

## CHAPTER 52 - VETERINARY DIVISION

### SUBCHAPTER 52A - RULES AND REGULATIONS ADOPTED BY REFERENCE

#### SECTION .0100 - ADOPTIONS BY REFERENCE

##### **02 NCAC 52A .0101 UNIFORM RULES AND METHODS: TUBERCULOSIS**

The document entitled "Uniform Methods and Rules for Bovine Tuberculosis Eradication" as published by the United States Department of Agriculture is incorporated by reference, including subsequent amendments and editions. Copies may be obtained at no charge from the United States Department of Agriculture website at <http://www.aphis.usda.gov/vs/naahps/tb/tb-umr.pdf>.

*History Note:* Authority G.S. 106-348;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

##### **02 NCAC 52A .0102 POULTRY REQUIREMENTS**

(a) The "National Poultry Improvement Plan and Auxiliary Provisions," codified as Title 9, Code of Federal Regulations, Parts 145 and 147, is incorporated by reference, including subsequent amendments and editions. Copies of these materials may be obtained at no charge from the United States Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(b) The document entitled "Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the Live Bird Market System," published by the United States Department of Agriculture, is incorporated by reference, including subsequent amendments and editions. Copies of this document may be obtained at no charge from the office of the State Veterinarian in the North Carolina Department of Agriculture and Consumer Services.

*History Note:* Authority G.S. 106-540;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

##### **02 NCAC 52A .0103 UNIFORM METHODS AND RULES: BRUCELLOSIS**

The document entitled "Uniform Methods and Rules for the Eradication of Brucellosis" as published by the United States Department of Agriculture is incorporated by reference, including subsequent amendments and editions. Copies may be obtained at no charge from the United States Department of Agriculture website at [http://www.aphis.usda.gov/vs/naahps/brucellosis/umr\\_bovine\\_bruc.pdf](http://www.aphis.usda.gov/vs/naahps/brucellosis/umr_bovine_bruc.pdf).

*History Note:* Authority G.S. 106-396;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

##### **02 NCAC 52A .0104 MEAT FACILITIES REQUIREMENTS**

*History Note:* Authority G.S. 106-549.22;  
Eff. April 1, 1984;  
Amended Eff. July 1, 1998;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;  
Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

##### **02 NCAC 52A .0105 POULTRY FACILITIES REQUIREMENTS**

*History Note:* Authority G.S. 106-540; 150B-14;  
Eff. April 1, 1984;  
Repealed Eff. July 1, 1998.

**02 NCAC 52A .0106 CONSTRUCTION OF MEAT PLANTS**

*History Note:* Authority G.S. 106-549.22;  
Eff. April 1, 1984;  
Amended Eff. July 1, 1998;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;  
Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

**02 NCAC 52A .0107 LABELING MEAT AND POULTRY PRODUCTS**

The volume entitled "Standards and Labeling Policy Book," as published by the United States Department of Agriculture, Food Safety Inspection Service, Standards and Labeling Division, including subsequent amendments and editions, are hereby incorporated by reference. Copies of this material may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a cost of ninety-eight dollars (\$98.00).

*History Note:* Authority G.S. 106-549.22;  
Eff. April 1, 1984;  
Amended Eff. July 1, 1998;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

**02 NCAC 52A .0108 SANITATION HANDBOOK**  
**02 NCAC 52A .0109 INSPECTION MANUAL**

*History Note:* Authority G.S. 106-549.22;  
Eff. April 1, 1984;  
Amended Eff. July 1, 1998;  
Repealed Eff. April 1, 2003.

**02 NCAC 52A .0110 MINIMUM STANDARDS**

The rules of this Section, as adopted by reference, shall be deemed to be minimum standards and the areas regulated shall be subject to more stringent or differing requirements as outlined in this Chapter.

*History Note:* Authority G.S. 106-348; 106-396; 106-539; 106-540; 106-549.22; 150B-14;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

**02 NCAC 52A .0111 PSEUDORABIES PROGRAM**

The document entitled Pseudorabies Eradication Program Standards, published by the United States Department of Agriculture, is incorporated by reference, including subsequent amendments and editions. Copies of this document may be obtained from the website of the United States Department of Agriculture at <http://www.aphis.usda.gov/vs/naahps/pseudorabies/prv-prgm-std.pdf>.

*History Note:* Authority G.S. 106-307.3; 106-307.5; 106-400.1;  
Eff. December 1, 1989;  
Amended Eff. July 1, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

**02 NCAC 52A .0112 UNIFORM METHODS AND RULES: SCRAPIE**

The document entitled "Scrapie Eradication Uniform Methods and Rules," as published by the United States Department of Agriculture, is incorporated by reference, including subsequent amendments and editions. Copies of this material may be obtained at no cost from the USDA website at <http://www.aphis.usda.gov/vs/naahps/scrapie/umr-scrapie-erad.pdf>.

*History Note: Authority G.S. 106-307.5; 106-317;  
Eff. July 1, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

## **SUBCHAPTER 52B - ANIMAL DISEASE**

### **SECTION .0100 - ANIMAL DISEASE: QUARANTINE**

#### **02 NCAC 52B .0101 QUARANTINE NOTICES**

(a) The original of the quarantine notice shall be personally given to the owner or person in charge of the animals or poultry being quarantined, one copy of quarantine notice shall be mailed to the office of the State Veterinarian and one copy retained by the regulatory official issuing the quarantine.

(b) No poultry or other animals under quarantine shall be moved from the premise for any purpose except on a written permit from the State Veterinarian or his authorized representative.

(c) The quarantine shall not be lifted or cancelled until there is no longer a threat of exposure to poultry or other animals as determined by the State Veterinarian or his authorized representative. The necessity for cleaning and disinfection of premises prior to release of quarantine shall be determined by the State Veterinarian or his authorized representative.

(d) Written permits to move poultry or other animals which are affected with or exposed to a contagious and/or infectious disease or which originate in a quarantined area, into North Carolina may be issued by the State Veterinarian or his authorized representative under the following conditions:

- (1) The animals or poultry are to be used for research purposes under conditions which will prevent exposure to other livestock and poultry;
- (2) Animals affected with or exposed to brucellosis, tuberculosis, and/or other diseases designated by the State Veterinarian which are consigned to a state or federal inspected slaughter house for immediate slaughter; such livestock shall be identified in a manner acceptable to the State Veterinarian or his authorized representative;
- (3) For the movement of swine in accordance with the North Carolina Pseudorabies Program.

*History Note: Authority G.S. 106-307.3 through 106-307.5;  
Eff. April 1, 1984;  
Amended Eff. December 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0102 QUARANTINE PLACARD**

The person issuing the quarantine shall give public notice of such quarantine by posting or placarding the entrance to any part of the premises on which the animals are held with a suitable quarantine sign, said animal or animals to be maintained by the owner or person in charge, as provided by law at the owner's expense. The quarantine sign shall be furnished by the department and shall read as follows:

#### **QUARANTINE NOTICE**

It has been determined that the \_\_\_\_\_ on these premises are affected with or exposed to \_\_\_\_\_. Therefore, said \_\_\_\_\_ are quarantined in accordance with the law and regulations of the North Carolina Department of Agriculture.

(Signature)

State Veterinarian

Persons who willfully or maliciously destroy this public notice are liable to prosecution to the full extent of the law. A copy of the livestock sanitary laws and regulations may be obtained upon request to State Veterinarian, Raleigh, North Carolina.

*History Note: Authority G.S. 106-307.3 through 106-307.6; 106-400; 106-401; Eff. April 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**SECTION .0200 - ADMISSION OF LIVESTOCK TO NORTH CAROLINA**

**02 NCAC 52B .0201 HEALTH REGULATIONS IN GENERAL**

(a) No animal, including poultry or birds of any species, that is affected with, or exposed to, within the contagious period of, any infectious, contagious, or communicable disease, or which originates from a quarantine area affecting such animal, shall be transported or in any manner moved into the state until written permission for such importation has been obtained from:

State Veterinarian of North Carolina  
North Carolina Department of Agriculture and Consumer Services  
Raleigh, North Carolina 27611

Those diseased or exposed animals which are approved by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture for interstate shipment for immediate slaughter are exempt from this provision; however, any vehicle used to transport such diseased or exposed animals must be cleaned and disinfected immediately after use and prior to transporting other animals.

