technicians. However, a person operating an animal control facility must pay an annual license fee of \$100.

Massachusetts allows veterinarians and animal control officers (following American Veterinary Medical Association guidelines) to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics and animal control entities. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The Massachusetts Veterinary Board website discusses licensure of veterinarians, veterinarians (Limited Practitioner), and veterinarians (Tufts Practitioner), not veterinary technicians and not euthanasia technicians.

New Hampshire allows veterinarians and animal caretakers to perform euthanasia on small domestic animals. "Animal caretakers" are similar to the Commonwealth's "veterinary assistants," in that they require no formal training. However, in New Hampshire they may perform euthanasia under the supervision and assistance of a veterinarian. Drugs for euthanasia may be possessed by veterinary clinics. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. The New Hampshire Veterinary Board website lists fees for veterinarian, and veterinary technician; not euthanasia technicians.

New Jersey allows veterinarians, persons under the direct supervision of a veterinarian, and individuals certified by a veterinarian (this "certification" is either informal or does not exist) to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics and animal shelters. No comparable fees for licensure as a certified euthanasia technician, or registration for animal protection organizations (allowing them to purchase and possess drugs for euthanasia) have been found. Animal shelters must annually apply for a license through the local municipality. Accordingly, annual licensure fees vary. The New Jersey State Board of Veterinary Medical Examiners licenses veterinarians; not veterinary technicians, and not euthanasia technicians.

New York allows veterinarians, certified euthanasia technicians, licensed veterinary technicians, dog control officers, police officers and authorized agents of an incorporated society for the prevention of cruelty to animals (SPCA) to perform euthanasia on small domestic animals. To be certified as a euthanasia technician, an applicant must hold a bachelor or associate degree in animal health sciences or related field and obtain written certification from two licensed veterinarians (or one licensed veterinarian and one licensed technician) that they have observed the proficient use, by the applicant, of injections for the euthanasia of animals. Drugs for euthanasia may be possessed by veterinary clinics, authorized agents of an incorporated SPCA, municipal animal control facilities, and "pounds" maintained by or under contract with any city town or village. No fee is required for an animal protection organization to apply for registration to purchase and possess drugs for euthanasia, nor must a fee be paid to apply for certification as a euthanasia technician. The New York State Board of Veterinary Medical Examiners licenses veterinarians and veterinary technicians; not euthanasia technicians.

Ohio allows veterinarians, certified euthanasia technicians and veterinary technicians to perform euthanasia on small domestic animals. Certified euthanasia technicians must complete an approved euthanasia training course (minimum of 16 hours of instruction). Drugs for euthanasia may be possessed by veterinary clinics and animal shelters who hold a license issued by the State of Ohio Board of Pharmacy (terminal distributors of dangerous drugs (TDDD)). The application fee for a TDDD license (with controlled substances) is \$220, and the annual renewal fee is \$220. The Ohio Veterinary Medical Licensing Board licenses veterinarians and veterinary technicians; not euthanasia technicians.

Rhode Island allows veterinarians and agents of a veterinarian to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics, animal shelters, municipal “pounds,” humane societies, pet shops, breeders, kennels and other licensed entities. No application fee nor annual registration fee is required for licensure as an animal rescue or shelter. Rhode Island statutes and regulations make no mention of certified euthanasia technicians. The Rhode Island Veterinary Medical Licensing Board (Department of Health) licenses veterinarians; not veterinary technicians and not euthanasia technicians.

Vermont allows veterinarians and certified euthanasia technicians to perform euthanasia on small domestic animals. Additionally, individuals training to become a certified euthanasia technician may perform euthanasia on small domestic animals, under the direct supervision of a certified euthanasia technician or veterinarian. Certified euthanasia technicians are trained and evaluated by the Euthanasia Board for Animals, certified by the Commissioner of Agriculture, Food and Markets, and employed by a registered animal shelter. Certified euthanasia technicians must complete a “refresher course” at least every three years and must recertify annually. Drugs for euthanasia may be possessed by veterinary clinics and registered animal shelters. Vermont regulations do not set forth a fee for licensure, certification or registration. The Vermont Veterinary Medical Licensing Board licenses veterinarians; not veterinary technicians and not euthanasia technicians.

West Virginia allows veterinarians and certified euthanasia technicians (under the supervision of a humane officer or veterinarian) to perform euthanasia on small domestic animals. Drugs for euthanasia may be possessed by veterinary clinics and municipal or county run animal control facilities, or humane societies or animal shelters incorporated and organized under the laws of the state (with one or more duly authorized agents). The West Virginia Board of Veterinary Medicine licenses veterinarians, veterinary technicians, euthanasia technicians and animal euthanasia facilities. Initial certification as an Animal Euthanasia Technician costs \$335 (\$110 for certification, and \$225 for the required training program) and annual renewal fees are \$50. Initial registration of an animal euthanasia facility is \$300 (\$250 for initial inspection and \$50 for registration) and annual renewal fees are \$50.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. However, section 304(d) of ADMAL provides for the Board to enter into a memorandum of understanding with the Pennsylvania Department of Agriculture (PDA) and designate the PDA to act as its authorized agent for the limited purposes of inspecting and monitoring animal protection organizations. On September 8, 2022, the Board contacted the PDA and inquired whether it would be interested in such an arrangement. On December 6, 2022, the PDA declined to enter into such an arrangement. Ultimately, the PDA informed the Board that it is not in a position, at this time, to be able to enter into an MOU with the DOS to assume the additional duties requested in the Board’s September 8, 2022 correspondence.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Shortly after ADMAL was enacted, stakeholders were identified by obtaining from the Department of Agriculture a list of all licensed nonprofit kennels. Additional stakeholders included the Shelter Medicine department of the University of Pennsylvania School of Veterinary Medicine, veterinarians identified by

the Pennsylvania Veterinary Medicine Association, and other individuals known to be involved in shelter activities and advocacy.

A draft rulemaking was prepared and sent to interested parties, requesting pre-draft comment and participation in an open meeting of the Board to discuss the rulemaking. Twenty stakeholders attended the meeting. The Board made numerous additions and amendments to the draft based on feedback from the stakeholders.

Another public meeting to discuss the proposed rulemaking was held and nine stakeholders attended the meeting. Written comments were also received from several stakeholders.

The amendments apply primarily to nonprofit entities, which are excluded from the definition of a business or small business under 13 CFR § 121.205. The Board is aware of only one for-profit entity in Pennsylvania engaged in the business of euthanizing small animals that has been affected by the changes in the law.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Euthanasia technicians will be required to obtain and maintain a license issued by the Board. Because these individuals have not been previously licensed, the Board does not know how many individuals might seek this license. However, based on the number of nonprofit kennels licensed by the PA Department of Agriculture (PDA), the Board estimates there will be about 75 individuals seeking licensure. Accordingly, the typical applicant for licensure as a euthanasia technician will have to complete a euthanasia technician certification course (estimated at \$275) and apply to the Board for licensure (\$87). Biennial renewal will cost \$25.

Animal protection organizations subject to the statute and this rulemaking are, by definition, nonprofit societies or associations. Pursuant to 13 CFR § 121.105, a business or a small business is one that is organized for profit. The Board is aware of only one for-profit entity in Pennsylvania engaged in the business of euthanizing small animals.

There are approximately 346 nonprofit kennels licensed by PDA; however, PDA does not track how many of these licensed kennels perform euthanasia. Accordingly, the Board estimates that as many as 346 organizations could be affected by the regulation, but after numerous discussions with the regulated community while drafting this regulation, the Board estimates that only 50 will seek registration in the regulation's first year. Most organizations are expected to continue their current practice, which is to contact a veterinarian when euthanasia is required.

The typical animal protection organization applying for a certificate of registration will pay an application fee of \$244, which includes an initial inspection. The supervisor of animal care services must complete the didactic portion of the euthanasia technician certification course (estimated at \$275). If the applicant fails the initial inspection, it will pay \$216 for reinspection. Biennial renewal will cost \$50.

According to the Small Business Administration (SBA), there are approximately 1,103,558 businesses in Pennsylvania; of which 1,099,158 are small businesses. Of the 1,099,158 small businesses, 226,511 are small employers (those with fewer than 500 employees) and the remaining 872,647 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

According to the Pennsylvania Department of Labor and Industry, in 2020, most veterinarians worked in veterinary services (80%), self-employed (11%), government (3%), educational services (1%) and in social advocacy organizations (1%). Most veterinary technologists worked in veterinary services (91%), junior colleges, colleges, universities and professional schools (4%), and social advocacy organizations (1%). Additionally, most veterinary assistants worked in veterinary services (86%), junior colleges, colleges, universities and professional schools (4%), and in research and development in the physical, engineering, and life sciences (3%). No such statistics are available via the Pennsylvania Department of Labor and Industry for euthanasia technicians.

For the business entities listed above, small businesses are defined in Section 3 of the Regulatory Review Act (71 P.S. §745.3), which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards, a small business classified under NAICS code 541940 (veterinary services) is one with \$10 million or less in average annual receipts. Junior colleges (NAICS code 611210) are considered small businesses if they have \$32.5 million or less in average annual receipts. Colleges, universities and professional schools (NAICS code 611310) are considered small businesses if they have \$34.5 million or less in average annual receipts. A small business classified under research and development in the physical, engineering, and life sciences is one with less than 1,000 employees. Based upon the above information, it is unlikely that individuals seeking licensure would work in a small business and the organization that provides euthanasia services in Pennsylvania would not be categorized as a small business.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

See response to (15).

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed rulemaking will have minimal financial impact on individuals seeking licensure as euthanasia technicians because the application fee and biennial renewal fee will be small. The Board is proposing an \$87 application fee and a \$25 biennial renewal fee. It is anticipated that those individuals who are currently employed by animal protection organizations to provide euthanasia services will have their application fee and biennial renewal fee paid by their employer. Employers may also choose to reimburse individuals who are subsequently hired.

Animal protection organizations will be impacted by the need to pay a \$244 initial registration fee and a biennial renewal fee of \$50.

Individuals or animal protection organizations may also be impacted by a late renewal fee which is statutorily required under 63 P.S. § 1401-225 (\$5/mo.), a re-inspection fee (\$216), or a verification fee (\$15), but the ultimate cost to the regulated community is expected to be nominal. Additionally, it is important to remember that at issue are new, optional, licensure/certification categories, which means no

organizations are being forced to pay the proposed fees. After undergoing a cost/benefit analysis, animal protection organizations will have to decide whether it makes fiscal sense to seek certification through the Board to purchase and possess drugs for euthanasia and employ licensed euthanasia technicians. The cost of licensure/certification will have to be compared to the cost of enlisting a veterinarian each time an animal is to be euthanized.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

ADMAL explicitly prohibits numerous methods of animal destruction (decompression devices, drowning, chloroform, carbon monoxide gas, etc.) and states that only commercially available, approved injectable euthanasia solution shall be the exclusive method for euthanasia of small domestic animals (with very few exceptions). Additionally, ADMAL suggests that only properly licensed individuals and organizations may obtain and administer drugs for euthanasia. All this was done with the intent of ensuring that, should an animal be euthanized, that animal will be handled by properly trained individuals, and the method of euthanasia used will be as humane as possible.

