

Chapter 246-886 WAC

ANIMAL CONTROL—LEGEND DRUGS AND CONTROLLED SUBSTANCES

WAC

246-886-001 Purpose.
246-886-010 Definitions.

HUMANE SOCIETY AND ANIMAL CONTROL AGENCY

246-886-020 Registration.
246-886-030 Approved legend drugs.
246-886-035 Sodium pentobarbital—Approved controlled substance.
246-886-040 Training of personnel.
246-886-050 Legend drug administration.
246-886-060 Responsible individuals.
246-886-080 Recordkeeping and reports.
246-886-090 Drug storage and field use.
246-886-100 Violations.

CHEMICAL CAPTURE PROGRAM

246-886-150 Chemical capture programs.
246-886-160 Registration requirements.
246-886-170 Authorized individuals.
246-886-180 Approved legend drugs.
246-886-190 Controlled substances training.
246-886-200 Storage requirements.
246-886-210 Controlled substances records and reports.
246-886-220 Approved controlled substances.
246-886-230 Controlled substances registration disciplinary actions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-886-070 Notification. [Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-070, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-080, filed 2/4/91, effective 3/7/91.] Repealed by WSR 12-21-118, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005.

WAC 246-886-001 Purpose. The rules in this chapter establish the use of legend drugs and controlled substances for euthanasia by animal control agencies and humane societies, and chemical capture programs.

[Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-001, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-001, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-010, filed 2/4/91, effective 3/7/91.]

WAC 246-886-010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Animal control agency" means any agency authorized by law to euthanize or destroy animals; to sedate animals prior to euthanasia or to engage in chemical capture of animals.

(2) "Approved legend drugs" means any legend drug approved by the commission for use by registered humane societies or animal control agencies for the sole purpose of sedating animals prior to euthanasia, when necessary, and for use in chemical capture programs.

(3) "Chemical capture programs" means wildlife management programs registered under RCW 69.50.320 and 69.41.080 to use approved legend drugs and controlled substance for chemical capture. Chemical capture includes immobilization of individual animals in order for the animals to be moved, treated, examined, or for other legitimate purposes.

(4) "Commission" means the Washington state pharmacy quality assurance commission.

(5) "Controlled substances" means a drug, substance, or immediate precursor in Schedule I through V of Article II of chapter 69.50 RCW and Schedule I through V of chapter 246-887 WAC.

(6) "Humane society" means a nonprofit organization, association, or corporation, the primary purpose of which is to prevent cruelty to animals, place unwanted animals in homes, provide other services relating to "lost and found" pets, and provide animal care education to the public, as well as sponsoring a neutering program to control the animal population.

(7) "Legend drugs" means any drugs which are required by state law or regulation of the state pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(8) "Registered entity" means any humane society or animal control agency registered under RCW 69.50.310.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-010, filed 5/22/15, effective 6/22/15. Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-010, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-010, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-020, filed 2/4/91, effective 3/7/91.]

HUMANE SOCIETY AND ANIMAL CONTROL AGENCY

WAC 246-886-020 Registration. (1) Humane societies and animal control agencies registered with the commission under RCW 69.50.310 may purchase, possess, and administer sodium pentobarbital and approved legend drugs as provided in RCW 69.41.080.

(2) To apply for registration a humane society or animal control agency shall submit to the commission a completed application for registration on forms provided by the commission.

(3) A registered humane society or animal control agency shall:

(a) Employ at least one individual who has completed a training program described in WAC 246-886-040;

(b) Designate a responsible person as defined in WAC 246-886-060;

(c) Maintain written policies and procedures available for inspection by the commission that includes processes to:

(i) Require completion of approved training as defined in WAC 246-886-040 by each of the agency's agents or personnel who possess, and administer approved legend drugs or sodium pentobarbital, prior to being approved to administer such drugs;

(ii) Establish a system for the secure storage of all drugs to prevent access by unauthorized personnel to guard against theft and diversion;

(iii) Establish a system for accountability of access, use, and stocking of drug inventory;

(iv) Ensure the proper disposal of all drugs in compliance with state and federal laws and rules; and

(v) Establish a method to investigate and report the theft, loss, or diversion of approved legend drugs and sodium pentobarbital, in compliance with state and federal laws and rules.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-020, filed 5/22/15, effective 6/22/15. Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-020, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 69.41.080. WSR 92-12-035 (Order 277B), § 246-886-020, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-020, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-030, filed 2/4/91, effective 3/7/91.]