(b) All livestock (including the American buffalo or bison which for the purpose of this Section shall be considered as beef cattle) transported or otherwise moved into the state shall be accompanied by a health certificate, and permit when required, which shall be attached to the waybill or shall be in the possession of the driver of the vehicle or person in charge of the livestock.

(c) A copy of the health certificate approved by the chief livestock sanitary official of the state of origin shall be forwarded within 30 days of issuance to:

State Veterinarian  
472 Agriculture Building  
Post Office Box 26026  
Raleigh, North Carolina 27611

(d) Livestock entering North Carolina without a proper health certificate, and permit when required, shall be quarantined and held at the owner's risk and expense until released by the State Veterinarian.

*History Note: Authority G.S. 106-307.4; 106-307.5; 106-317; 106-348; 106-540; Eff. April 1, 1984; Amended Eff. July 18, 2002; April 1, 1997; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52B .0202 OFFICIAL HEALTH CERTIFICATES: PERMITS**

(a) An official health certificate is a legible record made on an official form from the state of origin, or from the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. All health certificates must be issued and signed by veterinarians accredited in the state of origin, veterinarians employed by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, or graduate veterinarian employed by the state of origin.

(b) The health certificate shall contain the names and addresses of the consignor and consignee, the origin of the animals, their final destination and an accurate description or identification of the animals (age, sex, breed and tag, tattoo or brand number). It shall also indicate the health status of the animals listed including dates and results of required tests and dates of pertinent vaccinations. Health certificates shall be void after 30 days except those for cattle and hogs entering the state for exhibition purposes; these shall be valid for 60 days from the date of issuance and the requirements for negative brucellosis or tuberculosis tests within 30 days of entry into the state shall be

interpreted to mean within 60 days. Requests for permits to be issued in accordance with these Regulations should be directed to:

State Veterinarian of North Carolina  
472 Agriculture Building  
Post Office Box 26026  
Raleigh, North Carolina 27611

All animals entering the state under permit shall be consigned to a resident of the state or to a legal entity authorized by law to do business within the state. All permits shall expire 15 days after the date of issuance.

*History Note:* Authority G.S. 106-307.5; 106-317; 106-540;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0203 DUTIES OF OWNERS: CUSTODIANS: AND CARRIERS**

(a) All livestock not required to be accompanied by health certificates, test certificates or permits by the provisions of these Regulations shall be accompanied by a waybill, or owner-shipper certificate stating the following:

- (1) the point from which the animals are moved interstate;
- (2) the specific unloading destination (including street address and number if any) of the animals;
- (3) the number of animals covered by the document;
- (4) the name and address of the owner or shipper; and
- (5) the identification of the animals.

(b) Owners, custodians and carriers shall not unload livestock or other animals including poultry except at locations indicated on health certificates, waybills, invoices, or owner-shipped certificates. Any deviation of unloading site shall be accompanied by a written permit issued by the State Veterinarian or his agent.

*History Note:* Authority G.S. 106-307.5; 106-317; 106-540;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0204 IMPORTATION REQUIREMENTS: CATTLE**

(a) All cattle imported into North Carolina shall comply with 9 CFR Part 86, which is hereby incorporated by reference, including any amendments or subsequent editions. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(b) Brucellosis requirements for cattle imported into North Carolina:

- (1) Cattle originating from any validated brucellosis-free state, as defined in 9 CFR 78.1, which is hereby incorporated by reference, including any amendments or subsequent editions, may enter North Carolina provided the following is recorded on the official interstate certificate of veterinary inspection or owner shipper statement:
  - (A) Individual identification of each animal as required by 9 CFR Part 86; and
  - (B) Brucellosis status of the state of origin.
- (2) No cattle shall be accepted, other than those consigned to immediate slaughter, which have been adult vaccinated, in accordance with the current edition of the Uniform Methods and Rules for Brucellosis Eradication of the United States Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS), against brucellosis or originate from infected, exposed or quarantined herds. A copy of the Uniform Methods and Rules for Brucellosis Eradication may be obtained at no cost by accessing the website of USDA-APHIS at [https://www.aphis.usda.gov/animal\\_health/animal\\_diseases/brucellosis/downloads/umr\\_bovine\\_bruc.pdf](https://www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf).
- (3) In addition, cattle imported from brucellosis class A states, as defined in 9 CFR 78.1, shall comply with the following:
  - (A) All females and bulls eight months of age and older must test negative for brucellosis within 30 days prior to entry into North Carolina, except:
    - (i) Dairy heifers under 20 months of age that are vaccinated against brucellosis;

- (ii) Heifers of the beef breeds less than 24 months of age that are vaccinated against brucellosis; or
    - (iii) Cattle originating from any certified brucellosis-free herd, as defined in 9 CFR 78.1, provided the following is recorded on the official interstate certificate of veterinary inspection:
      - (I) individual identification of each animal;
      - (II) herd certification number; and
      - (III) date of last herd test; and
  - (B) Cattle from class A states that originate from the farm of origin and move directly to a state or federally licensed stockyard or to a farm in North Carolina in compliance with this Rule are not required to be tested between 45 and 120 days after entry. However, retests may be performed by a representative of the State Veterinarian at no expense to the owner. Eligible cattle that have been commingled in a stockyard prior to importation must, in addition to the requirements of this Rule, test negative for brucellosis between 45 and 120 days after arrival in North Carolina.
- (4) In addition, cattle imported from class B states, as defined in 9 CFR 78.1, shall comply with the following:
  - (A) A permit must be issued to the person importing the cattle by the State Veterinarian of North Carolina prior to entry;
  - (B) All females and bulls eight months of age or older must test negative for brucellosis within 30 days prior to entry into North Carolina except:
    - (i) Dairy heifers under 20 months of age that are vaccinated against brucellosis;
    - (ii) Heifers of the beef breeds less than 24 months of age that are vaccinated against brucellosis; or
    - (iii) Cattle originating from any certified brucellosis-free herd, as defined in 9 CFR 78.1, provided that the following is recorded on the official interstate certificate of veterinary inspection:
      - (I) Individual identification of each animal;
      - (II) Herd certification number; and
      - (III) Date of last herd test; and
  - (C) All cattle shall be quarantined upon arrival and must test negative between 45 and 120 days after arrival in order to be released from quarantine.
- (c) Cattle fever tick and scabies importation requirements:
  - (1) No cattle infested with ticks, *Boophilus annulatus*, *B. microplus*, or *Rhipicephalus evertsi evertsi*, or exposed to such infestation shall be shipped, trailed, driven, or otherwise imported into the State for any purpose.
  - (2) No cattle affected with scabies shall be shipped, trailed, driven or otherwise imported into the State for any purpose. No cattle recently exposed to scabies or from an area quarantined on account of scabies shall be imported into the State except in accordance with 9 CFR Part 73, which is hereby incorporated by reference, including any amendments or subsequent editions.

*History Note:* Authority G.S. 106-307.5; 106-361; 106-400;  
 Eff. April 1, 1984;  
 Amended Eff. August 1, 2004; May 1, 1992; June 1, 1988; December 1, 1987;  
 Readopted Eff. July 1, 2019.

**02 NCAC 52B .0205 IMPORTATION REQUIREMENTS: CATTLE FEVER TICK AND SCABIES**

*History Note:* Authority G.S. 106-307.5; 106-361; 106-400;  
 Eff. April 1, 1984;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017;  
 Repealed Eff. July 1, 2019.

**02 NCAC 52B .0206 IMPORTATION REQUIREMENTS: EQUINE**

(a) Horses, ponies, mules, asses, zebras, and all other equine species may be imported into the state when accompanied by an official health certificate giving an accurate description of them and certifying that as determined by a physical examination they are free from any evidence of an infectious or transmissible disease and have not been exposed to any infectious or transmissible disease, and attesting that any animal over six months of age has passed a negative official test, as defined in 2 NCAC 52B .0401, for equine infectious anemia within 12 months prior to entry, provided that stallions imported into North Carolina from any country where contagious equine metritis (CEM) is recognized by the U.S. Department of Agriculture to exist must also comply with requirements of Paragraph (c) of this Rule. The EIA test form shall list one horse only. Equine without a current EIA test may be imported into the state for direct shipment to a livestock market or equine sale that is approved to provide EIA testing, pursuant to 2 NCAC 52B .0410.