For euthanasia technicians, the Board is proposing an \$87 application fee and a \$25 biennial renewal fee. It is anticipated that those individuals who are currently employed by animal protection organizations to provide euthanasia services will have their application fee and biennial renewal fee paid by their employer. Employers may also choose to reimburse individuals who are subsequently hired. Animal protection organizations will be impacted by the need to pay a \$244 initial registration fee and a biennial renewal fee of \$50. Individuals or animal protection organizations may also be impacted by a late renewal fee which is statutorily required under 63 P.S. § 1401-225 (\$5/mo.), a re-inspection fee (\$216), or a verification fee (\$15), but the ultimate cost to the regulated community is expected to be nominal. Although there is some fiscal impact as a result of this regulation, ensuring that animals are euthanized by properly trained individuals using only the most humane methods available far outweighs the proposed fees and/or the any adverse effects of the law and its attendant regulations. Additionally, it is important to remember that at issue are new, optional, licensure/certification categories, which means no organizations are being forced to pay the proposed fees. After undergoing a cost/benefit analysis, animal protection organizations will have to decide whether it makes fiscal sense to seek certification through the Board to purchase and possess drugs for euthanasia and employ licensed euthanasia technicians. The cost of licensure/certification will have to be compared to the cost of enlisting a veterinarian each time an animal is to be euthanized.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board's current regulated community (veterinarians and certified veterinary technicians) will be unaffected by the proposed regulation.

The newly regulated community (licensed euthanasia technicians and animal protection organizations who desire to purchase and possess drugs for euthanasia) will be subject to registration and licensure fees as well as an initial inspection fee. The initial application fee for animal protection organizations seeking a certificate of registration will be \$244. If an organization fails to pass the pre-registration inspection, the re-inspection fee will be \$216. The biennial renewal fee for organizations will be \$50. For individual euthanasia technicians, the initial application fee will be \$87, and the biennial renewal fee will be \$25.

The Board anticipates that approximately 50 organizations will seek registration, and that approximately 75 individuals will seek licensure as a euthanasia technician. Accordingly, the cost of certification courses for euthanasia technicians and supervisors of animal care services (estimated at one supervisor of animal care services per registered animal protection organization) will be approximately \$34,375 (estimated at \$275 per certification course).

Whereas the initial cost for the biennial registration of organizations collectively will be approximately \$12,200 (50 organizations x \$244 application fee). It is estimated that 10 organizations may pay the reinspection fee (10 organizations x \$216 reinspection fee = \$2,160).

The initial cost for the licensure of euthanasia technicians will be approximately \$6,525 (75 applicants for licensure x \$87 application fee).

Upon expiration of registration/licensure, organizations will collectively remit approximately \$2,500 in biennial renewal fees (50 organizations x \$50 biennial renewal fee) and euthanasia technicians will collectively remit approximately \$1,875 in biennial renewal fees (75 licensees x \$25 biennial renewal fee).

Totaling the two new groups of licensees/registrants, the initial cost of licensure/registration will be approximately \$53,085 (\$16,550 for application fees + \$34,375 for the certification courses + \$2,160 for reinspection fees) and the biennial renewal cost to licensees/registrants will be approximately \$3,750.

Additionally, the Board anticipates that approximately five additional animal protection organizations will apply for initial registration each biennium (5 x \$244 registration fee and \$275 per certification course = \$2,595), and it is anticipated that an additional 25 individuals will seek licensure as a euthanasia technician each biennium (25 x \$87 registration fee and \$275 per certification course = \$9,050), which will have a fiscal impact of approximately \$11,645 biennially. It is worth noting that this licensure category was created to allow individuals to euthanize animals, and it is likely that euthanizing animals on any regular basis may emotionally drain these licensees, leading to a relatively high rate of turnover.

It would be speculative to estimate and attempt to quantify how many animal protection organizations and euthanasia technicians may ultimately pay the late renewal fee (\$5/mo.), or verification fee (\$15), but the ultimate cost to the regulated community is expected to be minimal. The late renewal fee (\$5) is statutorily required (63 P.S. § 1401-225). Of the tens of thousands of applications processed by the Bureau of Professional & Occupational Affairs annually, approximately two per month, or 24 per year are deemed withdrawn due to inactivity. Should an application for registration/licensure be deemed withdrawn after 12 months of inactivity, based on experience, the Board does not expect the applicant to pay a second application fee. Significantly, the Board's decision to state that an application that remains dormant for 12 months will be deemed withdrawn is practically inconsequential, because this is already Bureau policy, and applications that are dormant for 12 months are already being deemed withdrawn. Therefore, because

the fiscal impact of the Bureau’s 12-month policy is practically \$0, the Board expects that adopting this policy via regulation will have no fiscal impact on applicants.

There may also be equipment/supply costs to animal protection organizations should they not have all of the equipment and supplies set forth in the rulemaking, however most animal protections organization already possess nearly all of the equipment listed in § 31.109 (relating to the required equipment and supplies).

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Some local governments own and operate animal protection organizations that will eventually be purchasing and storing drugs for euthanasia. Moreover, these same animal protection organizations may decide to shoulder the cost of euthanasia technician certification courses and renewal fees. Accordingly, for the purposes of estimating costs to local governments, if all animal protection organizations were controlled by local governments, and all animal protection organizations decided to pay the cost of euthanasia technician certification courses and renewal fees, the cost to local governments could be as high as:

Initial (statewide) registration/licensure: \$53,085 (see section 19)

Biennial cost (statewide) for licensure/registration/classes: \$11,645(see section 19)

However, it is important to note that this cost will potentially be offset by the fact that registered animal protection organizations will no longer have to pay veterinarians for euthanasia services. This cost savings would be wildly speculative, however, with many veterinarians volunteering their time, while others charge a nominal fee.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board will recoup the cost of the initial inspection of the organizations’ facilities by charging an inspection fee. The Board will recoup the cost of reviewing and processing applications for licensure, and for issuing the paper licenses, from the initial license application fees.

Application fees are designed to reflect the true administrative cost to the Board to process each individual application. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{array}{c} \text{number of minutes to perform the function} \\ \times \\ \text{pay rate for the classification of the personnel performing the function} \\ + \\ \text{a proportionate share of administrative overhead} \end{array}$$

According to the attached Fee Report Forms (Attachment B):

Initial application for Animal Protection Organization: \$244.00
 Estimated initial application revenue: \$12,200 (50 applications x \$244.00)

Re-inspection Fee for Animal Protection Organization: \$216.00
 Estimated initial application revenue: \$2,160 (10 applications x \$216.00)

Initial application for Euthanasia Technician: \$87.00
 Estimated initial application revenue: \$6,525 (75 applications x \$87.00)

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The Board is unaware of any legal, accounting or consulting procedures to organizations or individuals. Organizations will be required to make reports to the Board detailing their purchase and administration of controlled substances; however, making and keeping these reports is already required under Federal law.

(22a) Are forms required for implementation of the regulation?

Yes, but the forms are electronic forms. The Board no longer accepts paper applications. Applicants must utilize the Pennsylvania Licensing System (PALS)(www.pals.pa.gov), to apply for certification and licensure.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

All forms required for implementation are attached. Forms reflect what will be incorporated into the electronic applications that will be available to applicants on PALS as well as a “worksheet” that must be completed by applicants for licensure as euthanasia technicians which will require that applicants demonstrate knowledge of the Commonwealth’s statutes and regulations relating to euthanasia. See Attachment “A”

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 23-24	FY +1 24-25	FY +2 25-26	FY +3 26-27	FY +4 27-28	FY +5 28-29
SAVINGS:						
Regulated Community						

Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$0	\$53,085	\$5,822	\$9,572	\$5,822	\$9,572
Local Government						
State Government						
Total Costs		\$53,085	\$5,822	\$9,572	\$5,822	\$9,572
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 20-21 (actual)	FY -2 21-22 (projected)	FY -1 22-23 (projected)	Current FY 23-24 (projected)
State Board of Veterinary Medicine	\$1,347,700.03	\$1,268,000.00	\$1,388,000.00	\$1,306,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

ADMAL authorizes only not-for-profit entities to be registered as animal protection organizations. Only one small (for profit) business was known to be affected by the statutory amendments, as only one for-profit entity was involved in the business of euthanizing small domestic animals in Pennsylvania at the time the statute was enacted. That business utilized carbon monoxide – a method that is expressly prohibited by ADMAL. In addition, as a for-profit business, that entity would not qualify for registration as an “animal protection organization” (which by definition must be a non-profit entity) in order to lawfully purchase, possess and administer euthanasia drugs to small domestic animals. Finally, the individual operating the business would not qualify for a license as a euthanasia technician because he is

not employed by an animal protection organization. Therefore, unless the business were to employ a veterinarian and use the authorized method for euthanizing small domestic animals set forth in ADMAL, that business could not lawfully continue to operate in this Commonwealth. This is a result of a statutory requirement for which the Board does not have discretion. The Board does not anticipate that these regulations will have any adverse impact on small businesses as the regulations pertain only to non-profit animal protection organizations and their employees. The reporting costs associated with the rulemaking are already required by Federal law and regulations. The Board could discern no less costly manner of achieving the purpose of the proposed regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

Because the regulations relate to non-profit animal protection organizations and their employed euthanasia technicians and do not adversely affect small businesses, the Board did not develop any special provisions related to small businesses. No other group has been identified that need any special provisions or accommodations.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

When the Department of State Revenue Office drafted the Fee Report Forms, it set the initial application fee for euthanasia technicians at \$87. In an effort to ease the financial burden of initial licensure, the Board inquired whether a lower initial licensure fee would be possible. Generally, the Revenue Office sets application fees based on actual costs of processing applications. The \$87 fee represented the cost of processing the application; therefore, the Board determined that the \$87 fee was appropriate. The Board believes the regulation represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

As noted in the response to (24)-(25), only one small business was affected by the enactment of the amendments to ADMAL, and the statutory provisions prohibit that business from continuing its former operations, as set forth in item (24).

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or

supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No “data” was used; however, the Board relied on fee report forms developed by the Bureau of Finance and Operations in adopting the new fees. (See Attachment “B.”)

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>The Board meets in public session 6 times each year.</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Spring 2024</u> |
| D. The expected effective date of the final-form regulation: | <u>Spring 2024</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>Upon publication</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Upon publication</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continuously evaluates the effectiveness of the Board’s regulations and implementation of regulations. The Board discusses all regulatory proposals at its regularly scheduled public meetings, generally 6 meetings a year. The Board is scheduled to meet on the following remaining dates in 2024: May 17, July 26, September 27, and November 22.