WAC 246-886-030 Approved legend drugs. The following legend drugs are designated as "approved legend drugs" for use by registered humane societies or animal control agencies for pre-euthanasia sedation:

- (1) Acetylpromazine.
- (2) Dexmedetomidine.
- (3) Medetomidine.
- (4) Xylazine.

[Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-030, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005. WSR 94-02-060, § 246-886-030, filed 1/3/94, effective 2/3/94. Statutory Authority: RCW 69.41.080. WSR 92-12-035 (Order 277B), § 246-886-030, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-030, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-040, filed 2/4/91, effective 3/7/91.]

WAC 246-886-035 Sodium pentobarbital—Approved controlled substance. (1) Registered humane societies and animal control agencies may only use sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets, and domestic or wild animals.

(2) Registered humane societies and animal control agencies shall only possess sodium pentobarbital labeled "For veterinary use only."

[Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-035, filed 10/23/12, effective 11/23/12.]

WAC 246-886-040 Training of personnel. (1) Personnel of a registered humane society or animal control agency may administer approved legend drugs and sodium pentobarbital if the individual:

(a) Has been approved by the registered entity to administer these drugs; and

[Ch. 246-886 WAC p. 2]

(b) Has completed a commission approved training program or training that is substantially equivalent.

(2) Application for approval of a training program must be submitted to the commission prior to the initiation of training.

(3) A training program must:

(a) Use a manual approved by the commission;

(b) Be at least four hours in length;

(c) Be taught by a licensed veterinarian or by a person who has completed an approved training program taught by a licensed veterinarian;

(d) Require both didactic and practical training in the use of both approved legend drugs and sodium pentobarbital;

(e) Require a passing score of no less than seventy-five percent on a final examination; and

(f) Include, but not be limited to, the following topics:

(i) Anatomy and physiology:

(A) Methods of euthanasia;

(B) Routes of drug administration;

(C) Use of sedatives;

(D) Drug dosing;

(E) Use of restraints; and

(F) Process and verification of death;

(ii) Pharmacology of the drugs;

(iii) Indications, contraindications, and adverse effects;

(iv) Human hazards;

(v) Disposal of medical waste (needles, syringes, etc.);

(vi) Recordkeeping and security requirements; and

(vii) Applicable federal and state laws and rules.

(4) Training programs shall retain a list of persons who have successfully completed the program for a minimum of two years.

(5) The commission shall maintain a registry of approved training programs and manuals. Interested persons may request a copy of the registry by contacting the commission.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-040, filed 5/22/15, effective 6/22/15. Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-040, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-040, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-050, filed 2/4/91, effective 3/7/91.]

WAC 246-886-050 Legend drug administration. Humane societies and animal control agencies and the staff of those agencies may not purchase, possess, or administer controlled substances or legend drugs except sodium pentobarbital and approved legend drugs as provided herein. Provided, staff may administer legend drugs and controlled substances which have been prescribed by a licensed veterinarian for a specific animal and which drugs have been dispensed by a pharmacy or a veterinarian and are properly labeled in accordance with either RCW 18.64.246 or 69.41.-050.

[Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-050, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-060, filed 2/4/91, effective 3/7/91.]

WAC 246-886-060 Responsible individuals. (1) A registered humane society or animal control agency shall name a designated individual as the person who is responsible for maintaining all records and submitting all reports required by applicable federal or state law or rule.

(2) The designated individual is responsible for the ordering, possession, safe storage, and use of the sodium pentobarbital and approved legend drugs.

[Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-060, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 69.41.080. WSR 92-12-035 (Order 277B), § 246-886-060, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-060, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-070, filed 2/4/91, effective 3/7/91.]

WAC 246-886-080 Recordkeeping and reports. (1) A registered humane society or animal control agency must use a bound logbook with consecutively numbered pages to record the receipt, use, and disposition of approved legend drugs and sodium pentobarbital. Only one drug may be recorded on any single page.

(2) The logbook must have sufficient detail to allow an audit of the drug usage to be performed and must include:

- (a) Date and time of administration;
 - (b) Route of administration;
 - (c) Identification number or other identifier assigned to the animal;
 - (d) Estimated weight of the animal;
 - (e) Estimated age and breed of the animal;
 - (f) Name of drug used;
 - (g) Dose of drug administered;
 - (h) Amount of drug wasted; and
 - (i) Initials of the primary person administering the drug.
- (3) The logbook may omit subsections (2)(b), (d), and (e) of this section if the information is recorded in other records cross-referenced by the animal identification number or other assigned identifier.