(b) No health certificate will be required for horses, ponies, mules and asses which are consigned to a race track or entering the state temporarily for the purpose of exhibition, provided such animals are accompanied by certificates verifying a negative test for equine infectious anemia within 12 months prior to entry.

(c) Any stallion imported into North Carolina from any country where CEM is recognized by the U.S. Department of Agriculture to exist shall be accompanied by a written permit from the State Veterinarian, and shall be placed under quarantine by a representative of the State Veterinarian upon arrival. Prior to being used for breeding, he shall be treated by or under the direct supervision of an accredited veterinarian licensed to practice in North Carolina, according to the procedure prescribed in the Federal Register/Vol. 45, No. 3/Friday, January 4, 1980/Rules and Regulations/Pages 1003 through 1006 (9 C.F.R., Part 92).

(d) For the purpose of Paragraph (c) of this Rule the following shall apply:

- (1) Stallion. A male horse other than gelding;
- (2) Breeding. Natural or artificial insemination of a mare;
- (3) CF test. A complement-fixation test on equine serum for the detection of specific antibodies of the CEM bacterium.

*History Note: Authority G.S. 106-307.5; 106-405.17; S.L. 1999-237, s. 13.6; Eff. April 1, 1984; Amended Eff. December 1, 1987; Temporary Amendment Eff. October 1, 1999; Amended Eff. April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52B .0207 IMPORTATION REQUIREMENTS: SWINE**

(a) All swine imported into the State, except by an interstate commercial swine movement agreement or for immediate slaughter, shall be accompanied by an interstate certificate of veterinary inspection issued by a state, federal, or accredited veterinarian stating that they are free from any signs of an infectious or communicable disease and are not known to have been exposed to same. The interstate certificate of veterinary inspection shall contain the ear tag or tattoo number of each animal. The interstate certificate of veterinary inspection must show the pseudorabies status of both the herd and state or area of origin. Swine imported for feeding or breeding purposes shall be moved in clean and disinfected trucks or other conveyances to prevent the spread of infection to other swine. "Accredited veterinarian" means a veterinarian accredited pursuant to 9 CFR Part 161, which is hereby incorporated by reference, including any amendments or subsequent editions.

(b) Breeding swine and all other swine being shipped to a breeding swine premise shall originate from a "Validated Brucellosis-Free" herd or a "Validated Brucellosis-Free" state and shall originate from a "Qualified Pseudorabies-Negative" herd, Qualified-Negative Gene-Altered Vaccinated Herd (QNV), or Pseudorabies Stage IV or V (Free) state. Breeding swine and all other swine being shipped to a breeding swine premise originating from Stage II, II/III or III areas or states must also be isolated and test negative to a statistical 95/5 sample test using a pseudorabies serological test approved pursuant to 9 CFR Part 85.1, which is hereby incorporated by reference, including any amendments or subsequent editions, between 30 and 60 days after arrival and before being added to the herd.

(c) All feeder swine imported into the State from a Pseudorabies Stage II, II/III, or III state or area, as set forth under the USDA Pseudorabies Eradication State–Federal–Industry Program Standards, the definitions of which are incorporated by reference, including amendments and subsequent editions, and can be accessed at no cost at [https://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/swine/downloads/prv\\_program\\_standards.pdf](https://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/prv_program_standards.pdf), shall be accompanied by a permit for entry issued by the State Veterinarian within 30 days prior to entry. The permit number

and the date of issuance shall be shown on the interstate certificate of veterinary inspection. The feeder swine in the shipment must have been vaccinated for pseudorabies using a USDA-licensed pseudorabies vaccine with gI deletion and must have tested negative on a statistical (95/2) test within 30 days prior to shipment, and they shall be isolated and quarantined until slaughtered. In addition, the swine must be tested on statistical (95/2) test between 30 and 45 days after arrival. The swine must originate from a qualified negative pseudorabies or a pseudorabies monitored herd that has tested negative on a statistical (95/10) test within 30 days prior to shipment. Feeder swine from a pseudorabies-free state or area may be imported in accordance with Paragraph (a) of this Rule.

(d) Healthy swine for feeding purposes may move directly from a farm of origin in a contiguous state where they have been located for not less than 30 days to a livestock market or stockyard in North Carolina that has been state-federal approved for handling feeder swine, without the interstate certificate of veterinary inspection required herein, provided such swine are accompanied by proof of the pseudorabies status of the herd of origin. The swine shall be inspected by a state or federal inspector or approved accredited veterinarian prior to sale at the market.

(e) Healthy swine may be shipped into the State for immediate slaughter without an interstate certificate of veterinary inspection provided they go directly to a slaughtering establishment under State or federal inspection, or to a state-federal approved livestock market or stockyard for sale to a slaughtering establishment under State or federal inspection for immediate slaughter only.

(f) Swine from a pseudorabies-quarantined herd or swine that have been in contact with pseudorabies-quarantined swine may be imported into the State for immediate slaughter only under the following conditions:

- (1) the swine must be accompanied by a shipping permit (Veterinary Services Form 1-27) issued by an accredited veterinarian or a state or federal animal health employee, consigning the swine only to a slaughtering establishment under State or federal inspection;
- (2) the vehicle transporting the swine must be sealed after loading with an official USDA or state of origin seal. The seal number must be recorded on the Veterinary Services Form 1-27. The seal can be broken or removed only by an NCDA&CS or a USDA employee or other individual authorized by the State Veterinarian; and
- (3) the vehicle used to transport the swine must be cleaned, including any animal waste, and disinfected to prevent the spread of disease immediately after unloading the swine and prior to using the vehicle to transport other livestock.

(g) Feral Swine:

- (1) As used in this Section, "feral swine" means any untamed or undomesticated hog, boar, or pig; swine whose reversion from the domesticated state to the wild state is evident; or an otherwise freely roaming swine having no visible tags, marking, or characteristics indicating that such swine is from a domestic herd. Feral swine includes members of the species *Sus scrofa* Linnaeus, including swine commonly known as old world swine, Russian wild boar, European wild boar, Eurasian wild boar, and razorbacks.
- (2) No person shall import or transport live feral swine in this State.
- (3) No person shall release any hog, boar, pig, or swine to live as a feral swine in North Carolina.

*History Note:* Authority G.S. 106-307.5; 106-316.1; 106-317; 106-318;  
Eff. April 1, 1984;  
Amended Eff. February 1, 1996; May 1, 1992; June 1, 1989; January 1, 1989;  
Temporary Amendment Eff. April 3, 2000; February 21, 2000; April 30, 1999;  
Amended Eff. April 1, 2001; July 1, 2000;  
Readopted Eff. July 1, 2019.

## **02 NCAC 52B .0208 IMPORTATION REQUIREMENTS: GOATS**

*History Note:* Authority G.S. 106-307.5; 106-396;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 2001;  
Repealed Eff. April 1, 2008.

## **02 NCAC 52B .0209 IMPORTATION REQUIREMENTS: SHEEP AND GOATS**

(a) All sheep and goats imported into North Carolina, regardless of age, must be officially identified prior to leaving the farm of origin (see "official scrapie identification" in Subparagraph (c)(2) of this Rule), except:

- (1) Sheep and goats less than 12 months of age moving directly to slaughter;