Attachment A

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
www.dos.pa.gov/vet

**APPLICATION for CERTIFICATE OF REGISTRATION FOR AUTHORIZATION TO
PURCHASE AND POSSESS EUTHANASIA DRUGS**

Please read and complete pages 1-2 of the application in their entirety. Incomplete applications will cause delay in the issuance of your certification. Instructions are as follows:

ALL APPLICANTS-

- Complete pages 1 and 2.
- Attach a \$244.00 check or money order made payable to the **“Commonwealth of PA”**. **DO NOT SEND CASH**. The application fee is non-refundable. Note: A \$20.00 processing fee will be assessed for any payment returned by your bank, regardless of the reason for non-payment.
- Submit proof of your status as a nonprofit society or association incorporated in Pennsylvania for the purpose of prevention of cruelty to animals or your status as a municipality which operates an animal shelter.
- Submit the certificate of attendance evidencing completion of the didactic portion of a State Board of Veterinary Medicine approved Euthanasia Technician Certification course by the Supervisor of Animal Care Services.
- Supervisor of animal care services must submit an official Criminal History Record Check (CHRC) from the state agency for every state in which the supervisor has resided for the past 5 years. The report(s) must be dated within 90 days of the date of the application for licensure. This report can be sent to the animal care supervisor and forwarded to the Board with the application. CHRC for Pennsylvania can be done online at <http://epatch.state.pa.us>. For states that do not provide CHRC for employment or licensing purposes (CA & AZ), we will accept an FBI background check. Please go to <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and obtain your Federal Bureau of Investigation (FBI) Identity History Summary Check.

The Practice Act and Rules/Regulations of the State Board are available from the Board office or online at www.dos.pa.gov/vet.

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
www.dos.pa.gov/vet

APPLICATION for CERTIFICATE OF REGISTRATION FOR AUTHORIZATION TO PURCHASE AND POSSESS EUTHANASIA DRUGS

APPLICATION FEE - \$244.00 Personal Check or Money Order payable to "Commonwealth of Pennsylvania." Fees are not refundable. NOTE: A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment. If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee. In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

DAYTIME PHONE # (_____)_____

NAME OF ORGANIZATION_____

ADDRESS _____

NAME OF SUPERVISOR OF ANIMAL CARE SERVICES_____

ADDRESS WHERE CONTROLLED SUBSTANCES WILL BE STORED OR EUTHANASIA SERVICES WILL BE PROVIDED IF DIFFERENT.

NAME AND LICENSE NUMBER OF LICENSED VETERINARIAN, IF ANY, ASSOCIATED WITH ORGANIZATION

(PRINT Name) (LICENSE NUMBER)

On a separate 8 1/2 X 11 sheet of paper, describe the details of the association with the licensed veterinarian including frequency of in-person visits by the pet to the shelter/facility, and a copy of the contract between the organization and the veterinarian if a contract exists.

List the names of all individuals employed or intended to be employed as Euthanasia Technicians.

VERIFICATION

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 PA C.S. Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of my licensure or registration. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa. C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in discipline. **I verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet).** I also verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way.

Printed Name of Applicant

Signature of Applicant

Date

Note that disclosing your social security number on this application is mandatory in order for the State Board of Veterinary Medicine to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304.1(a). In order to enforce domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Human Services information prescribed by DHS about the licensee, including the social security number.

CERTIFICATE OF COMPLETION

Applicant: Complete top section and send form to school or organization where the animal care supervisor completed at least the didactic portion of a Board approved euthanasia technician certification course.

NAME _____
Last First M.I. Maiden

ADDRESS _____
Street
City State Zip Code

SOCIAL SECURITY # _____ DATE OF BIRTH _____

This section to be completed by the proper official of the school or organization administering the Pennsylvania State Board approved Euthanasia Technician Certification Course.

DO NOT complete this form in anticipation of certification.

I certify that _____ has successfully completed at least the didactic
(Name of Applicant)

portion of a Euthanasia Technician Certification Course on _____ from
(Date of Completion)

(Name of School or Organization)

This course is approved by the Pennsylvania State Board of Veterinary Medicine

(Signature of Chairperson of Program)

(Date)

SCHOOL or ORGANIZATION SHALL RETURN AN ORIGINAL COMPLETED FORM DIRECTLY TO THE BOARD OFFICE IN AN OFFICIAL ENVELOPE.

(DO NOT send a copy of this form or use envelope if provided by applicant)

State Board of Veterinary Medicine

RENEWAL APPLICATION - Certificate of Registration for Authorization to Purchase and Possess Euthanasia Drugs

Printed Name of Organization (certificate holder)

RETURN TO:

Street Address

State Board of Veterinary Medicine
P.O. BOX 2649
HARRISBURG, PA 17105-2649

City State Zip Code

Certificate Number

Printed Name of Supervisor of Animal Care Services

Address where controlled substances will be stored or euthanasia services will be provided, if different:

Street Address

City State Zip Code

Name and license number of licensed veterinarian, if any, associated with the certificate holder:

Name License No.

Name and license number of licensed euthanasia technicians employed by or under contract with the certificate holder:

Name License No.

Name License No.

Name License No.

Check if applicable:

- ADDRESS CHANGE** – The certificate holder’s address or address at which controlled substances will be stored or euthanasia services will be provided (above) is a new address and not on file with the Board.
- SUPERVISOR CHANGE** – The supervisor of animal care services named above is not the current name on the Board’s records. (If the certificate holder has listed a new Supervisor of Animal Care Services on this form, the Board will require proof that the supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician certification course, and a criminal history record check must be submitted. (see § 31.106(a)(2-3) of the Board’s regulations).
- VETERINARIAN OR EUTHANASIA TECHNICIAN CHANGE** – The veterinarian or euthanasia technician(s) provided (above) is not the veterinarian or euthanasia technician(s) currently on file with the Board.

The certificate holder will not purchase or possess euthanasia drugs in Pennsylvania after [date to be inserted*], and therefore requests **INACTIVE STATUS**. No fee is required, however the questions below must be answered and the form signed / dated.

CHECK “YES” OR “NO” FOR EACH OF THE FOLLOWING QUESTIONS:

YES	NO	If “YES” to question(s) 1-6, provide details AND attach certified copies of all related legal documents.
		1. Since the certificate holder’s initial application or its last renewal, whichever is later, has any euthanasia technician, the supervisor of animal care services, or the executive director of the certificate holder withdrawn an application for a professional or occupational license, certificate, permit, or registration, had an application for a license denied or refused, or agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		2. Does any euthanasia technician, the supervisor of animal care services, or the executive director of the certificate holder currently have any disciplinary charges pending against a professional or occupational license, certificate, permit, or registration in any state or jurisdiction?
		3. Since the certificate holder’s initial application or last renewal, whichever is later has any euthanasia technician, the supervisor of animal care services, or the executive director of the certificate holder engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?

I hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, the certificate holder is **REQUIRED** pursuant to Act 6 of 2018 to **NOTIFY** the Bureau of Professional and Occupational Affairs **WITHIN 30 DAYS** of the occurrence of **any of the following**: (1) 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 board or agency in another jurisdiction; (2) A finding or verdict of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding against any euthanasia technician, the supervisor of animal care services or the executive director of the certificate holder. **I further acknowledge that failure to comply with these mandatory reporting requirements may subject the certificate holder to disciplinary action by the Board.** I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) as www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."

Signature of Certificate Holder's Executive Director (or designee): _____ Date: _____

Signatory's title (print): _____

I verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 PA C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in discipline. **I also verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet).**

Signature of Certificate Holder's Executive Director (or designee): _____ Date: _____

Signatory's title (print): _____

EXPIRATION DATE of current license: [date to be inserted*]	EXPIRATION DATE of renewed license: [date to be inserted*]
RENEWAL FEE: \$50.00 PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" Write your license number on your payment. DO NOT STAPLE.	To ensure that your license is renewed by [date to be inserted*], RETURN this application by [date to be inserted*].
LATE FEE: \$5.00 per month or part of a month. A late renewal fee will be assessed if application is postmarked after [date to be inserted*]. A \$20.00 fee is charged for a check returned unpaid by your bank.	PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTION & ADDITIONAL MONETARY PENALTY.

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
ST-Veterinary@pa.gov

APPLICATION for LICENSURE as a EUTHANASIA TECHNICIAN

Demonstrating Knowledge of the Commonwealth’s Statutes and Regulations Relating to Euthanasia

November 2022

Please complete this form and submit it to the Board office. This procedure will allow you to demonstrate knowledge of the Commonwealth’s statutes and regulations relating to euthanasia as required by section 304(c)(1)(i) (3 P.S. § 328.304(c)(1)(i)) of the Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101-328.1101).

The **Practice Act** and **Rules and Regulations** are available online at: www.dos.pa.gov/VeterinaryMedicine.

The **ADMAL** is available online at: www.legis.state.pa.us/WU01/LI/LI/US/PDF/1983/0/0083..PDF.

Provide the section AND paragraph designation in the **Practice Act** which contain information on the following subjects:

- 1. The definitions of “veterinary medicine” and “practice of veterinary medicine” _____
- 2. Any person wishing to practice veterinary medicine in the Commonwealth shall obtain a license to practice veterinary medicine from the Board _____
- 3. The definitions of “veterinary technology” and “certified veterinary technician” _____
- 4. Any person who engages in the practice of veterinary medicine without the license required by this act or who performs the duties of an animal health technician without the certificate required by this act commits a misdemeanor of the third degree _____

Provide the section AND paragraph designation in the **ADMAL** which contain information on the following subjects:

- 6. The use of commercially available injectable euthanasia solution approved by the Food and Drug Administration for that purpose shall be the exclusive method for euthanasia of small domestic animals _____
- 7. An animal may be tranquilized with a substance approved by the Food and Drug Administration before euthanasia commences _____
- 8. An animal protection organization may not permit a person to administer drugs approved for euthanasia unless that person holds a current euthanasia technician license or is a person licensed as a veterinarian _____
- 9. The Board may issue a euthanasia technician license to an applicant who demonstrates knowledge of the Commonwealth's statutes and regulations relating to euthanasia _____

Provide the **section AND paragraph designation** in the **Regulations** which contain information on the following subjects:

- 10. Applicability of other laws and rules including The Controlled Substance, Drug, Device and Cosmetic Act, the Dog Law, and regulations of the PDA, DEA and OSHA, etc. _____
- 11. Drugs for euthanasia provided to a licensed euthanasia technician may only be used to provide euthanasia at the shelter _____
- 12. Area used for animal euthanasia; required equipment and supplies _____
- 13. Approved drugs for euthanasia _____
- 14. Duties of euthanasia technicians _____
- 15. Standards for euthanasia of small domestic animals _____
- 16. Standards for administration of drugs for euthanasia _____

I have provided the above responses by personal review of the Practice Act and regulations of the Pennsylvania State Board of Veterinary Medicine, as well as ADMAL. By signing this I hereby certify that I have knowledge and awareness of the Commonwealth's statutes and regulations relating to euthanasia.

