

**Title 15**  
**DEPARTMENT OF AGRICULTURE**  
**Subtitle 14 BOARD OF VETERINARY MEDICAL**  
**EXAMINERS**  
**Chapter 04 Animal Control Facility Licenses**

Authority: Agriculture Article, §§2-304, 2-305, and 2-310.1, Annotated Code of Maryland

**.01 Purpose.**

The purpose of this chapter is to establish the:

A. Terms and conditions under which an:

(1) Animal control facility license may be issued by the Board to an owner of an animal control facility;

(2) Individual qualifies as an authorized employee of an animal control facility;

(3) Authorized employee of an animal control facility is allowed to administer controlled dangerous substances required to humanely sedate, euthanize, or sedate and euthanize injured, sick, homeless, or unwanted domestic pets, and other animals; and

(4) Individual qualifies and is designated as the responsible individual who may purchase and maintain controlled dangerous substances for use at an animal control facility; and

B. Training requirements an individual shall meet to qualify as:

(1) The individual designated as the responsible individual who is allowed to purchase and maintain the controlled dangerous substances for use by authorized employees of the animal control facility; and

(2) An authorized employee who may administer drugs to animals during the course of the individual's employment with an animal control facility.

**.02 Scope.**

This chapter applies to all humane societies and county or municipal designated animal shelters in the State that use controlled dangerous substances.

**.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Animal control facility" means a humane society or a county or municipal designated animal shelter.

(2) "Authorized employee" means an individual who takes direction from a responsible individual and has obtained Board-approved training in the use and handling of controlled dangerous substances as set forth in this chapter.

(3) "Board" means the State Board of Veterinary Medical Examiners.

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(4) Controlled Dangerous Substance (CDS).

(a) "Controlled dangerous substance (CDS)" means a substance listed in schedules II—V, as defined in Criminal Law Article, §5-101(f), Annotated Code of Maryland.

(b) "Controlled dangerous substance (CDS)" includes substances used by an animal control facility for sedation, euthanasia, or both.

(5) "DEA" means the United States Drug Enforcement Administration.

(6) "Drug" means a controlled dangerous substance (CDS).

(7) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals, as defined in Criminal Law Article, §10-601, Annotated Code of Maryland.

(8) "Licensing year" means the annual period running from July 1 until June 30.

(9) "MDH" means the Maryland Department of Health.

(10) "Owner" means a person who rents, leases, or otherwise has control of the premises where the animal control facility is located.

(11) "PAWS" means the Professional Animal Workers of Maryland, which is the State association of animal control agencies and humane organizations.

(12) "Responsible individual" means the individual who:

(a) Meets the requirements of Regulation .06 of this chapter; and

(b) Is responsible for obtaining and maintaining the drugs that an animal control facility uses for sedating, euthanizing, or sedating and euthanizing injured, sick, homeless, or unwanted domestic pets, and other animals.

(13) "Valid animal control facility license" means a license to operate an animal control facility issued for the current licensing year which has neither been revoked nor, unless stayed, is under suspension.

**.04 Requirements.**

A. A person applying for a license shall obtain, complete, and submit licensing applications and fees as set forth in this chapter.

B. A licensee shall comply with:

(1) The inspection requirements by the Board or the Board's designee set forth in this chapter;

(2) The applicable training requirements as required in this chapter; and

(3) Criminal Law Article, Title 5, Subtitle 3, Annotated Code of Maryland, and regulations promulgated under it.

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**.05 Licensing.**

A. Requirement.

(1) A person may not operate an animal control facility to administer controlled dangerous substances without an animal control facility license issued by the Board.

(2) A person shall obtain a license for each separate location of an animal control facility.

B. Duration and Licensing Period.

(1) The licensing year for an animal control facility is July 1 through June 30.

(2) The Board may not issue an initial animal control facility license that extends beyond June 30 of the current licensing year.

(3) A license is valid for not more than 1 year from the date of issuance.

(4) A licensee who wishes to maintain continuous licensure shall act to renew an animal control facility license before the expiration of the license for each licensing year.

C. Application.

(1) The owner of an animal control facility shall provide a fully completed application to the Board when:

- (a) Applying to obtain an initial animal control facility license; and
- (b) Renewing an animal control facility license.

(2) To apply for an initial animal control facility license or renew an animal control facility license, an animal control facility owner shall submit:

- (a) A completed, Board-provided application;
- (b) Other documents or information required by the Board; and
- (c) An annual license fee of \$100.

(3) Refunds. Licensing fees are nonrefundable.

D. Application Information. The owner of an animal control facility shall provide a fully completed application containing the following information:

(1) If applying as an individual, the full name, home address, and telephone number of the:

- (a) Owner;
- (b) Responsible individual; and
- (c) Each employee authorized to administer drugs;

(2) If applying as an institution, the:

- (a) Business or trade name, business address, and telephone number; and
- (b) Information required in §D(1)(b) and (c) of this regulation;

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(3) The name, address, and telephone number of the animal control facility.