- (2) Sheep and goat wethers.
- (b) Sheep and goats consigned for the purpose of immediate slaughter to a livestock market licensed under G.S. 106, Article 35, or to a slaughtering establishment with state or federal inspection may be imported without a health certificate. A waybill or certificate marked for immediate slaughter must accompany such shipments. No sheep or goats consigned for immediate slaughter may be removed from slaughter channels.
- (c) Sheep and goats not consigned for the purpose of immediate slaughter must be accompanied by an official health certificate from the state of origin signed by a veterinarian accredited in that state as follows:
- (1) The health certificate covering the importation of sheep and goats shall include a report of inspection indicating the sheep and goats are not under quarantine and are free from signs of any infectious or communicable disease.
  - (2) The health certificate shall contain a statement that the flock of origin has not had scrapie diagnosed within the past 42 months. The health certificate shall include United States Department of Agriculture-approved scrapie identification, age, sex, breed and markings for each animal. Official scrapie identification shall consist of one of the following:
    - (A) Official ear tags which are approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service for use in the Scrapie Eradication Program or the Scrapie Flock Certification Program;
    - (B) Electronic implants which are approved for use in animals participating in a scrapie flock certification program and accompanied by a certificate of veterinary inspection or owner statement that includes the implant numbers and name of the chip manufacturer; or which are used in animals registered with a national registry association and the implant number is recorded by the registry on the registration certificate accompanying the animal. The animal shall be accompanied by an implant reader which can read the implant in the animal;
    - (C) Legible official registry tattoos that have been recorded in the record of a sheep or goat registry association when the animal is accompanied by either a registration certificate or certificate of veterinary inspection upon which the tattoo number is recorded.
  - (3) Sheep and goats not consigned for the purpose of immediate slaughter that originate from United States Department of Agriculture-certified and accredited free states are exempt from brucellosis and tuberculosis testing requirements. Sheep and goats that do not originate from a United States Department of Agriculture-certified and accredited free state shall have a negative brucellosis test within 30 days prior to import and shall have a negative tuberculosis test within 60 days prior to import unless they originate from a United States Department of Agriculture-certified and accredited free herd.
  - (4) Dairy goats and sheep over six months of age and sexually intact imported from out-of-state shall have a negative brucellosis test within 30 days prior to import and shall have a negative tuberculosis test within 60 days prior to import unless they originate from a United States Department of Agriculture-certified and accredited free herd.
  - (5) The brucellosis and tuberculosis testing requirements of this Rule does not apply to sheep and goats entering the state for only exhibition purposes, coming from states or herds that are United States Department of Agriculture-certified and accredited free, when accompanied by an official health certificate which includes a United States Department of Agriculture-approved scrapie identification. Such animals shall remain in the state for exhibition purposes for no more than 30 days from the date of issuance of the health certificate.

*History Note:* Authority G.S. 106-307.5; 106-348; 106-396;  
Eff. April 1, 1984;  
Amended Eff. April 1, 2008; January 1, 2005; April 1, 2001; May 1, 1992; December 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **02 NCAC 52B .0210 IMPORTATION REQUIREMENTS: AVIAN SPECIES**

*History Note:* Authority G.S. 106-539; 106-540; 106-543;  
Eff. April 1, 1984;



**02 NCAC 52B .0213      IMPORTATION REQUIREMENTS: CERVIDS**

- (a) No farmed cervids shall be imported into North Carolina from:
- (1) a herd located in a county or its equivalent, if not within the United States or in a territory without counties, where Chronic Wasting Disease ("CWD") has been diagnosed;
  - (2) a herd located in a county or its equivalent, if not within the United States or in a territory without counties, that is contiguous to a county or its equivalent, if not within the United States or in a territory without counties, where CWD has been diagnosed; or
  - (3) a CWD-positive, exposed, or suspect farmed cervid facility.
- (b) Any imported farmed cervid that fails to comply with G.S. 106-549.97, 02 NCAC 52L, or this Rule, shall be deemed a CWD-suspect animal until further investigation by the North Carolina Department of Agriculture and Consumer Services' Veterinary Division.
- (c) No CWD-susceptible cervids, as identified by the North Carolina Department of Agriculture and Consumer Services' Veterinary Division or the USDA, shall be imported into North Carolina without first being tested negative for CWD using an antemortem test approved by the USDA.
- (d) All cervids entering North Carolina shall be accompanied by all of the following:
- (1) an interstate certificate of veterinary inspection ("ICVI") issued within 30 days prior to arrival;
  - (2) the following statement shall also appear on the ICVI: "All cervidae on this certificate originate from a Chronic Wasting Disease (CWD) monitored or certified herd in which these animals have been kept for at least one year or were natural additions. There has been no diagnosis, signs, or epidemiological evidence of CWD in this herd or any herd contributing to this herd for the previous five years."; and
  - (3) proof of a negative USDA-approved tuberculosis test for animals six months of age or older conducted within 60 days prior to arrival if the animal originates from a tuberculosis accredited herd. If the animal is six months of age or older and originates from a herd of unknown status, two negative USDA approved tests for tuberculosis shall be required with the second being greater than 90 days from the initial test and within 60 days prior to arrival. If the animal is less than six months of age and from a herd of unknown status, one negative USDA approved tuberculosis test shall be required. The herd of origin and commingled susceptible species shall have had no diagnosis of tuberculosis in the 36 months preceding shipment.
- (e) All farmed cervids entering North Carolina shall be accompanied by all of the following:
- (1) individual animal identification required by 02 NCAC 52L .0112 and noted on the ICVI; and
  - (2) a valid transportation permit issued by the North Carolina Department of Agriculture and Consumer Services' Veterinary Division.
- (f) The State Veterinarian of North Carolina may issue orders prohibiting the importation of certain farmed cervids or issue moratoriums pending the investigation of any threat of disease based on his or her expertise and experience that will pose a risk of spreading disease that will damage or harm the North Carolina farmed cervid industry, including the control or spread of CWD.

*History Note: Authority G.S. 106-307.5; 106-317; 106-399.4; 106-400; 106-549.97(a2);  
Eff. August 1, 2002;  
Amended Eff. July 1, 2018;  
Readopted Eff. July 1, 2019.*

**02 NCAC 52B .0214      IMPORTATION REQUIREMENTS: RABBITS, OR ANY SPECIES IN THE  
ORDER LAGOMORPHA, INCLUDING HARES AND PIKAS**

- (a) An import permit from the State Veterinarian is required for the importation of a rabbit, or any species in the order of Lagomorpha, including hare and pika, into the State of North Carolina originating from:
- (1) any country or state with Rabbit Hemorrhagic Disease Virus-2 ("RHDV-2") detected; or
  - (2) a state or country without RHDV-2 if the animal makes any intervening stop in a country or state with RHDV-2 detected, if the animal is commingled or exposed to any other animal in the order of Lagomorpha not being shipped directly from the point of origin together, or if the imported rabbit is exposed to materials such as cages, beddings, and supplies that have been in contact with another animal in the order of Lagomorpha not shipped directly from the point of origin together.
- (b) The import permit application shall be accompanied by an official health certificate, as detailed in 02 NCAC 52B .0202, certifying the animal to be free from any contagious animal disease, including RHDV-2, as follows:

- (1) If the animal is shipped directly without any intervening stops, without commingling or exposure to any other animal in the order of Lagomorpha not being shipped directly from the point of origin together, and without exposure to materials such as cages, beddings, and supplies that have been in contact with another animal in the order of Lagomorpha not shipped directly from the point of origin together, then the official health certificate shall be obtained within 7 days of the date of importation into North Carolina.
  - (2) If the animal is shipped with intervening stops, with commingling or exposure to another animal in the order of Lagomorpha not being shipped directly from the point of origin together, or with exposure to materials such as cages, beddings, and supplies that have been in contact with another animal in the order of Lagomorpha not shipped directly from the point of origin together, then the official health certificate shall be obtained from the country or state of the last intervening stop, commingling, or exposure, and within 7 days of the date of importation into North Carolina.
- (c) No permit is needed for rabbits, or any species in the order of Lagomorpha, including hare and pika, brought into the State on a temporary basis for the sole purpose of seeking veterinary services by a North Carolina licensed veterinarian, lasting only until the end of the veterinary service visit, and the animal is brought directly to the veterinary clinic and departs from the veterinary clinic to the originating state with no intervening stops.
- (d) The application for an importation permit shall include the state of origin, the date that the official health inspection was conducted, the owner's name, address, and phone number at the time of import, the import destination within the State of North Carolina, the name, address, and phone number of the person with control and responsibility over the animal at the import destination, and any federal licensing, permit, and documentation required for the importation of the animal if imported from outside of the United States of America.
- (e) A rabbit, or any species in the order of Lagomorpha, including hare and pika, requiring an import permit that is imported into North Carolina shall be accompanied by an official health certificate with the import permit number and shall be made available for inspection by the State Veterinarian or his or her designee upon request.
- (f) An intervening stop is defined as a stop in a country or state longer than 24 hours but less than 10 days. The location of any stop for longer than 10 days shall be deemed the new country or state of origin.
- (g) Health certificates issued outside of the United States shall be issued in English and by a veterinarian with a valid license to practice veterinary medicine in the country of export.
- (h) The requirement for an entry permit and official health certificate are waived for a rabbit, or any species in the order of Lagomorpha, including hare and pika, for exhibitions or shows that adhere to the following guidelines:
- (1) A licensed and USDA accredited veterinarian, specifically a professional veterinarian who has completed formal training from the National Veterinary Accreditation Program (NVAP) in the state in which they are licensed to practice veterinary medicine, performs a health assessment outside of the exhibition or show venue prior to any commingling of animals from separate origins, and prior to entry of the exhibition or show venue. For the purposes of this subchapter, a health assessment conducted by a licensed and USDA accredited veterinarian involves the veterinary examination of an animal to ensure that the animal is in good health and well-being, as well as free of any visible signs of pain, distress, suffering, or displaying any symptoms consistent with RHDV-2. If an animal is found to exhibit any symptoms consistent with RHDV-2, that animal as well as any cohorts, which includes animals from the same origin, animals that traveled together, or animals that where commingled, will be excluded from the exhibition or show and must return without any commingling of other animals directly to its origin location.
  - (2) The exhibition or show administrators, upon request from the NCDA&CS Veterinary Division, shall provide the name, address, phone number, and number of animals for every participant in the exhibition or show for NCDA&CS disease epidemiological investigation and testing purposes.