(4) Personnel of the registered entity shall document any errors or discrepancies in the drug inventory in the logbook. He or she shall report the findings to the responsible supervisor for investigation.

(5) The registered entity shall report any unresolved discrepancies in writing to the commission within seven days, and to the federal Drug Enforcement Administration if the loss includes a controlled substance.

(6) The designated individual, as defined in WAC 246-886-060, shall perform a physical inventory or count of approved legend drugs and sodium pentobarbital every six months. The physical inventory must be reconciled with the logbook.

(7) The supervisor or designated individual shall destroy legend drugs that are unfit for use due to contamination or having passed its expiration date. A second member of the staff shall witness drugs that are destroyed or wasted. The records of the destruction of drugs are documented in the logbook with the date of the event and signatures of the individuals involved.

(8) A registered entity shall return all unwanted or unused sodium pentobarbital to the manufacturer or destroy them in accordance with the rules and requirements of the

commission, the federal Drug Enforcement Administration, and the department of ecology.

(9) A registered entity shall maintain a written list of all authorized personnel who have demonstrated the qualifications to possess and administer approved legend drugs, and sodium pentobarbital.

(10) All records of the registered entity must be available for inspection by the commission or any officer who is authorized to enforce this chapter.

(11) The registered entity shall maintain the logbook and other related records for a minimum of two years.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-080, filed 5/22/15, effective 6/22/15. Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-080, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-080, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-090, filed 2/4/91, effective 3/7/91.]

WAC 246-886-090 Drug storage and field use. (1) The registered humane society and animal control agency must store all approved legend drugs and sodium pentobarbital in a substantially constructed securely locked cabinet or drawer. Only those persons authorized to administer the drugs shall have keys to the storage area.

(2) The registered entity may designate only the following agents or personnel to possess and administer approved legend drugs and sodium pentobarbital for locations other than the registered location:

- (a) Humane officer;
- (b) Animal control enforcement officer;
- (c) Animal control authority;
- (d) Peace officer authorized by the chief of police, sheriff, or county commissioner.

(3) Designated agents of the registered entity may possess a supply of approved legend drugs and sodium pentobarbital for emergency field use. Such emergency supply must be stored in a locked metal box securely attached to the vehicle. The designated agent is responsible for:

- (a) The drug inventory present at the beginning of a shift and is present or accounted for at the end of each shift.
- (b) Recording all receipts and use of approved legend drugs and sodium pentobarbital from the emergency supply.

[Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-090, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-090, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-100, filed 2/4/91, effective 3/7/91.]

WAC 246-886-100 Violations. The commission may suspend or revoke a registration issued under chapter 69.50 RCW if the commission determines that any agent or employee of a registered humane society or animal control agency has purchased, possessed, or administered legend drugs in violation of RCW 69.41.080 or 69.50.310, or this chapter or has otherwise demonstrated inadequate knowledge in the administration of legend drugs. The commission's revocation or suspension of a registration would restrict the registered entity's ability to use both approved legend drugs and sodium pentobarbital.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-100, filed 5/22/15, effective 6/22/15. Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-100, filed 10/23/12, effective 11/23/12. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. WSR 91-18-057 (Order 191B), recodified as § 246-886-100, filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005. WSR 91-04-056 (Order 140B), § 360-35-110, filed 2/4/91, effective 3/7/91.]

CHEMICAL CAPTURE PROGRAM

WAC 246-886-150 Chemical capture programs. Purpose. Wildlife management programs often require the use of controlled substances and legend drugs for chemical capture programs. The purpose of these rules is to set requirements for the use of controlled substances and approved legend drugs in department of fish and wildlife chemical capture programs. Chemical capture includes immobilization of individual animals in order for the animals to be moved, treated, examined, or other legitimate purpose.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-150, filed 5/22/15, effective 6/22/15.]

WAC 246-886-160 Registration requirements. (1) The department of fish and wildlife may apply to the commission for a limited registration under chapter 69.50 RCW (Uniform Controlled Substances Act) to purchase, possess, and administer controlled substances for use in chemical capture programs.

(2) Each department of fish and wildlife field office that stores controlled substances must register with the commission. The department of fish and wildlife shall notify the commission in writing of the names of individuals who are authorized to possess and administer controlled substances.