E. An owner shall apply for and obtain a separate animal control facility license for each location that the owner operates an animal control facility.

F. The Board shall issue the animal control facility license in the owner's name and the responsible individual's name for the particular building or portion of a building identified in the owner's application.

G. Change in Ownership; Location; Non-Transferability.

(1) An animal control facility license issued pursuant to this chapter is not transferable to another owner.

(2) A new application shall be submitted to the Board if the animal control facility changes:

- (a) Ownership;
- (b) Location; or
- (c) Responsible individual.

H. Notification to the Board.

(1) The owner shall notify the Board in writing of any change to the information provided in the animal control facility license application within 30 days.

(2) If the change involves the responsible individual, the owner shall comply with the notification requirements in Regulation .13B of this chapter.

I. Inspection. An animal control facility issued an animal control facility license under this chapter may be periodically inspected by the:

- (1) Board or the Board's designee; and
- (2) MDH Division of Drug Control.

**.06 Responsible Individual.**

A. Requirement. An animal control facility shall designate an individual as the responsible individual.

B. Eligibility and Qualifications.

(1) A responsible individual is an individual who:

- (a) Is 21 years old or older;
- (b) Is formally designated by the owner or the board of directors as the responsible individual to obtain controlled dangerous substances for the animal shelter; and

(c) Within 10 years of the date the individual was designated as the responsible individual, has not been convicted of a felony offense or a crime or infraction involving:

- (i) Animal abuse or neglect; or

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(ii) Controlled dangerous substances.

(2) The owner may be designated as the responsible individual for the animal control facility if the owner meets the requirements set forth in §B(1) of this regulation.

C. Duties and Responsibilities. The responsible individual shall:

(1) Be involved and present during the routine operations of the animal control facility;

(2) Successfully complete an approved euthanasia training course as set forth in Regulation .09 of this chapter;

(3) Establish and maintain a written manual of instructions for employees to follow when performing animal control procedures, including:

(a) Euthanasia;

(b) Sedation; and

(c) Any other form of chemical animal control;

(4) Ensure that employees who administer drugs to animals have obtained required training suitable to the setting in which they are required to perform work for the animal control facility;

(5) Designate the employees who are authorized to administer controlled dangerous substances and noncontrolled substances in the course of the activities of the animal control facility;

(6) Maintain and make available for inspection a current list of authorized employees;

(7) Ensure that the authorized employees only perform tasks and duties at the direction of the responsible individual or owner of the animal control facility; and

(8) Purchase and maintain the required controlled dangerous substances for use at the animal control facility.

D. The responsible individual shall maintain all controlled substances under that individual's authority in a properly secured and locked storage container when the responsible individual or an authorized employee is not in the same room with the drug.

E. Only the responsible individual may purchase controlled dangerous substances for the animal control facility.

**.07 Authorized Employee — Duties and Responsibilities.**

An authorized employee shall:

A. Meet the training requirements set forth in this chapter;

B. Follow the animal control procedures established and maintained by the owner or responsible individual;

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C. Use controlled dangerous substances only as directed by the responsible individual;

D. Document the use of controlled dangerous substances as set forth in this chapter; and

E. Immediately report any discrepancies in the controlled dangerous substances record keeping to the responsible individual.

**.08 Controlled Dangerous Substances — Registration Requirement.**

Before a responsible individual may purchase controlled dangerous substances as an agent of the animal control facility, the animal control facility shall obtain and maintain CDS registration certificates from both the:

- A. MDH Division of Drug Control; and
- B. Federal DEA.

**.09 Training Requirements.**

A. An approved euthanasia training course shall include, but not be limited to, the following topics:

- (1) Anatomy;
- (2) Humane methods of euthanasia;
- (3) Euthanizing wild or feral animals;
- (4) Administering sedatives; and
- (5) Verification of death.

B. The following organizations offer a Board-approved euthanasia course:

- (1) The American Humane Association;
- (2) National Animal Control Association; and
- (3) The Professional Animal Workers of Maryland (PAWS).

C. In addition to successfully completing a euthanasia training course as set forth in §A of this regulation, training for an authorized employee who utilizes remote chemical capture equipment in a setting outside of an animal control facility shall include the following topics:

- (1) Field chemical capture and immobilization;
- (2) Proper use of field equipment, such as:
  - (a) Dart guns; and
  - (b) Restraint poles; and
- (3) Personnel safety.

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D. The following organizations offer a Board-approved chemical capture course:

- (1) National Animal Control Association; and
- (2) Safe Capture International.

E. Local, State, Regional, or National Courses.

(1) Local, State, regional, or national 2-day courses may be approved by the Board after the Board reviews the:

- (a) Course content; and
- (b) Instructor's knowledge of the topics covered.

(2) The following information shall be submitted to the Board for its review:

- (a) Course curriculum;
- (b) Instructor's biography; and

(c) Other information the Board determines necessary for course approval.