*History Note:* Authority G.S. 106-317;  
Emergency Adoption Eff. July 13, 2021;  
Temporary Adoption Eff. September 24, 2021;  
Eff. December 1, 2022;  
Amended Eff. December 1, 2023.

## **SECTION .0300 - BRUCELLOSIS REGULATIONS**

### **02 NCAC 52B .0301 QUALIFICATIONS OF PERSONS CONDUCTING BRUCELLOSIS TEST**

Brucellosis testing of cattle, swine, goats or other livestock shall be conducted only by an accredited veterinarian or an employee of the veterinary division of the North Carolina Department of Agriculture or Animal and Plant Health Inspection Services, Veterinary Services, United States Department of Agriculture. The sale of brucellosis test antigen to any individual, firm or corporation not in possession of a written permit from the State Veterinarian, or the possession of said antigen by any person not in possession of such a permit, is prohibited.

*History Note: Authority G.S. 106-390; 106-396;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52B .0302 BRUCELLOSIS REQUIREMENTS FOR SALE OF CATTLE AND SWINE**

(a) All cattle offered for public sale must test negative for brucellosis within 30 days preceding the date of sale except those cattle listed as follows:

- (1) cattle sold for immediate slaughter;
- (2) native heifers and bulls less than 18 months of age;
- (3) steers and spayed heifers;
- (4) officially brucellosis vaccinated heifers of the dairy breeds under 20 months of age (provided that all officially brucellosis vaccinated heifers of any breed that are parturient or post parturient must be tested and negative for brucellosis);
- (5) officially brucellosis vaccinated heifers of the beef breeds under 24 months of age (provided that all officially brucellosis vaccinated heifers of any breed that are parturient or post parturient must be tested and negative for brucellosis);
- (6) cattle originating directly from a certified brucellosis-free herd or state; or
- (7) heifers under 12 months of age purchased for feeding purposes; provided, however, that if the State Veterinarian determines that the heifers originated from a herd of unknown brucellosis status, buyers of feeder heifers under 12 months of age may be required, before they remove such cattle from place of purchase, to sign a statement of intent to feed those cattle not tested for brucellosis in isolation from breeding animals. Willful failure of a buyer of such cattle to sign a statement of intent when requested by the State Veterinarian or his authorized representative or willful failure to comply with such a signed statement of intent is a violation of this Section.

(b) All swine sold or offered for sale for breeding purposes must originate directly from a validated brucellosis-free herd unless they originate from a state classified as swine-brucellosis free.

(c) Sporting swine:

- (1) For the purpose of this Rule:
  - (A) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes;
  - (B) "Feral swine" means any swine that have lived any part of its life free roaming.
- (2) All sporting swine sold or offered for sale must originate directly from a validated brucellosis-free herd.

*History Note: Authority G.S. 106-389; 106-396;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2000; February 1, 1996; December 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52B .0303 CALFHOOD VACCINATION**

Official Brucellosis calfhood vaccination of heifers between the ages of four and eight months by accredited veterinarians, employees of the veterinary division of the North Carolina Department of Agriculture, or employees of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, is permitted. The vaccine used must be licensed by the Biologics Division of the U.S. Department of Agriculture and be authorized for use in North Carolina by the State Veterinarian. Each vaccinated heifer shall be identified by the official vaccination tattoo and an approved ear tag in the right ear: Provided that the State Veterinarian may waive the ear tag requirement if other acceptable means of identifying individual heifers are used. The original and one

copy of the brucellosis calthood vaccination record shall be submitted by the person doing the vaccinating to the State Veterinarian within 10 days following vaccination. Officially brucellosis vaccinated cattle of the dairy breeds 20 months of age and over, and those of the beef breeds 24 months of age and over, classified as reactors to an official test for brucellosis shall be branded and tagged as brucellosis reactors. Parturient and post parturient animals reacting to the official brucellosis test shall be branded and tagged as reactors regardless of age.

*History Note:* Authority G.S. 106-389; 106-396;  
Eff. April 1, 1984;  
Amended Eff. July 1, 1998;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0304 COMPULSORY TESTING**

The State Veterinarian is empowered to require the testing of cattle, goats and swine he has reasonable grounds to believe are affected with or have been exposed to brucellosis. Following a ten day notice, the owner shall have his cattle, swine or goats confined at the appointed time of the test. He shall provide the necessary facilities and assistance for the person making the test.

*History Note:* Authority G.S. 106-390; 106-396;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **SECTION .0400 – EQUINE INFECTIOUS ANEMIS (EIA)**

#### **02 NCAC 52B .0401 DEFINITIONS**

The following definitions are in effect throughout this Section:

- (1) Equine. Any member of the equine family, including horses, ponies, mules, asses and other equines;
- (2) Reactor. An equine over six months of age that reacts positively to an approved test for equine infectious anemia;
- (3) Official Test. A test recognized by Veterinary Services, APHIS, USDA, pursuant to 9 CFR 75.4;
- (4) Date of Test. Date blood sample is collected from the equine;
- (5) Licensed Accredited Veterinarian. A veterinarian licensed to practice in North Carolina by the North Carolina Veterinary Medical Board and accredited by the USDA;
- (6) Exposed Equine. An equine which the State Veterinarian or his authorized representative has reasonable grounds to believe has been exposed to equine infectious anemia; An equine shall be considered exposed when in the professional judgment of a state or federally employed, or accredited, veterinarian designated by the State Veterinarian, the equine has been exposed. A premises may be approved by the State Veterinarian for the permanent quarantine of an equine which is positive to an official test for equine infectious anemia when it can be determined that other equines will not be exposed to the disease;
- (7) Division. Veterinary Division of the North Carolina Department of Agriculture and Consumer Services;
- (8) Dealer. Any person who buys equine for his own account for the purpose of resale, or for the account of others;
- (9) Public Place. Any premises owned or operated by any governmental entity, any privately owned or operated premises open to the public, or any privately owned or operated premises where three or more equine originating from three or more premises are gathered.

*History Note:* Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Eff. April 1, 1984;  
Temporary Amendment Eff. October 1, 1999;  
Amended Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52B .0402      DISPOSITION OF REACTORS**  
**02 NCAC 52B .0403      EXPOSED HORSES**  
**02 NCAC 52B .0404      REPORT OF TEST RESULTS**

*History Note:*      *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*  
*Eff. April 1, 1984;*  
*Temporary Repeal Eff. October 1, 1999;*  
*Repealed Eff. April 1, 2001.*

**02 NCAC 52B .0405      FEES FOR BLOOD TEST**

A person submitting a blood sample to the Division to be tested for equine infectious anemia (EIA) shall pay a fee of four dollars (\$4.00) per sample.

*History Note:*      *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*  
*Eff. April 1, 1984;*  
*Amended Eff. April 1, 1985;*  
*Temporary Amendment Eff. October 1, 1999;*  
*Amended Eff. April 1, 2001;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52B .0406      EIA TEST REQUIRED**

(a) All equine more than six months of age entering North Carolina for any purpose other than for immediate slaughter shall be accompanied by a copy of the certificate of test from a laboratory approved by the USDA showing the animal to be negative to an official test for equine infectious anemia (EIA) within the past 12 months, except as provided in 02 NCAC 52B .0410. (See 02 NCAC 52B .0206 for other importation requirements.)