Furthermore, I understand that the statements made in this application for licensure are subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities. I further understand that if it is discovered that the above statements are not true, I may be subject to further discipline by the State Board of Veterinary Medicine, including revocation or suspension of my license, probation, or a civil penalty.

SIGNATURE OF APPLICANT: _____

PRINTED NAME OF APPLICANT: _____

DATE: _____

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
HARRISBURG, PA 17105-2649
(717) 783-7134
www.dos.pa.gov/vet

APPLICATION for LICENSURE as a *EUTHANASIA TECHNICIAN*

NOTE: Practice as a euthanasia technician in Pennsylvania may not begin until your license has been issued.

Please read and complete pages 1-2 of the application in their entirety. Incomplete applications will cause delay in the issuance of your license. Instructions are as follows:

ALL APPLICANTS-

- Complete pages 1 and 2.
- Attach a \$87.00 check or money order made payable to the **“Commonwealth of PA”**. **DO NOT SEND CASH**. The application fee is non-refundable. Note: A \$20.00 processing fee will be assessed for any payment returned by your bank, regardless of the reason for non-payment.
- Submit a copy of your high school diploma or its equivalent.
- If you have not completed a high school education or its equivalent, submit three (3) letters of recommendation attesting to your ability to perform the functions of a euthanasia technician. At least one of the letters must be written by a veterinarian licensed in this Commonwealth or another US state.
- Submit an official Criminal History Record Check (CHRC) from the state agency for every state in which you have resided for the past 5 years. The report(s) must be dated within 90 days of the date of your application for licensure. This report can be sent to you and forwarded to the Board with your application. CHRC for Pennsylvania can be done online at <http://epatch.state.pa.us>. For states that do not provide CHRC for employment or licensing purposes (CA & AZ), we will accept an FBI background check. Please go to <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and obtain your Federal Bureau of Investigation (FBI) Identity History Summary Check.

LICENSURE BY CERTIFICATION (Completion of a Board Approved Euthanasia Technician Certification Course)

- Page 3 of the application must be completed by the organization or school where you completed a euthanasia technician certification course approved by the Board. The form must be signed by the proper official and be submitted directly to the Pennsylvania State Board of Veterinary Medicine in a sealed official envelope.

LICENSURE BY ENDORSEMENT (Holds current license as a euthanasia technician in another state or territory of the United States for at least 1 year out of the last 5 years)

- Request verification of current license, registration, or certification to practice as a euthanasia technician be forwarded directly to the Pennsylvania State Board of Veterinary Medicine.
- Provide a copy of the law and regulations relating to initial licensure currently in effect in the state in which you hold a license, certification, or registration to practice as a euthanasia technician.

NOTE: If any of your documentation arrives in another name such as maiden or previous married name, include a copy of the legal document that changed your name (marriage certificate, divorce decree, court order)

The Practice Act and Rules/Regulations of The State Board are available from the Board office or online at www.dos.pa.gov/vet.

STATE BOARD OF VETERINARY MEDICINE

P. O. BOX 2649
 HARRISBURG, PA 17105-2649
 (717) 783-7134
 www.dos.pa.gov/vet

APPLICATION for LICENSURE as a EUTHANASIA TECHNICIAN

APPLICATION IS FOR (check one)

Check one: License by EDUCATION _____ License by RECIPROCITY _____

APPLICATION FEE - \$87.00 Personal Check or Money Order payable to **"Commonwealth of Pennsylvania."** **Fees are not refundable.** NOTE: A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment. If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee. In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance.

PART ONE

DAYTIME PHONE # (_____) _____

NAME _____
Last First Middle Maiden

ADDRESS _____
Street City State Zip Code

SOCIAL SECURITY # _____ *BIRTH DATE _____ EMAIL _____

PART TWO

ANSWER THE FOLLOWING: If you answer "YES" to question(s) 3-7, give details on a separate sheet AND provide a certified copy of all related official documentation.	YES	NO
1. Do you hold or have you ever held a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction?		
2. If you answered yes to the above question, please provide the profession and state or jurisdiction.		
3. Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?		
4. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit, or registration in any state or jurisdiction?		
5. Have you withdrawn an application for a professional or occupational license, certificate, permit, or registration, had an application for a license denied or refused, or agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?		

PART THREE:

1. List all states in which you hold or have held a license/certification to practice as a euthanasia technician. You must request that a Letter of Good Standing be sent from each State Board Office directly to the Pennsylvania Board Office.

(PRINT Name)

(Signature)

PART FOUR

VERIFICATION

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 PA C.S. Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of my licensure or registration. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa. C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in discipline. **I verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet).** I also verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way.

Printed Name of Applicant _____

Signature of Applicant _____

Date _____

<p>Note that disclosing your social security number on this application is <u>mandatory</u> in order for the State Board of Veterinary Medicine to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. § 4304.1(a). In order to enforce domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Human Services information prescribed by DHS about the licensee, including the social security number.</p>

VERIFICATION OF COMPLETION

Applicant: Complete top section and send form to school or organization where you completed the euthanasia technician certification course.

NAME _____
Last First M.I. Maiden

ADDRESS _____
Street
City State Zip Code

SOCIAL SECURITY # _____ DATE OF BIRTH _____

This section to be completed by the proper official of the school or organization administering the Pennsylvania State Board approved Euthanasia Technician Certification Course.

DO NOT complete this form in anticipation of certification.

I certify that _____ has successfully completed at least 14 hours of
(Name of Applicant)

instruction on _____ from _____
(Date of Completion) (Name of School or Organization)

This course is approved by the Pennsylvania State Board of Veterinary Medicine

(Signature of Chairperson of Program)

(Date)

SCHOOL or ORGANIZATION SHALL RETURN AN ORIGINAL COMPLETED FORM DIRECTLY TO THE BOARD OFFICE IN AN OFFICIAL ENVELOPE.

(DO NOT send a copy of this form or use envelope if provided by applicant)

State Board of Veterinary Medicine

RENEWAL APPLICATION - Euthanasia Technician

Printed Full Name

RETURN TO:

Street Address

State Board of Veterinary Medicine
P.O. BOX 2649
HARRISBURG, PA 17105-2649

City State Zip Code License Number

Check if applicable:

- ADDRESS CHANGE** – The address above is a new address and not on file with the Board
- NAME CHANGE** – The name above is not the current name on the licensure records. (You must submit a photocopy of a legal document verifying name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, etc.)

- I will **not** be practicing as a **euthanasia technician** in Pennsylvania after [date to be inserted*], and therefore request **INACTIVE STATUS**. No fee is required, however the questions below must be answered and the form signed / dated.

CHECK “YES” OR “NO” FOR EACH OF THE FOLLOWING QUESTIONS:

YES	NO	If “YES” to question(s) 3-7, provide details AND attach certified copies of all related legal documents.
		1. Do you hold a license (active, inactive or expired) to practice as a euthanasia technician in another state or jurisdiction?
		2. If you answered yes to the above question, please provide the profession and state or jurisdiction.
		3. Since your initial application or your last renewal, whichever is later , have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?
		4. Since your initial application or your last renewal, whichever is later , have you withdrawn an application for a professional or occupational license, certificate, permit, or registration, had an application for a license denied or refused, or agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		5. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit, or registration in any state or jurisdiction?
		6. Since your initial application or last renewal, whichever is later, in or have you engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?

I, _____, hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am **REQUIRED** pursuant to Act 6 of 2018 to **NOTIFY the Bureau of Professional and Occupational Affairs WITHIN 30 DAYS of the occurrence of any of the following:** (1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction; (2) A finding or verdict of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. **I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board.** I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) as www.pals.pa.gov and select “Mandatory Reporting by Licensee” under the heading “Your Licenses.”

Signature of Licensee: _____ Date: _____

I verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 PA C.S. § 4911 and that any false statement made is subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities and may result in my license being disciplined. **I also verify that I have read and am familiar with the provisions of the Pennsylvania Veterinary Medicine Practice Act and regulations of the State Board of Veterinary Medicine (see www.dos.pa.gov/vet).**

Signature of Licensee: _____ Date: _____

EXPIRATION DATE of current license: [date to be inserted*]	EXPIRATION DATE of renewed license: [date to be inserted*]
RENEWAL FEE: \$25.00 PAYABLE TO: “COMMONWEALTH OF PENNSYLVANIA” Write your license number on your payment. DO NOT STAPLE.	To ensure that your license is renewed by [date to be inserted*], RETURN this application by [date to be inserted*].
LATE FEE: \$5.00 per month or part of a month. A late renewal fee will be assessed if application is postmarked after [date to be inserted*]. A \$20.00 fee is charged for a check returned unpaid by your bank.	PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTION & ADDITIONAL MONETARY PENALTY.

Attachment B

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Initial application for Animal Protection Organization: \$244.00

Estimated initial application revenue: \$12,200 (50 applications x \$244.00)

Fee Description:

The fee will be charged to every Animal Protection Organization that applies for a permit to purchase and possess controlled substances.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application and (2) conduct the initial inspection of the organization's facility and (3) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Clerical staff review	(1hr)	\$51.48
Inspector	(2.5hrs)	\$137.55
Legal Staff review	(.5hr)	\$44.43
Transaction Fee		\$5.94
Administrative Overhead:		\$4.50
	Total Estimated Cost:	\$243.94
	Proposed Fee:	\$244.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$244.00 be established for processing the application and providing the initial inspection for an Animal Protection Organization license.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Board staff forwards application to the Bureau of Enforcement and Investigation for scheduling of an inspection. Upon satisfactory inspection, Board staff issues license through computer.

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Re-inspection Fee for Animal Protection Organization: \$216.00

Estimated initial application revenue: \$2,160 (10 applications x \$216.00)

Fee Description:

The fee will be charged to every Animal Protection Organization that requires a re-inspection.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application and (2) conduct the re-inspection of the organization's facility and (3) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Clerical staff time-process application	(1hr)	\$51.48
Inspector	(2hrs)	\$110.04
Legal Staff review	(.5hr)	\$44.42
Transaction Fee		\$5.26
Administrative Overhead:		\$4.50
	Total Estimated Cost:	\$215.70
	Proposed Fee:	\$216.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$216.00 be established for the re-inspection of an Animal Protection Organization facility.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Board staff forwards application to the Bureau of Enforcement and Investigation for scheduling of the reinspection. Upon satisfactory inspection, Board staff issues license through computer.

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Initial application for Euthanasia Technician: \$87.00

Estimated initial application revenue: \$6,525 (75 applications x \$87.00)

Fee Description:

The fee will be charged to every applicant for a Euthanasia Technician.