(3) Approval or denial for a 2-day course will be provided by the Board within 90 days after receipt of the information set forth in §E(2) of this regulation.

F. The Board may withdraw at any time its approval of a previously approved training course.

G. An owner shall submit proof of successful completion of training, as described in §§A—E of this regulation, for the responsible individual and each authorized employee:

- (1) With each application for an animal control facility license; and
- (2) Within 90 days of an employee's starting date if the employee was not employed at the time of application for an animal control facility license.

**.10 Quality Standards.**

A. An owner licensed under this chapter shall ensure that:

- (1) A drug is not used beyond its stated expiration date;
- (2) Outdated drugs are labeled as such and are kept in a separate place within a securely locked safe until they can be disposed of properly;
- (3) Drug container labels are not:
  - (a) Changed;
  - (b) Removed; or
  - (c) Altered;
- (4) Needles and syringes used by the animal control facility are:
  - (a) Of medical quality;

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- (b) Appropriately sized for the animal control procedure;
  - (c) Used for not more than three euthanasia administrations;
  - (d) Checked for burrs or other damage before each use;
  - (e) Disposed of in a manner that makes reuse impossible; and
  - (f) Securely stored when not in use;
- (5) Drugs are not distributed to another animal control facility;
- (6) Drug administration equipment is:
- (a) Kept in good working order; and
  - (b) Maintained as recommended by the manufacturer;
- (7) A dosage chart is available for each euthanasia solution or chemical restraint drug maintained at the animal control facility;
- (8) Written response protocols are available for accidental exposure of humans to euthanasia solutions or chemical restraint drugs maintained at the registered animal shelter;
- (9) Bulk inventories of controlled substances are stored in a safe in a room other than the euthanasia room;
- (10) Unless an animal is sedated, a minimum of two individuals are present when performing an intravenous drug injection, including:
- (a) An authorized employee; and
  - (b) One or more other individuals to assist the authorized employee as a handler; and
- (11) An authorized employee documents animal control activities that involve controlled dangerous substances as set forth in this chapter.
- B. Outdated drugs may be disposed of in one of the following ways:
- (1) Administered to an animal after euthanasia;
  - (2) Returned to the supplier for credit or replacement; or
  - (3) Sent to a DEA-registered reverse distributor for destruction.

**.11 Animal Control Record Keeping.**

An owner licensed under this chapter shall ensure that:

- A. Proper records of all animal control activities that involve the use of drugs are created and maintained;
- B. A record of drugs used for animal control purposes received and used by an animal control facility are kept in a consecutively numbered bound book and meet the requirements of COMAR 10.19.03, including, but are not limited to:
- (1) Inventory of all drug receipts;
  - (2) Drug administrations; and



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(3) Any distributions of drugs;

C. The animal control and euthanasia records are maintained on the business premises for a period of at least 2 years;

D. The animal control facility records are filed and documented in chronological order to include, but not be limited to, the following information for each animal:

(1) Identification of the animal, including:

(a) Species; and

(b) Weight;

(2) Drugs administered;

(3) Amount of the drug that was used for the procedure;

(4) Initials of the person who administered the drug; and

(5) Date of euthanasia or control procedure; and

E. All records are kept for a period of 2 years from the purchase date of the drug.

**.12 Training Substantiation.**

A. An owner shall keep an accurate record of an employee's approved training courses.

B. The Board may request verification from an authorized employee or responsible individual concerning the employee's attendance at a Board-approved training course.

**.13 Penalties.**

A. After giving an owner notice and an opportunity to be heard, the Board may impose a civil penalty instead of, or in addition to, suspending or revoking an animal control facility license if:

(1) The owner or responsible individual fails to comply with the Board's requirements set forth in this chapter; or

(2) The owner fails to either:

(a) Pay the annual fee required under Regulation .06 of this chapter; or

(b) Allow the Board to inspect the animal control facility during normal business hours.

B. Any license issued under this chapter is invalid for an owner whose designated responsible individual either ceases to qualify for that designation or leaves its employment, unless the owner has:

(1) Given the Board at least 2 weeks written notice of the proposed change of status of the designated responsible individual; and

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- (2) Submitted the name of a person who:
- (a) Meets the requirements of this chapter for designation as the responsible individual; and
  - (b) Has been approved by the Board or its representative.

**Administrative History**

Effective date: April 30, 1975 (2:9 Md. R. 678)

Chapter revised effective August 3, 1992 (19:15 Md. R. 1393)

Regulation .10 amended effective March 29, 1993 (20:6 Md. R. 584)

Regulation 10 amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 908);  
amended permanently effective September 13, 2004 (31:18 Md. R. 1351)

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Chapter, Issuance of Permits for the Use of Sodium Pentobarbital, repealed and new Chapter, Animal Control Facility Licenses, adopted as an emergency provision effective October 31, 2008 (35:24 Md. R. 2070); adopted permanently effective March 9, 2009 (36:5 Md. R. 424)