(b) No equine more than six months of age shall be sold, offered for sale, traded, given away, or moved for the purpose of change of ownership unless accompanied by the original official negative test for EIA administered within 12 months prior to sale or movement, except that equine which are offered for sale at auction markets or sales may have a blood sample drawn at the market by the market's veterinarian at the seller's expense. In such cases, the equine may be sold and transferred contingent upon receipt of an official negative EIA test. Until receipt of an official negative EIA test, the equine must be isolated in accordance with standards for isolation of positive reactors, pursuant to 02 NCAC 52B .0408(c)(2).

(c) All equine brought to or kept at any public place for exhibition, recreation or assembly shall be accompanied by either the original or a copy of an official negative test for EIA administered within the previous 12 months. The person in charge of any public place where equine are brought or kept for exhibition, recreation or assembly shall not permit an equine to remain on the premises without the test required by this Rule.

(d) A person in possession or control of an equine in a public place shall, upon the request of an authorized person, present the original or a copy of the test required by this Rule and shall assist in identifying the equine. A person in possession or control of an equine who does not have an original or a copy of the test required by this Rule shall remove the equine from the premises within two hours of receiving written notification to leave from an authorized person. As used in this Rule, "authorized person" means the person in charge of the premises, or the State Veterinarian or his representative.

*History Note:*      *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*  
*Temporary Adoption Eff. October 1, 1999;*  
*Eff. April 1, 2001;*  
*Amended Eff. October 1, 2004; April 1, 2001;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52B .0407      TESTING FOR EIA**

(a) Equine tested for equine infectious anemia (EIA) must be completely and accurately identified by a licensed, accredited veterinarian, using the official test form provided by the office of the State Veterinarian.

(b) Only one form shall be utilized by the testing veterinarian for each equine to be tested. Any distinctive markings and their location on the animal such as brands, tattoos, stars, snips, stockings, or other markings shall be noted on the official chart.

(c) Equine receiving on-farm or private treaty test shall not be sold or ownership otherwise transferred until the results of the equine infectious anemia test performed on the animal are returned. Positive test results shall automatically result in the quarantine of the animal without further notice at the premises of the owner or where the test was conducted.

(d) All test results shall be reported to the office of the State Veterinarian. Tests conducted at a laboratory within the state shall be reported on official forms supplied by the Division. Licensed, accredited veterinarians submitting samples for testing in U.S. Department of Agriculture approved laboratories outside of North Carolina shall supply a copy of the test record to the office of the State Veterinarian within five days upon receipt of the test results from the testing laboratory.

(e) The owner or manager of a market or sale shall announce, prior to the sale or auction, that all equines not accompanied by either the original or a copy of an official negative test for EIA will be tested. Each buyer of such equine at the sale or auction shall sign an agreement to maintain such equine at a specified location until notified of the results of the test. Equine that prove negative to the test may move in normal trade channels. Owners of equine that react to the test must comply with 2 NCAC 52B .0408.

*History Note: Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Temporary Adoption Eff. October 1, 1999;  
Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0408 POSITIVE REACTORS**

(a) Equine testing positive to an approved test for equine infectious anemia (EIA) may have a confirmatory retest by a representative of the State Veterinarian within 15 days of the initial test. If there is no retest within 15 days from notification, the right to retest is forfeited and the equine shall be euthanized or branded immediately.

(b) If not euthanized, reactors must be branded on the left side of the neck with the characters '55A' and the official reactor number assigned by the Division. The owner of the reactor must submit the equine for branding by a representative of the State Veterinarian within 15 days of the confirmatory test.

(c) A reactor shall be isolated, euthanized or sold for slaughter within seven days of branding. Reactors shall be subject to the following disposition, at the option of the owner:

- (1) With approval of the State Veterinarian or his designated representative, the equine may be sold for slaughter to bona fide slaughter buyers. EIA reactors must be permitted on VS Form 1-27 by a representative of the State Veterinarian for movement from farm to an approved slaughter establishment or research facility when, in the State Veterinarian's judgment, it can be done without risk of exposure of other equine;
- (2) Quarantine of the infected, branded, equine until death in an isolation facility on the owner's premises or elsewhere, approved by an authorized representative of the State Veterinarian. A written quarantine will be issued for each equine. Minimum standards for an approved isolation facility shall be a plot or pasture located a minimum of 880 yards from any other equine enclosure, or other equine, except another known EIA reactor. Owners of infected, branded equine shall not sell, barter, trade or give away these equine except as provided in this Rule.

*History Note: Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Temporary Adoption Eff. October 1, 1999;  
Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0409 ADJACENT OR EXPOSED EQUINE**

When an equine is found positive by an official equine infectious anemia (EIA) test and an EIA retest by state personnel, all equine on the same premises (farm, pasture, or stable), and all other equine located on adjacent farms, pastures, or stables within 880 yards shall be required to be tested by state regulatory personnel or a licensed,

accredited veterinarian. All exposed equine, as defined in 2 NCAC 52B .0401(6), shall be quarantined until tested and found negative to the EIA test 60 days after removal of the reactor.

*History Note: Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Temporary Adoption Eff. October 1, 1999;  
Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52B .0410 MARKET AND SALE RESPONSIBILITY**

(a) Livestock markets and all others conducting sales of equine shall send a written request for approval of all sales to the State Veterinarian at least two weeks prior to sale. The State Veterinarian shall approve the request if:

- (1) the applicant is in compliance with this Section at the time of the application;
- (2) it appears that the applicant is able to comply with this Section at the time of the proposed sale; and
- (3) the Veterinary Division has personnel available to monitor the sale to determine compliance with this Section.

(b) Livestock markets or equine sales offering to provide equine infectious anemia (EIA) testing must employ a licensed, accredited veterinarian.

(c) Livestock markets or sales that have permanent facilities, including a licensed, accredited veterinarian, may handle equine that do not have a negative test, provided each such equine is tested as provided in this Section.

(d) Livestock markets and all others conducting sales of equine shall have check-in procedures, including at least the following:

- (1) See that the correct name and mailing address of the owner is on the "check-in" form, along with the license number of the vehicle that transported the animal;
- (2) Apply a backtag or paint number at "check-in" and note it on the "check-in" form;
- (3) See that all EIA test records are collected and presented to the market veterinarian or representative of the State Veterinarian for verification prior to the sale.

(e) Equine shall be presented to the market or sale veterinarian if testing is required, and assistance shall be provided for drawing blood samples for the EIA test.

(f) The market or sale management shall maintain records of sales for a minimum of two years, so that animals that react positively to the EIA test may be traced.

(g) Those managing the sale shall not permit the sale of equine on the premises except through the market or sale.

(h) Non-compliance with these Rules is grounds for revocation of approval to conduct sales.

*History Note: Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Temporary Adoption Eff. October 1, 1999;  
Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52B .0411 MARKET OR SALE VETERINARIANS**

(a) Market or sale veterinarians shall:

- (1) Collect blood samples of five cubic centimeters in a blood collection tube with identification of each equine presented for test;
- (2) Properly identify each equine tested on a Department of Agriculture and Consumer Services form as to name, age, sex, breed, color and markings, brands, tattoos, scars; and
- (3) Mail blood and form to an approved laboratory by the end of the next business day following the sale.

(b) Each market veterinarian involved in the equine infectious anemia (EIA) program shall notify the State Veterinarian of such involvement.

*History Note: Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Temporary Adoption Eff. October 1, 1999;  
Eff. April 1, 2001;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0412 SLAUGHTER SALES**

Market or sale operators who wish to conduct a sale of equine only for slaughter without EIA testing must sign an agreement with the State Veterinarian to comply with the terms of this Section.

*History Note: Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;  
Temporary Adoption Eff. October 1, 1999;  
Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **SECTION .0500 - POULTRY DISEASES**

#### **02 NCAC 52B .0501 POULTRY DISEASES**

If it shall be determined that any contagious or infectious disease of poultry, or exposure thereto, exists in any hatchery, poultry processing plant, or on any other place where poultry is raised, kept or handled, the State Veterinarian, his assistants or any duly authorized inspector, acting under the authority of the Commissioner of Agriculture is authorized to perform any or all of the following acts:

- (1) quarantine and placard such premises and all poultry on same premises when necessary to control the spread of contagious or infectious diseases of poultry;
- (2) restrict the movement of poultry, baby chicks, eggs or any other agent capable of transmitting infection;
- (3) require the cleaning and disinfecting of trucks and other vehicles used in transporting poultry and other products;
- (4) require the cleaning and disinfecting of hatcheries, poultry houses, slaughtering plants, coops, crates, transporting cages, containers, egg cases, chick boxes or any other agent capable of carrying infection;
- (5) restrict and regulate the disposition of offal and other waste material from poultry slaughtering and processing establishments, provide for disposal of manure from poultry houses by composting for 30 to 60 days on the farm or by burial on the farm where disease has occurred, or dispose by method authorized by the State Veterinarian;
- (6) require the proper disposition of all dead birds.

