

# Chapter 246-886 WAC

## ANIMAL CONTROL—LEGEND DRUGS AND CONTROLLED SUBSTANCES

### WAC

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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 Repealed by WSR 12-21-118, filed 10/23/12, effective 11/23/12.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 board 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) "Board" means the Washington state board of pharmacy.

(4) "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.

(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 board of pharmacy 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 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 board 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 board a completed application for registration on forms provided by the board.

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

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

(3) A training program must:

- (a) Use a manual approved by the board;
- (b) Be at least four hours in length;

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

[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 board 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 board, 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 board 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.

(10/23/12)

[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 board may suspend or revoke a registration issued under chapter 69.50 RCW if the board 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 board'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 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 246-886-180 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.]