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application. Although application fees are generally set so as to defray a portion of the Board's administrative overhead, the Board determined that the Administrative overhead related to Euthanasia Technicians should be absorbed by the Board as a whole because these individuals provide a service that benefits all of the Boards licensees.

Fee-Related Activities and Costs:

Clerical staff review	(1hr)	\$51.48
Legal Staff review	(.5hr)	\$27.47
Transaction Fee		\$2.09
Administrative Overhead		\$5.00
	Total Estimated Cost:	\$86.04
	Proposed Fee:	\$87.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$87.00 be established for processing an application for a Euthanasia Technician license.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, and contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Upon satisfactory inspection, Board staff issues license through licensing database.

FEE REPORT FORM

Agency: State - BPOA

Date: March 1, 2021

Contact: K. Kalonji Johnson, Commissioner
Bureau of Professional & Occupational Affairs

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Animal Protection Organization:

Initial application for approval of new employment: \$81.00

Estimated initial application revenue: \$2,025 (25 applications x \$81.00)

Fee Description:

The fee will be charged to every applicant for approval of new employment for an Animal Protection Organization.

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Veterinary Medicine to process an application.

Fee-Related Activities and Costs:

Clerical staff time-process application	(1hr)	\$51.48
Board Counsel review	(.25hr)	\$22.21
Transaction Fee		\$1.95
Administrative Overhead		\$4.50
	Total Estimated Cost:	\$80.15
	Proposed Fee:	\$81.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$81.00 be established for processing an application for new employment for an Animal Protection Organization.

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Upon satisfactory inspection, Board staff issues license through licensing database.

16A-5726 Commenter List

<i>Name</i>	<i>Email</i>	<i>Address</i>
Anonymous	menintc1@gmail.com	N/A
Amy Kaunas Federated Humane Societies of PA	AmyK@humanesocietyhbg.org admin@pafederatedhumane.org	N/A

RECEIVED

Independent Regulatory
Review Commission

April 29, 2024

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY: Adabelson 2024.04.23
13:23:53 -04'00'

DOCUMENT/FISCAL NOTE NO. 16A-5726

4/23/2024

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: Thomas Garg, VMD
Thomas Garg, VMD

(Executive Deputy General Counsel
Strike inapplicable title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Check if applicable
Copy not approved.
Objections attached.

Check if applicable. No
Attorney General approval or
objection within 30 day after
submission.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

§§ 31.31, 31.101—31.115 and 31.121—31.130

EUTHANASIA

The State Board of Veterinary Medicine (Board) hereby adds a new subchapter B (relating to animal protection organizations and euthanasia technicians) at §§ 31.101—31.115 and 31.121—31.130 to read as set forth in Annex A. The regulation implements 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 (“certificate holders”), and of euthanasia technicians to administer drugs for euthanasia.

Effective Date

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

Statutory Authority

Act 182, which amended the Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101-328.1101), 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 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 the 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 (PDA) to obtain a list of all non-profit kennels licensed in the Commonwealth, and sent 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.

The proposed rulemaking was published at 52 Pa.B. 1980 (April 2, 2022) for 30 days of public comment, and two interested parties provided comment: one from an anonymous Pennsylvania resident; and one from Amy B. Kaunas, Executive Director, Humane Society of Harrisburg, on behalf of the Board of Directors for the Federated Humane Societies of Pennsylvania (FHSP). The House Professional Licensure Committee (HPLC) submitted its comment on May 20, 2022 and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The Independent Regulatory Review Commission (IRRC) submitted comments on June 1, 2022, in part, reiterating and summarizing all comments received by the Board. The following represents a summary of the comments received, the Board's response, and a description of the amendments made to this final-form rulemaking.

Summary of comments and the Board's response

An anonymous PA resident commented that, “a veterinarian should be at least associated with any organization performing euthanasia tasks from just ensuring proper methods are used to being available on call for potential complications that could arise.” Section 304(a)(1) of ADMAL (3 P.S. § 328.304(a)(1)) allows animal protection organizations to apply for a certificate of registration from the Board which, if issued, will allow that animal protection organization to purchase, possess and administer drugs for euthanasia to small domestic animals. Section 304(a)(2) provides that these animal protection organizations may not permit a person to administer drugs approved for euthanasia unless that person holds a current euthanasia technician license **or** is a person licensed as a veterinarian under the act. Accordingly, ADMAL was clearly designed to allow individuals who are not licensed veterinarians – namely, licensed euthanasia technicians – to administer drugs approved for euthanasia. Moreover, ADMAL notably does not require registered animal protection organizations to associate with a veterinarian for any reason. Therefore, ADMAL was clearly designed to allow licensed euthanasia technicians to administer drugs for euthanasia within the confines of registered animal protection organizations, and to do so without the assistance of a licensed veterinarian. To require that the registered animal protection organizations be “associated” with a licensed veterinarian would be to impose a requirement contrary to the spirit of ADMAL.

IRRC notes that, in § 31.102 (relating to definitions), the Board defines “supervisor of animal care services” as an “individual who is **generally** onsite at the shelter facility,” (emphasis added) and notes that “generally” is nonregulatory language that does not set a clear standard of compliance for an animal protection organization. IRRC suggests the Board clarify this definition to set a clear, enforceable standard. In response, the Board revised the definition of “supervisor of animal care services,” which now reads as follows: “The individual who is responsible to the animal protection organization for animal care services including euthanasia and supervision of euthanasia technicians.” The Board initially included the phrase “generally on site at the shelter facility” because the Board wished to communicate that the supervisor of animal care services is expected to regularly be on site to supervise but need not be on site at all times when euthanasia is performed. In response to IRRC's comment, the Board considered removing the word “generally,” but the remaining language would require that the supervisor of animal care services be on site at all times, which was never the Board's intention. Accordingly, by removing the phrase “generally onsite at the shelter facility of a certificate holder ...” the definition now clarifies that the

supervisor of animal care services is “responsible to the animal protection organization for animal care services including euthanasia and supervision of euthanasia technicians.” The supervisor of animal care services and the shelter facility may determine, based on their organization’s needs, how often the supervisor of animal care services must be on site in order to properly supervise euthanasia technicians.

IRRC questions the Board’s decision, in § 31.104 (relating to schedule of fees), to require that euthanasia technicians pay a fee for an application for approval of employment change, saying, “We ask the Board to explain why the approval of employment change is needed, why the fee is reasonable and the expected economic impact on the regulated community.” After review of this fee, the Board has determined that the fee is unnecessary. The rulemaking already requires that certificate holders provide the Board with written notice of changes 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). Accordingly, requiring that euthanasia technicians pay a fee for an application for approval of employment change would be duplicative, unnecessary and burdensome. In response, the Board removed this fee, and removed language from § 31.124(a) (relating to reports to be filed with the Board) requiring a euthanasia technician to submit an application for approval of employment change.

IRRC questions the Board’s decision, in § 31.106(a) (relating to qualifications for a certificate or registration; duty to update certification information) and § 31.108(b)(1) (relating to duties of certificate holders), to require that certificate holders demonstrate that the supervisor of animal care services has completed the didactic portion of the euthanasia technician certification course. IRRC has two issues: (1) the Board does not explain in the Preamble why it is requiring unlicensed employees to complete this component of the euthanasia technician certification course; and (2) the regulation does not directly require the supervisor of animal care services to take this portion of the certification course. IRRC asks the Board to explain the need for this provision. IRRC also asks the Board to consider clarifying the final-form regulation to directly require the supervisor of animal care services to complete this portion of the certification course. In response, the Board notes it does not license or certify the supervisor of animal care services. Therefore, to require the supervisor of animal care services to complete the didactic portion of the euthanasia certification course would be to impose a requirement on an unlicensed individual. Moreover, section 304(a)(1) of ADMAL (3 P.S. 328.304(a)(1)), provides that an animal protection organization may apply to the board for the sole purpose of being authorized to purchase, possess and administer drugs approved for euthanasia under section 302 *in accordance with regulations promulgated under ADMAL and the act*, and section 5 of the act (63 P.S. § 485.5) empowers the Board to adopt reasonable 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 this statutory law. Additionally, section 3 of the act (63 P.S. § 485.3(10)) provides that the practice of veterinary medicine includes “the prescription or administration of any drug,” which includes drugs for euthanasia and section 2 of the act (63 P.S. § 485.2) provides that the act is designed to protect the public from being misled by incompetent, unscrupulous and unauthorized persons and from unprofessional or illegal practices by persons licensed to practice veterinary medicine. The Board issues certificates of registration to animal protection organizations, and the Board directly imposes requirements on certificate holders. Therefore, to protect the public from being misled by incompetent persons and from unprofessional or illegal practices by persons, the Board requires

that the certificate holder demonstrate that the supervisor of animal care services has completed the didactic portion of a Board-approved euthanasia technician certification course. Moreover, the intent of ADMAL is to allow certificate holders to have animals euthanized without having to rely on the services of a veterinarian. The supervisor of animal care services is responsible to the certificate holder for animal care services including euthanasia and supervision of euthanasia technicians. To properly supervise euthanasia technicians, the supervisor of animal care services must be intimately familiar with (i.e., trained in) the administration of drugs for euthanasia. For a time, the Board contemplated requiring that the supervisor of animal care services maintain an active euthanasia technician license. However, the Board ultimately decided that only the individuals performing euthanasia, and not those supervising the individual performing euthanasia, must maintain a license. To ensure that the supervisor of animal services has acquired some level of competence in the administration of drugs for euthanasia, the Board requires that the animal control organization demonstrate that the supervisor of animal services is acquainted with the administration of drugs for euthanasia by demonstrating that the supervisor of animal services has completed the didactic portion of the euthanasia technician certification course. Therefore, the Board did not amend this provision.

IRRC and the FHSP question the Board's decision, in § 31.106(d), to require that certificate holders be inspected by agents of the Board, rather than agents of the PDA. Section 304(d) of ADMAL (3 P.S. 328.304(d)) provides for the Board to "enter into a memorandum of understanding with the [PDA] and designate the [PDA] to act as its authorized agent for the limited purposes of inspecting and monitoring animal protection organizations." IRRC and the FHSP suggest that inspections be completed by the PDA during its regular inspection process, noting that there "is a simple check list" under § 31.109 (relating to area used for animal euthanasia; required equipment and supplies). In response, on September 8, 2022, the Board contacted the PDA and inquired whether it would be interested in such an arrangement. On December 6, 2022, the PDA informed the Board that it is not in a position, at this time, to be able to enter into an MOU with the DOS to assume the additional duties requested in the Board's September 8, 2022 correspondence. The Board will endeavor to coordinate inspections with those conducted by PDA during its regular inspection process.