*History Note: Authority G.S. 106-540;  
Eff. April 1, 1984;  
Amended Eff. July 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0502 HEALTH REGULATIONS FOR POULTRY EXHIBITIONS**

(a) Persons conducting and participating in poultry exhibitions shall comply with the following:

- (1) All poultry, excluding doves and pigeons, for exhibition in North Carolina shall originate from U.S. pullorum-typhoid clean flocks, or have a negative pullorum-typhoid test within 90 days (30 days for out-of-state birds) of the date of exhibition. All North Carolina owned birds must be tested by agents of the North Carolina Department of Agriculture. For North Carolina birds and for out-of-state birds from U.S. pullorum-typhoid clean states, these test requirements may be satisfied by a negative test conducted by a North Carolina Department of Agriculture agent at the time of entry. The fee for pullorum-typhoid testing at the exhibition is ten cents (\$0.10) per bird with a minimum fee of one dollar (\$1.00) per exhibitor.
- (2) Poultry for exhibition shall not have been vaccinated with a live virus vaccine within the last 30 days preceding the exhibition.
- (3) Each bird must be identified with a "tamper-proof" band at the time of pullorum-typhoid test. A copy of the pullorum-typhoid test chart must accompany birds to exhibition.

- (4) Birds are subject to examination (including blood test and swabs) by a representative of the North Carolina Department of Agriculture. Birds shall not be accepted which are infected with or showing any clinical signs of a contagious disease, or are infested with lice or mites.
  - (5) Out-of-state birds shall be admitted provided they are from an area that is not under quarantine for an infectious disease and have a negative antigen detection test for Avian Influenza performed within 21 days prior to presenting for exhibition.
  - (6) The secretary of each show shall furnish the representative of the State Veterinarian with a list of names and addresses of all exhibitors at the time of the exhibition.
  - (7) The secretary of each show shall have the requirements in this Rule printed in the show catalog or premium list.
- (b) The Commissioner may, when in the public interest to prevent disease, suspend any poultry exhibition in North Carolina.

*History Note:* Authority G.S. 106-540;  
Eff. April 1, 1984;  
Amended Eff. August 1, 2010; October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0503 TRANSPORTING LIVE POULTRY**

- (a) No person, firm, or corporation shall re-use for transporting live poultry, any coop, crate, or other container that has been used previously for live poultry, unless said coop, crate, or other container has been thoroughly cleaned and properly disinfected. No person, firm, or corporation shall transport on the public highways of this state any empty coop, crate, or other container that has been used previously for live poultry, except to transport such coop, crate, or other container to a designated point for cleaning and disinfecting.
- (b) Any truck, trailer, or other conveyance used in transporting live poultry shall be thoroughly cleaned and disinfected after the hauling of each lot of live poultry.
- (c) Disinfectants acceptable for use under this Regulation are limited to the chemicals approved in 9 CFR 71.10, 71.11, and 71.12.
- (d) The provisions of (a) and (b) of this Rule shall not apply to any persons, firms, or corporations when transporting or handling only their own poultry.

*History Note:* Authority G.S. 106-540;  
Eff. April 1, 1984;  
Amended Eff. April 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0504 AVIAN INFLUENZA (H5N2)**

*History Note:* Filed as a Temporary Rule Eff. January 30, 1986, for a Period of 120 Days to Expire on May 30, 1986;  
Statutory Authority G.S. 106-307.5;  
Expired Eff. May 30, 1986.

#### **02 NCAC 52B .0505 AVIAN INFLUENZA (H5N2)**

*History Note:* Authority G.S. 106-307.5;  
Eff. July 1, 1986;  
Repealed Eff. July 1, 2010.

### **SECTION .0600 - POULTRY: HATCHERIES: PULLORUM DISEASE**

#### **02 NCAC 52B .0601 NATIONAL POULTRY IMPROVEMENT PLAN**

- (a) All provisions for the recognition, classification, control, and eradication of pullorum disease, fowl typhoid, and Mycoplasma Gallisepticum (MG) as contained in the United States Department of Agriculture National Poultry

Improvement Plan and Auxiliary Provisions, as incorporated by reference at 02 NCAC 52A .0102, shall apply to all hatcheries in this state and provided further that egg type chicken flocks shall be treated as egg type chicken breeding flocks for determining compliance with the provisions of this Rule.

(b) All poultry and poultry products produced, sold, offered for sale, shipped into this state, or transported within this state shall originate from flocks that meet the requirements for the control of pullorum, fowl typhoid and Mycoplasma Gallisepticum as expressed in the National Poultry Improvement Plan and Auxiliary Provisions except that birds enroute to or from a show or exhibition that complies with 02 NCAC 52B .0502 need not comply with this Paragraph.

(c) Poultry that does not meet the standards prescribed in Paragraph (b) of this Rule shall be subject to the provisions of 02 NCAC 52B .0501 as applicable.

(d) Poultry slaughtered within 24 hours after entering the state need not comply with the provisions of this Rule, unless the poultry originates from a quarantined flock. Poultry originating from a quarantined flock shall be accompanied by a permit from the State Veterinarian.

*History Note: Authority G.S. 106-539; 106-540; 106-543;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2005; July 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0602 HATCHERIES: RECORDS**

Every hatchery shall keep a permanent record showing the name and address of the flock owner of all eggs received, together with the number of eggs and date received; also, a permanent record of all hatching eggs, baby chicks, and turkey poults sold, with number, flock origin, date and name and address of purchaser. They also shall keep a permanent record of all flock inspections and test reports.

*History Note: Authority G.S. 106-540;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52B .0603 ENTRY OF AVIAN SPECIES INTO THE STATE OF NORTH CAROLINA**

(a) Every shipment of poultry and hatching eggs entering this State shall be accompanied by a certificate or label showing the name and address of the shipper and the National Poultry Improvement Plan (NPIP) Disease Program Status of the flock of origin. The certificate or label must be approved by the duly authorized agency of the state of origin.

(b) Hatching Eggs, Chicks, or Poults, and any poultry under 16 weeks of age shall:

- (1) Originate from a Pullorum-Typhoid (PT) clean flock and be accompanied by a Certificate of Veterinary Inspection (CVI) or VS 9-3 NPIP form from the state of origin; and
- (2) Originate from a flock certified NPIP US H5/H7 Avian Influenza (AI) Clean or US AI Clean. Source hatcheries must handle only eggs from NPIP US AI Clean or US H5/H7 AI Clean parent flocks.

(c) Poultry and Ratites, 16 weeks of age and older, shall:

- (1) Originate from a P-T clean flock and have CVI or VS 9-3 NPIP form from state of origin, or negative P-T test within 30 days prior to entry; and
- (2) Originate from flock certified NPIP H5/H7 AI Clean or US AI Clean, with CVI (issued within 5 days of entry) or VS 9-3 NPIP form from state of origin, or be accompanied by records of a negative antigen detection AI test within 21 days prior to entering the state. (If the flock has more than 500 birds in number and is being tested for AI prior to entry, the owner or his agent must test 30 samples per flock and at least 10 per house, with all pens and houses represented.)

Ratites shall also have a permit number from the NC State Veterinarians Office.

(d) Poultry entering NC for slaughter must be compliant with NPIP pre-slaughter guidelines for AI testing within 21 days of entry (11 samples per flock for chickens, and six samples per flock for turkeys). Pre-slaughter AI test records must accompany the flock on an official NPIP-approved laboratory form.