(3) In addition, the department of fish and wildlife shall designate one individual at each field office who shall be responsible for the ordering, possession, safe storage, and utilization of controlled substances. The department of fish and wildlife shall notify the commission in writing of the name of the designated individual.

(4) Controlled substances obtained under this limited registration shall be for veterinary use only.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-160, filed 5/22/15, effective 6/22/15.]

WAC 246-886-170 Authorized individuals. To be eligible to possess and/or administer controlled substances and approved legend drugs, individuals must successfully complete an approved training program. The following individuals are authorized to possess and administer controlled substances:

- (1) Department of fish and wildlife officers;
- (2) Department of fish and wildlife biologists; and
- (3) Department of fish and wildlife veterinarians.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-170, filed 5/22/15, effective 6/22/15.]

WAC 246-886-180 Approved legend drugs. The following legend drugs are designated as "approved legend drugs" for use by agents and biologists of the Washington state department of fish and wildlife chemical capture programs:

- (1) Naltrexone;
- (2) Detomidine;
- (3) Metdetomidine; and
- (4) Yohimbine.

[Statutory Authority: RCW 69.41.080, 69.50.310, and 18.64.005. WSR 12-21-118, § 246-886-180, filed 10/23/12, effective 11/23/12.]

WAC 246-886-190 Controlled substances training.

The department of fish and wildlife shall establish written policies and procedures to ensure that officers and biologists who administer controlled substances and approved legend drugs have received sufficient training. The training shall include, at a minimum, the safe handling and administration of controlled substances and the potential hazards. Officers and biologists must be able to demonstrate adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

The written policies and procedures shall be approved by the commission. Any amendments or deletions to the policies and procedures must be approved by the commission prior to implementation.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-190, filed 5/22/15, effective 6/22/15.]

WAC 246-886-200 Storage requirements. Each registered location shall store the controlled substances in a securely locked, substantially constructed cabinet. Keys to the storage area shall be restricted to those persons authorized by the department of fish and wildlife to possess and administer the drugs.

Schedule II controlled substances shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

In addition to field offices, the department of fish and wildlife may allow officers, biologists, and veterinarians to possess a supply of controlled substances for use in the field. The field supply shall be stored in a locked metal box securely attached to a vehicle. The designated officer, biologist, or veterinarian shall be responsible to ensure that the controlled substances are accounted for at all times. All receipts and use of controlled substances from the field supply shall be recorded in a bound logbook with sequentially numbered pages.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-200, filed 5/22/15, effective 6/22/15.]

WAC 246-886-210 Controlled substances records and reports. (1) The department of fish and wildlife shall be responsible for maintaining all records and submitting all reports required by federal or state law or regulation.

(2) A bound logbook with sequentially numbered pages shall be kept documenting the receipt and disposition of all controlled substances. In addition, all receipts and invoices shall be maintained for a period of two years.

(3) All records shall be available for inspection by the commission or any officer who is authorized to enforce this chapter.

(4) A physical inventory of approved controlled substances shall be performed, reconciled, and documented

every twelve months. The inventory shall be signed and dated by the designated individual.

(5) Any discrepancy in the actual inventory of approved controlled substances shall be documented and reported immediately to the responsible supervisor who shall investigate the discrepancy. Any discrepancy that has not been corrected within seven days shall be reported in writing to the commission and the Drug Enforcement Administration (DEA).

(6) Unwanted or unused controlled substances shall be returned to the manufacturer or destroyed in accordance with the rules and requirements of the commission, the Drug Enforcement Administration, and the department of ecology.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-210, filed 5/22/15, effective 6/22/15.]

WAC 246-886-220 Approved controlled substances.

The following controlled substances are approved for use by officers and biologists of the department of fish and wildlife for chemical capture programs:

- (1) Butorphanol;
- (2) Diazepam (Valium);
- (3) Diprenorphine;
- (4) Carfentanil (Wildnil);
- (5) Fentanyl;
- (6) Ketamine;
- (7) Midazolam; and
- (8) Tiletamine and zolazepam (Telazol).

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-220, filed 5/22/15, effective 6/22/15.]

WAC 246-886-230 Controlled substances registration disciplinary actions. In addition to any criminal or civil liabilities that may occur, the commission may suspend or revoke a registration upon determination that the person administering controlled substances has not demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

[Statutory Authority: RCW 18.64.005, 69.50.320, 69.41.080, and 2013 c 19. WSR 15-12-020, § 246-886-230, filed 5/22/15, effective 6/22/15.]