IRRC questions the Board's decision, in § 31.106(f), to deem an application withdrawn if it remains dormant for more than 12 months and asks that the Board explain how it determined that 12 months is a reasonable time for an application to remain active, what factors it considered in determining that an application will become dormant after that time, and the fiscal impact upon applicants who will be required to pay a second application fee. In response, the Board suggests it would be impractical to allow applications to remain active indefinitely, however the Board notes that not all Boards have language in their act or regulations specifically stating how long an application will remain active. Accordingly, it has become the policy of the Bureau of Professional and Occupational Affairs (BPOA) that an application be deemed withdrawn if it is not completed within 12 months. Short of deeming an application withdrawn, most BPOA boards will contact applicants to request that certain key documents like the criminal history record check, or letters of good standing be updated after 6 months because they can become "stale" (i.e., new convictions, change of employment, etc.), but something must be done if the applicant fails to complete the application, or fails to update required information, which is why incomplete applications are deemed withdrawn after 12 months. An application is only deemed withdrawn if the applicant has

not completed the application within 12 months of submitting the application and paying the application fee. Accordingly, the Board amends §§ 31.106(f) and 31.122(e) to clarify that an application submitted to the Board will be active for a period of 12 months from the date the application *fee is paid* by the applicant, and if an application is *not completed within* 12 months, it will be deemed withdrawn. The Board also amends § 31.122 by adding § 31.122(f) to: (1) mirror § 31.106(g); and (2) clarify that both applicants for certificates of registration and applicants for licensure must update the application if any information on the application changes prior to issuance of the certificate or license, as applicable.

Applicants are not penalized for Bureau processing time, meaning applications must be *completed*, not reviewed and approved/denied, within 12 months. Moreover, applications are very rarely deemed withdrawn due to inactivity, with the Bureau-wide estimate being approximately 2 per month, or 24 per year, whereas the Bureau processes tens of thousands of applications per year. BPOA does not track the number of applicants who submit a new application and pay a second application fee after an application is deemed “withdrawn” due to inactivity. However, of the approximately 24 applications deemed withdrawn annually, even if all these individuals submitted a new application, that number would be diminutive compared to the tens of thousands of applications processed by the Bureau annually. Therefore, because the fiscal impact of the Bureau’s 12-month policy is practically \$0, the Board expects that adopting this policy via regulation will have no fiscal impact on its applicants. Moreover, the Board would not be the first to promulgate such a regulation; the regulations of the State Board of Massage Therapy state an applicant will be notified within 8 weeks of the receipt of an incomplete application, and the applicant “shall supply the missing documentation within 6 months from the date the application is executed by the applicant. After that time, if the documentation has not been submitted, the application will be denied and the application fee forfeited. An applicant who wishes to reapply shall submit a new application and application fee.” See 49 Pa. Code § 20.21(f)-(g).

Section 304(a)(1) of ADMAL (3 P.S. § 328.304(a)(1)) allows animal protection organizations to apply to the Board for the sole purpose of being authorized to purchase, possess and administer drugs approved for euthanasia. The Board clarifies, in § 31.107 (relating to authority of certificate holders to purchase, possess and administer controlled substances; limitations on authority), that should a certificate be issued, the certificate holder may not purchase, possess or administer any controlled substance or any other legend drug which is not a drug for euthanasia. IRRC questions language in the Preamble to the proposed rulemaking which explains that this does not prohibit an animal protection organization that employs a staff veterinarian from possessing drugs used for other purposes acquired under the authority of the staff veterinarian’s license and United States Drug Enforcement Administration (DEA) registration and asks that the Board clarify this paragraph to include the allowance for an animal protection organization who employs a veterinarian. The Board responded by adding the following language to § 31.107(b): “This provision does not prohibit a certificate holder with a staff veterinarian to possess drugs used for other purposes acquired under the authority of the staff veterinarian’s license and DEA registration.”

IRRC asks why, in § 31.108 (relating to duties of certificate holders), the Board requires that a certificate holder assess competency of its euthanasia technicians and asks that the Board explain why it is reasonable and necessary for a certificate holder to make this determination.

Furthermore, IRRC asks that the Board consider revising this subsection to eliminate the requirement placed upon a certificate holder. In response, the Board looks to § 31.21 (relating to Rules of Professional Conduct for Veterinarians), and notes that principle (1)(e) requires that veterinarians safeguard the public and the veterinary profession against veterinarians deficient in professional competence, professional conduct or ethical conduct as described in this chapter. Additionally, § 31.38 (relating to code of ethics for certified veterinary technicians) requires that certified veterinary technicians report to the Board any veterinary technician or veterinarian deficient in professional competence, professional conduct or ethical conduct. Accordingly, because the Board already has similar reporting requirements for veterinarians and certified veterinary technicians, and because the certificate holder and its supervisor of animal care services are responsible for animal care services including euthanasia and supervision of euthanasia technicians, the Board submits it is in the best interests of the small domestic animals being euthanized to require that incompetent euthanasia technicians be reported to the Board. However, IRRC's comment allowed the Board to reassess this requirement, and a less burdensome method is available. Accordingly, the Board will no longer require that a certificate holder ensure that a euthanasia technician providing euthanasia at the shelter is clinically competent. Instead, in § 31.108(a)(1), certificate holders will be required to inform the Board if the certificate holder "knows or has reason to believe" that a euthanasia technician providing euthanasia at the shelter does not possess, or no longer possesses, the knowledge and ability to provide humane handling and euthanasia.

IRRC, the HPLC, and the FHSP question the Board's decision, in § 31.108(a)(6), to require that an animal protection organization provide the Board with a hard copy of the controlled substance log for drugs for euthanasia every 60 days, along with a summary report containing the notifications in subsection (b). The HPLC recommends that the Board consider allowing certificate holders to maintain digital records, and the FHSP opined that the requirement was burdensome, and suggests that the Board adopt a retention requirement that mirrors the DEA requirements. The Board responds by removing the requirement that a hard copy be maintained and provided to the Board every 60 days, and instead, in § 31.108(a)(6), will require that the certificate holder "[m]aintain a controlled substance log in the manner and format required by the DEA and, upon request, immediately make the controlled substance log available for inspection by agents of the Board, PDA or DEA." Subsection 1304.06(g) of the Code of Federal Regulations (21 C.F.R. 1304.06(g)) provides that, "[u]nless otherwise specified, records and reports must be retained for two years." In an effort to clarify the Board's record retention provision relating to drugs for euthanasia, the Board amends § 31.108(b)(5) by adding the following statement: "Unless a longer retention period is specified by DEA regulation at 21 CFR part 1304 (relating to records and reports of registrants), records and reports must be retained for 2 years."

IRRC questions the Board's decision, in § 31.108(b)(5), to require that, in the 60-day report, certificate holders report any change in the physical location or significant changes made to the shelter, and, if applicable, demonstration that a new DEA Certificate of Registration has been obtained for the new address. IRRC asks that the Board revise the regulation to add procedures for when certificate holders change physical locations or make significant changes to areas used for euthanasia. The Board responded by amending § 31.108(b) to require that, instead of including the information listed in § 31.108(b) in the no-longer-required 60-day report, certificate holders must provide the Board with written notice of staffing changes, staff discipline,

and changes to the physical location or areas used for euthanasia within 30 days. Additionally, as noted by IRRC, subsection (a)(4) requires that certificate holders obtain separate certificates of registration from the Board and DEA for each address where euthanasia drugs are stored or administered. Obtaining a new/separate certificate of registration will serve as notice of change to the physical location.

IRRC and the FHSP question the Board’s decision, in § 31.109(a)(4) (relating to area used for animal euthanasia; required equipment and supplies), to require that the area used for euthanasia have “adequate ventilation to prevent the accumulation of odors, including at least one exhaust fan.” FHSP asked the Board to justify the added expense of the exhaust fan by explaining what odors the performance of euthanasia produces. In light of the concern expressed with regard to the added expense of installing an exhaust fan, the Board responded by removing the requirement that an exhaust fan be used. Instead, the Board now requires only that the area used for animal euthanasia have “adequate ventilation to prevent the accumulation of odors.”

In § 31.112(j) (relating to maintenance of records and inventories of drugs for euthanasia), the Board requires that, after a certificate holder disposes of drugs for euthanasia in accordance with DEA regulations, the certificate holder must send a copy of the disposal documentation to the Board. IRRC suggests that the Board revise this subsection to include implementation procedures for sending documentation, specifically a timeframe. The Board responded by amending the subsection to read as follows: If a certificate holder surrenders its Board or DEA Certificate of Registration, the certificate holder shall *promptly* dispose of drugs for euthanasia in accordance with DEA regulations at 21 CFR Part 1317 (relating to disposal) and shall *immediately, upon completion of disposal*, send a copy of the disposal documentation to the Board. This provision was modeled after the Pharmacy Board’s regulations at § 27.11(f) (relating to pharmacy permit and pharmacist manager), which state (in part), “A pharmacy which closes or otherwise ceases operation shall immediately return to the Board its current permit and *shall immediately inform the Board of the disposition of the prescription files and nonproprietary drugs.*” (Emphasis added).

IRRC expresses two specific concerns with § 31.114(d) (relating to grounds for refusal, suspension, revocation or imposition of other disciplinary sanction), which will allow the Board to discipline a certificate holder for 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. First, IRRC identifies that § 31.108(a)(7) only requires that certificate holders cooperate with “the Board and its agents,” with no specific requirement that certificate holders cooperate with agents of the PDA. Second, IRRC suggests that such a requirement may only be necessary should the Board enter into a memorandum of understanding (*see* discussion of § 31.106(d), above). The Board notes that the Dog Law (3 P.S. §§ 459-101—459-1206), enforced by the PDA, requires that all licensed kennels be inspected by State dog wardens and PDA employees at least twice per calendar year. See section 218(a) of the Dog Law (3 P.S. § 459-218(a)). Furthermore, section 218 states, “It shall be unlawful for any person to refuse admittance to such State dog wardens and employees of the [PDA] for the purpose of making inspections and enforcing the provisions of this act.” *Id.* Should a kennel refuse entry to “an agent of the Commonwealth acting to enforce [the Dog Law],” section 220 states that “refusal of entry” shall constitute a violation of the Dog Law. See 3 P.S. § 459-220(a). The Dog Law (at 3 P.S. § 459-102) defines “kennel” as “[a]ny

establishment in or through which at least 26 dogs are kept or transferred in a calendar year, or a boarding kennel as defined in this act.” While “kept or transferred” is not specifically defined, the Dog Law defines “humane society or association for the prevention of cruelty to animals” as “[a] nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals, *which has a licensed physical kennel facility* that can house a minimum of ten dogs, and which is not located on a residential property.” (emphasis added). Accordingly, any animal protection organization licensed by the Board to purchase, possess and administer drugs approved for euthanasia would also be a kennel as defined by the Dog Law.

Section 304 of ADMAL (3 P.S. § 328.304) empowers the Board to issue certificates of registration to animal protection organizations, and section 102 of ADMAL (3 P.S. § 328.102) states an “animal protection organization” must be either: 1) a nonprofit society or association incorporated for the purpose of the prevention of cruelty to animals; or 2) a municipality which operates an animal shelter. Surely, every certificate holder will keep or transfer at least 26 dogs in a calendar year. Therefore, the Board expects that every animal protection organization will also be a kennel as defined by the Dog Law. Thus, being that each certificate holder will be subject to the inspection provisions of the Dog Law, this final rulemaking requires that certificate holders cooperate with “the Board and its agents,” with no specific requirement that certificate holders cooperate with agents of the PDA, because the Dog Law already requires that kennels (and therefore certificate holders) cooperate with agents of the PDA. Moreover, the duties of certificate holders listed in § 31.108 is not meant to be an exhaustive list, which is why § 31.103 (relating to applicability of other laws and rules) discusses the applicability of other laws and rules, specifically listing, “The Dog Law (3 P.S. §§ 459-101—459-1206).” Therefore, the requirement that certificate holders admit agents of the Board and PDA is necessary regardless of whether the Board enters into a memorandum of understanding with the PDA.

IRRC identifies that, in § 31.115(c) (relating to disciplinary sanction), the proposed rulemaking states, the Board “*may* summarily revoke the certificate of a certificate holder if the PDA revokes a license associated with the shelter or certificate holder,” whereas section 304(a)(3) of ADMAL states that if the PDA revokes a license associated with the shelter or certificate holder, “the authorization to purchase, possess and administer drugs approved for euthanasia under subsection (c) *shall* be immediately revoked ...” IRRC suggests § 31.115(c) does not meet the statutory obligation requiring the revocation of a certificate, and asks the Board to revise and clarify this subsection to delete discretionary language and align it with the requirements in section 304(a)(3) of ADMAL. In response, the Board amended § 31.115(c), deleting the discretionary language so that it now states, “The Board *will* summarily revoke the certificate of a certificate holder if the PDA revokes a license associated with the shelter or certificate holder.” (Emphasis added).

IRRC questions the Board’s decision, in § 31.122(a)(2) (relating to qualifications for licensure), to allow an applicant for licensure as a euthanasia technician, who has not received a high school diploma or its equivalent, to submit at least three letters of recommendation attesting to the 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. IRRC expresses three concerns: 1) How will the Board evaluate the letters and recommendations to

determine that the applicant has the necessary skills to perform the duties of a euthanasia technician; 2) Why is it reasonable to lower the educational requirements for this license given the skills needed to perform this work; and 3) How does this provision protect the public health, safety and welfare given the use of controlled substances? In response, the Board has determined: 1) It is reasonable to require that an applicant for licensure as a euthanasia technician provide evidence the applicant received a high school diploma or its equivalent; and 2) The provision allowing for letters of recommendation in lieu of a high school education does not sufficiently protect the public health, safety and welfare given the use of controlled substances. Accordingly, the Board amended § 31.122(a)(2) to require that applicants for licensure as a euthanasia technician submit satisfactory evidence the applicant received a high school diploma or its equivalent, and in doing so, removed all language regarding the submission of letters of recommendation in lieu of evidence of having obtained a high school education.

IRRC identifies that, in § 31.123(c)(2) (relating to educational programs and examinations for euthanasia technicians), the proposed rulemaking lists the curriculum that must be included in a euthanasia technician certification course, however § 31.123(c)(2) does not include “knowledge of the Commonwealth’s statutes and regulations relating to euthanasia” as required by section 304(c)(1)(i) of ADMAL. IRRC asks that the Board revise this paragraph to include the statutorily required eligibility criteria. However, while ADMAL clearly requires an applicant for licensure as a euthanasia technician demonstrate “knowledge of the Commonwealth’s statutes and regulations relating to euthanasia,” the Board suggests this requirement need not be included in the euthanasia technician certification course. In fact, should an applicant for licensure complete a euthanasia technician certification course in another jurisdiction, there is very little chance the out-of-state course would have provided the applicant with knowledge of the Commonwealth’s statutes and regulations relating to euthanasia. In response, the Board amended § 31.122(a) to include the following language, in proposed paragraph 5, requiring that an applicant: “Has adequate knowledge of the Commonwealth’s statutes and regulations relating to euthanasia and demonstrates knowledge in a manner and format approved by the Board.” The “manner and format approved by the Board” is a “worksheet” that must be completed by applicants for licensure as euthanasia technicians which will require that applicants demonstrate knowledge of the Commonwealth’s statutes and regulations relating to euthanasia by requiring them to obtain a copy of the Veterinary Medicine Practice Act, the Board’s regulations, and ADMAL, and cite to the appropriate section and paragraph in the Veterinary Medicine Practice Act, the Board’s regulations, and ADMAL, where specific information (as identified on the worksheet) may be located (e.g. approved drugs for euthanasia; duties of euthanasia technicians; etc.). A copy of the Board’s worksheet has been added to “Attachment A” of the Regulatory Analysis Form (RAF).

IRRC suggests that the Board update the RAF to include: 1) The cost of certification courses for euthanasia technicians and supervisors of animal care services in RAF Questions #19 and 23; 2) An estimate of costs for local governments in RAF Questions #20 and 23 or explain why it is not possible to do so; and 3) An estimate of Board costs in implementing the proposed rulemaking in RAF Questions #21 and 23. In response, the Board updated the RAF, to include these cost estimates.

IRRC identifies that the defined term “small domestic animals” and the undefined term “animal” are used interchangeably throughout Subchapter B and asks that the Board review and

revise the regulations to ensure the consistent use of the defined term. In response, and because the terms were used interchangeably for no distinguishable reason, the Board amended every occurrence of the term “animal” to instead read as “small domestic animal,” where applicable.

IRRC also identifies that §§ 127(b)(6) and 128(e) discuss confirmation of death but seem to establish different tests for confirmation of death. In response, and in the interest of uniformity, the Board has deleted language from § 128(e), and copied language from § 127(b)(6), so that both sections now provide that death shall be verified/confirmed “by examination and establishment of the absence of heartbeat and respiration and lack of corneal and pupillary reflexes before disposal of the body.”

The Board identified that §§ 31.113 and 31.126 should be amended to reflect current BPOA policy with regard to initial certificates and licenses issued less than 90 days prior to the expiration date set by regulation. Generally, within the context of each licensing board, all certificates and licenses expire on the same date, as set by regulation. However, if an initial certificate or license is issued less than 90 days prior to the expiration date set by regulation, the Pennsylvania Licensing System (PALS) automatically “pushes” the certificate or license into the next renewal cycle, thereby issuing a certificate or license that is valid for slightly longer than 2 years. The proposed rulemaking was designed to “push” certificates and licenses issued near the expiration date set by regulation into the next renewal cycle, but the proposed rulemaking was designed to do so for all certificates and licenses issued within 6 months of the expiration date set by regulation, whereas BPOA policy is 90 days (3 months). The Board finds that 90 days is a more acceptable standard. Accordingly, the Board amended §§ 31.113 and 31.126 to require that certificates licenses issued at any time after September 1 of an even-numbered year will not be subject to renewal until the next even-numbered year, with September 1 being 90 days prior to the expiration date set by regulation (certificates of registration and euthanasia technician licenses shall be renewed biennially before December 1 of each even-numbered year (*see* §§ 31.113 and 31.126). In this way, an animal protection organization or euthanasia technician would not be required to almost immediately renew their certificate of registration or license within 90 days of initial issuance. Moreover, the Board transposed a clarifying statement regarding certificates and licenses issued after September 1 of even-numbered years. Accordingly, §§ 31.113 and 31.126 now provide that “[a] renewed license is valid for a period of 2 years. An initial [certificate or license] issued at any time after September 1 of an even-numbered year will not be subject to renewal until the next even-numbered year.”

Finally, in the interest of uniformity, the Board amended numerous occurrences of the phrase “euthanasia drugs,” to instead use the defined term “drugs for euthanasia.”

Fiscal Impact

The proposed regulation should not have any 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 the proposal, as well as the fees associated with certification courses for euthanasia technicians and supervisors of animal care services. 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 the proposed rulemaking is set forth in the RAF required by the Independent Regulatory Review Commission, which is available on request.

Paperwork Requirements

The proposed rulemaking does not create additional paperwork for the Board, the Board's existing licensees or the general public. Applicants for registration as an animal protection organization and for licensure as a euthanasia technician will be required to file an online application and submit supporting documentation as required. 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 the regulation 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 the final-form rulemaking.

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 the notice of proposed rulemaking, published at 52 Pa.B. 1980 (April 02, 2022) and a copy of a Regulatory Analysis form to IRRC and to HPLC and the SCP/PLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on April 29, 2024, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on _____, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2024, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Michelle Roberts, Board Administrator, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-Veterinary@pa.gov.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.
- (3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 1980.
- (4) This final-form rulemaking is necessary and appropriate for the administration of the Animal Destruction Method Authorization Law (ADMAL).

Order

The Board, therefore, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 31 are amended by adding subchapter B (relating to animal protection organizations and euthanasia technicians) at §§ 31.101—31.115 and 31.121—31.130.
- (b) The Board shall submit the final-form regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit the final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Board shall certify the final-form regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form regulation shall take effect upon publication in the *Pennsylvania Bulletin*.

Thomas N. Garg, VMD
Board Chairman

16A-5726 Commenter List

<i>Name</i>	<i>Email</i>	<i>Address</i>
Anonymous	menintc1@gmail.com	N/A
Amy Kaunas Federated Humane Societies of PA	AmyK@humanesocietyhbg.org admin@pafederatedhumane.org	N/A

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

* * * * *

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~~ **A SMALL DOMESTIC** 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~~ **A SMALL DOMESTIC** 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 **SMALL DOMESTIC** animals ~~covered by ADMAL~~, the handling of **SMALL DOMESTIC** animals, or the disposal of **SMALL DOMESTIC** 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 the 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

Euthanasia technicians:

Application for initial license.....\$87

Application for approval of employment change.....\$81

<u>Verification of licensure.....</u>	<u>\$15</u>
<u>Biennial renewal.....</u>	<u>\$25</u>
<u>Late renewal fee - per month or part of month.....</u>	<u>\$5</u>

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 **FOR EUTHANASIA** to **SMALL DOMESTIC** 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 FEE IS PAID by the applicant. If an application is dormant for a period of more than NOT COMPLETED WITHIN 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 **SMALL DOMESTIC** animals for the purpose of administration to **SMALL DOMESTIC** 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. **THIS PROVISION DOES NOT PROHIBIT A CERTIFICATE HOLDER WITH A STAFF VETERINARIAN TO POSSESS DRUGS USED FOR OTHER PURPOSES ACQUIRED UNDER THE AUTHORITY OF THE STAFF VETERINARIAN'S LICENSE AND DEA REGISTRATION.**
- (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.~~ **INFORM THE BOARD IF THE CERTIFICATE HOLDER KNOWS OR HAS REASON TO BELIEVE THAT A EUTHANASIA TECHNICIAN PROVIDING EUTHANASIA AT THE SHELTER DOES NOT POSSESS, OR NO LONGER POSSESSES, 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.

(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 SMALL DOMESTIC 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.~~ MAINTAIN A CONTROLLED SUBSTANCE LOG IN THE MANNER

AND FORMAT REQUIRED BY THE DEA AND SHALL IMMEDIATELY MAKE THE CONTROLLED SUBSTANCE LOG AVAILABLE FOR INSPECTION BY AGENTS OF THE BOARD, PDA OR DEA, UPON REQUEST. UNLESS A LONGER RETENTION PERIOD IS SPECIFIED BY DEA REGULATION AT 21

CFR PART 1304 (RELATING TO RECORDS AND REPORTS OF REGISTRANTS), RECORDS AND REPORTS MUST BE RETAINED FOR 2 YEARS.

(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: A CERTIFICATE HOLDER SHALL PROVIDE WRITTEN NOTICE OF ANY OF THE FOLLOWING TO THE BOARD WITHIN 30 DAYS:

(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 **SMALL DOMESTIC** 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~~ **A SMALL DOMESTIC** 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 **SMALL DOMESTIC** animal euthanasia:

(1) A table or work area where ~~an~~ **A SMALL DOMESTIC** animal can be handled and restrained while being euthanized. The surface must be easily disinfected and

appropriate for the species and size of **SMALL DOMESTIC** animals euthanized by the animal protection organization.

(2) A cabinet, table or workbench where the controlled dangerous substances, needles, catheters, syringes, clippers 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** animals normally handled by the certificate holder, in a quantity appropriate considering the number of **SMALL DOMESTIC** 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 **SMALL DOMESTIC** animals normally handled by the certificate holder, in a quantity appropriate considering the number of **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 website. 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 website.
- (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 **SMALL DOMESTIC** animal to which the contents of the container were administered, the route of administration and the volume or amount of drugs for euthanasia administered.
 - ~~(E)~~ 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 **PROMPTLY** dispose of drugs for euthanasia in accordance with DEA regulations at 21 CFR Part 1317 (relating to disposal) and shall **IMMEDIATELY, UPON COMPLETION OF DISPOSAL**, 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. AN INITIAL CERTIFICATION OF REGISTRATION ISSUED AT ANY TIME AFTER SEPTEMBER 1 OF AN EVEN-NUMBERED YEAR WILL NOT BE SUBJECT TO RENEWAL UNTIL THE NEXT EVEN-NUMBERED YEAR.

§ 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~~ WILL 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; DUTY TO UPDATE LICENSURE INFORMATION.

- (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 FOR EUTHANASIA 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.

(5) HAS ADEQUATE KNOWLEDGE OF THE COMMONWEALTH'S STATUTES AND REGULATIONS RELATING TO EUTHANASIA AND

**DEMONSTRATES KNOWLEDGE IN A MANNER AND FORMAT APPROVED
BY THE BOARD.**

(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 FEE IS PAID by the applicant. If an application is dormant for a period of more than NOT COMPLETED WITHIN 12 months, it will be deemed withdrawn and a new application and application fee will be required should the applicant later seek licensure.

(F) AN APPLICANT SHALL UPDATE THE APPLICATION IF ANY INFORMATION ON THE APPLICATION CHANGES PRIOR TO ISSUANCE OF THE LICENSE.

§ 31.123. Educational programs and examinations for euthanasia technicians.

(a) In accordance with section 304(c)(1)(ii)(A) of the 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 small domestic animals for euthanasia.

- (ii) Appropriate criteria and techniques to verify the death of ~~an~~ A SMALL DOMESTIC 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 3 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. AN INITIAL EUTHANASIA TECHNICIAN LICENSE ISSUED AT ANY TIME AFTER SEPTEMBER 1 OF AN EVEN-NUMBERED YEAR WILL NOT BE SUBJECT TO RENEWAL UNTIL THE NEXT EVEN-NUMBERED YEAR.~~

§ 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** animal to support the use of peritoneal injection.
 - (6) Verify death of ~~an~~ **A SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** 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 **SMALL DOMESTIC** animal and nature of that **SMALL DOMESTIC** animal and its species, with the goal of minimizing pain, fright and anxiety in the **SMALL DOMESTIC** animal being euthanized and any other animals in the area, using the best available ethical and veterinary medical knowledge and technology.
- (d) The **SMALL DOMESTIC** 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~~ **EXAMINATION AND ESTABLISHMENT OF THE ABSENCE OF HEARTBEAT AND RESPIRATION AND LACK OF CORNEAL AND PUPILLARY REFLEXES BEFORE DISPOSAL OF THE BODY.**
- (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~~ A SMALL DOMESTIC animal shall be restrained, as defined in § 31.102 (relating to definitions), after injection of drugs for euthanasia until the SMALL DOMESTIC animal is unconscious, except as provided in paragraph (2).
- (2) If ~~an~~ A SMALL DOMESTIC animal should not be held or restrained because holding or other physical restraint would either increase the anxiety or fear of the SMALL DOMESTIC animal or would place the person holding or restraining the SMALL DOMESTIC animal in physical danger, it shall be placed alone in an enclosure which is appropriate for the species and size of the SMALL DOMESTIC animal and permits adequate visual observation of the SMALL DOMESTIC animal, except that dogs or cats under 16 weeks of age or other SMALL DOMESTIC animals which have not been weaned may be placed together in an enclosure with their littermates or dam, or both.
- (3) Unless the SMALL DOMESTIC animal to be euthanized is heavily tranquilized, anesthetized, or comatose, an individual administering drugs for euthanasia shall have the assistance 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 SMALL DOMESTIC animal or danger to the staff, unless specific documented circumstances make the administration of chemical restraint more likely to cause more distress to the SMALL DOMESTIC 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 and older and any other SMALL DOMESTIC animal, unless the physical condition, size or behavior of the SMALL DOMESTIC 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 **SMALL DOMESTIC** animal.

(6) A drug for euthanasia may be administered by intraperitoneal injection to ~~an~~ **A SMALL DOMESTIC** animal only when the physical condition, size or behavior of the **SMALL DOMESTIC** 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 **SMALL DOMESTIC** animal or the small size of the **SMALL DOMESTIC** animal would make location and injection into a vein extremely difficult or impossible.

(i) After an intraperitoneal injection of a drug for euthanasia, the **SMALL DOMESTIC** animal shall be placed alone in an enclosure which is appropriate for the species and size of the **SMALL DOMESTIC** animal and permits adequate visual observation of the **SMALL DOMESTIC** animal and where the **SMALL DOMESTIC** animal can be kept calm and free of anxiety. An exception may be made in the case of young littermates.

(ii) ~~An~~ **A SMALL DOMESTIC** animal which has received a **euthanasia** drug **FOR EUTHANASIA** 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 **SMALL DOMESTIC** 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 SMALL DOMESTIC 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 SMALL DOMESTIC animals subject to ADMAL. Violations may be prosecuted before the Board, and may be referred for criminal prosecution.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134

April 29, 2024

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Veterinary Medicine
16A-5726: Euthanasia

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Veterinary Medicine pertaining to 16A-5726 Euthanasia.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Tom Garg, VMD".

Thomas Garg, VMD, Chairperson
State Board of Veterinary Medicine

TNG/elb
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Andrew LaFratte, Deputy Policy Director, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Thomas Davis, Regulatory Counsel, Department of State
Todd P. Kriner, Counsel, State Board of Veterinary Medicine State
Board of Veterinary Medicine

RECEIVED

From: [Nicole Sidle](#)
To: [Bennetch, Erica](#)
Cc: [Francesca Summa](#)
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA
Date: Monday, April 29, 2024 11:09:27 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

April 29, 2024

Good Morning—

This has been received. Thanks!

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Monday, April 29, 2024 7:59 AM
To: Nicole Sidle <Nsidle@pahousegop.com>
Cc: Francesca Summa <Fsumma@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA

Please provide a written (email) confirmation of receipt of delivery of the attached final rulemaking.

Please be advised that the State Board of Veterinary Medicine is delivering the below final rulemaking.

Thank you for your attention to this matter.

- 16A-5726 Euthanasia
 - 16A-5726 – State Board of Veterinary Medicine – Euthanasia: This final-form implements amendments to the Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101-328.1101). The ADMAL, as amended, requires the Board to promulgate by regulation the requirements for licensure and regulation of: 1) animal protection organizations to purchase and possess drugs for euthanasia; and 2) euthanasia technicians to administer drugs for euthanasia.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@pa.gov | www.dos.pa.gov
(preferred pronouns: she, her, hers)

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RECEIVED

From: [Kelly, Joseph](#)
To: [Bennetch, Erica](#); [Dimm, Ian](#)
Cc: [Vazquez, Enid](#)
Subject: Re: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA
Date: Monday, April 29, 2024 8:14:08 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission
April 29, 2024

Received

Joe Kelly

Joseph M. Kelly
Chief of Staff
Senator Lisa M. Boscola
(610) 868-8667 - Bethlehem Office
(717) 787-4236 - Harrisburg Office
Cell - 484-554-1038

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Monday, April 29, 2024 7:59:01 AM
To: Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>
Cc: Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA

EXTERNAL EMAIL

Please provide a written (email) confirmation of receipt of delivery of the attached final rulemaking.

Please be advised that the State Board of Veterinary Medicine is delivering the below final rulemaking.

Thank you for your attention to this matter.

- 16A-5726 Euthanasia
 - 16A-5726 – State Board of Veterinary Medicine – Euthanasia: This final-form implements amendments to the Animal Destruction Method Authorization Law (ADMAL) (3 P.S. §§ 328.101-328.1101). The ADMAL, as amended, requires the Board to promulgate by regulation the requirements for licensure and regulation of: 1) animal protection organizations to purchase and possess drugs for euthanasia; and 2) euthanasia technicians to administer drugs for euthanasia.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@pa.gov | www.dos.pa.gov

RECEIVED

From: [Orchard, Kari L.](#)
To: [Bennetch, Erica](#); [Brett, Joseph D.](#); [Barton, Jamie](#)
Subject: RE: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA
Date: Monday, April 29, 2024 11:55:52 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

April 29, 2024

Received.

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Monday, April 29, 2024 11:54 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA

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RECEIVED

From: [Smeltz, Jennifer](#)
To: [Bennetch, Erica](#)
Subject: RE: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA
Date: Monday, April 29, 2024 8:26:22 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

April 29, 2024

Received.

Jen Smeltz
Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Monday, April 29, 2024 7:59 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE: REGULATION 16A-5726 EUTHANASIA

Ⓞ CAUTION : External Email Ⓞ

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