(e) Pigeons, doves, birds of prey, psitticines, and song birds shall:

- (1) have a permit number from the NC State Veterinarian's office; and

- (2) be accompanied by a CVI issued within five days of entry.
- (f) No hatching eggs, chicks, poulters or adult domestic poultry or ratites may enter NC if they originate in counties or areas under quarantine for H5/H7 Avian Influenza. Entry is not allowed for six weeks following last AI positive test.
- (g) For conveyances or containers that have been in AI-infected counties:
- (1) No person, firm, or corporation shall re-use for transporting live poultry, any coop, crate, or other container that has been used previously for live poultry, unless said coop, crate, or other container has been cleaned and disinfected. No person, firm, or corporation shall transport on the public highways of this state any empty coop, crate, or other container that has been used previously for live poultry, except to transport such coop, crate, or other container to a designated point for cleaning and disinfecting.
  - (2) Any truck, trailer, or other conveyance used in transporting live poultry shall be cleaned and disinfected after the hauling of each lot of live poultry.
  - (3) Disinfectants acceptable for use under this Rule are limited to the chemicals listed in 9 CFR 71.10, 71.11 and 71.12.

*History Note:* Authority G.S. 106-539; 106-540; 106-543;  
Eff. April 1, 1984;  
Amended Eff. August 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0604 CHICK DEALERS AND JOBBERS: FEE AND APPLICATION**

All chick dealers and jobbers shall, on or before July 1 of each year, pay the required fee and file application with the Department of Agriculture, on forms furnished by the department, for a permit to operate.

*History Note:* Authority G.S. 106-540;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0605 CHICK DEALERS AND JOBBERS: RECORDS**

All chick dealers and jobbers shall keep a permanent record showing date, number of chicks and from whom purchased and shall keep similar records on all chicks sold in lots of 100 or more.

*History Note:* Authority G.S. 106-540;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0606 DUTY TO REPORT OUTBREAK OF DISEASE**

It shall be the duty of every hatchery, chick dealer or jobber to report promptly to the Department of Agriculture the outbreak of any contagious or infectious disease affecting baby chicks or turkey poulters in their possession or in any flock supplying eggs to said hatchery.

*History Note:* Authority G.S. 106-540;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52B .0607 POULTRY RUNNING AT LARGE**

- (a) A person owning or having legal custody of any poultry shall not maintain poultry in any manner that creates a reasonable likelihood that poultry will wander outside of the legal boundaries of the property on which they are kept.
- (b) A person owning or having custody of any poultry shall not allow said poultry to wander outside the legal boundaries of the property on which they are kept.

*History Note:* Authority G.S. 106-539; 106-540; 106-543;

*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52B .0608      POULTRY AND RATITE DEALERS: LICENSING AND RECORDS**

(a) A poultry or ratite dealer, as defined in G.S. 106-541(3), shall register with the Department of Agriculture and Consumer Services on or before July 1 of each year on a form furnished by the Department.

(b) A poultry or ratite dealer shall keep records of purchases and sales of poultry and ratites, showing the date of each purchase or sale, the number of birds and the name and address of the seller or purchaser on a form provided by the Department. A poultry dealer shall also keep records of any disease testing performed on birds under his control that are subject to the requirements of this Section. These records must be available for examination upon request by the Department and shall be kept for three years.

*History Note:      G.S. 106-540; 106-547;*  
*Eff. July 1, 2010;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**SUBCHAPTER 52C - CONTROL OF LIVESTOCK DISEASES: MISCELLANEOUS PROVISIONS**

**SECTION .0100 - DISEASED AND DEAD ANIMALS**

**02 NCAC 52C .0101      TRANSPORTATION OF INFECTED ANIMALS**

Permits will be issued by the State Veterinarian to sell or transport on the public roads of the state animals affected with a contagious or infectious disease under the following circumstances:

- (1) The animals can be wholly or partly salvaged by slaughter with no danger to human or animal health.
- (2) On request of the owner or caretaker a permit will be issued to move diseased animals from one quarantined premise to another when the movement can be made without exposure of humans or other animals to the disease.
- (3) A permit will be issued to transfer diseased animals to a research facility when such transfer can be accomplished without danger to human or animal health.
- (4) Permits may be issued for the movement of swine in accordance with the North Carolina Pseudorabies Program.

*History Note:      Authority G.S. 106-22(3); 106-400;*  
*Eff. April 1, 1984;*  
*Amended Eff. December 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52C .0102      DISPOSAL OF DEAD ANIMALS**

Methods approved by the State Veterinarian for disposing of dead domesticated animals in addition to burial three feet beneath the surface of the ground are as follows:

- (1) rendering at a rendering plant licensed under G.S. 106-168.7;
- (2) complete incineration;
- (3) in the case of dead poultry, placing in a disposal pit as prescribed in G.S. 106-549.70; and
- (4) any method which in the professional opinion of the State Veterinarian would make possible the salvage of part of a dead animal's value without endangering human or animal health.

*History Note:      Authority G.S. 106-403;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52C .0103 RECORDS REQUIREMENTS FOR LIVESTOCK DEALERS**

(a) In order to cooperate with the United States Department of Agriculture in the control and eradication of brucellosis, all livestock dealers licensed under the Livestock Dealer Licensing Act shall keep records for two years of all transactions involving livestock and permit any authorized agent of the Commissioner of Agriculture to have access to and copy all records relating to such transactions.

(b) The records required to be kept in (a) of this Rule shall consist of the approximate age, breed and species of the livestock, the date of sale, and the name and address of persons from whom and to whom livestock are sold and traded.

*History Note: Authority G.S. 106-389; 106-396;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52C .0104 REQUIREMENTS FOR TRANSPORTING BREEDING SWINE**

Breeding swine transported along the public roads of North Carolina pursuant to a change of ownership shall originate from a "qualified pseudorabies-free herd" or undergo a negative official blood test for pseudorabies within 30 days of movement; provided that breeding swine being transported for immediate slaughter shall not be subject to the provisions of this Rule and; provided further, the importation of breeding swine shall be governed by the provisions of 2 NCAC 52B .0207(c).

*History Note: Authority G.S. 106-22(3); 106-307.3; 106-307.5; 106-400; 106-401;  
Eff. April 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52C .0105 PSEUDORABIES STATUS AND TESTING**

(a) Feeding and breeding swine may not be transported on any public road or held in any public place unless accompanied by a written permit from the State Veterinarian or proof satisfactory to the State Veterinarian that:

- (1) No pseudorabies vaccine has been used in the herd of origin, unless the herd is a pseudorabies monitored vaccinated herd or unless the use of vaccine has been approved under the North Carolina Pseudorabies Program; and
- (2) The swine were tested and found negative for pseudorabies within 30 days prior to movement; or
- (3) The swine originated from a pseudorabies-free area as determined by the State Veterinarian; or
- (4) The swine originated from a Qualified Pseudorabies Negative Herd as defined in Title 9, Part 85 of the Code of Federal Regulations; or
- (5) The swine originated from a monitored feeder pig herd; or
- (6) The swine are being transported or held in accordance with the North Carolina Pseudorabies Program.

(b) The State Veterinarian or his representative is authorized to test swine for pseudorabies in accordance with G.S. 106-400.1.

(c) Swine transported on a public road or held in a public place in violation of this Rule are subject to quarantine and may be transported or held only by written permit from the State Veterinarian or his representative.

(d) Sporting swine:

- (1) For the purpose of this Rule:
  - (A) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes;
  - (B) "Feral swine" means any swine that have lived any part of its life free roaming.
- (2) All sporting swine sold or offered for sale must originate directly from a qualified pseudorabies-negative herd.

Note: Violation of this regulation is a misdemeanor under G.S. 106-22(3), and is punishable by fine or imprisonment of not more than two years, or both.

*History Note: Authority G.S. 106-22(3); 106-400.1;*

*Eff. January 1, 1989;*  
*Amended Eff. February 1, 1996; December 1, 1989; June 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **SECTION .0200 - VIRUS AND BACTERIA DISEASES**

### **02 NCAC 52C .0201      PRODUCT CONTAINING VIRUS OR BACTERIA**

(a) No product containing a live virus or live bacteria or other agents capable of producing disease in animals shall be shipped or otherwise brought into the state, sold, offered for sale, distribution or use, unless permission in writing shall have been granted by the State Veterinarian.

(b) Written permission will be given by the State Veterinarian for bringing into North Carolina live viruses or live bacteria or other agents capable of producing disease in animals when they are to be used in research and their presence will not constitute a threat to human or animal health, or in other cases when their use would have a beneficial effect on animal health.

*History Note:      Authority G.S. 106-315;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52C .0202      DUPLICATE SHIPPING TICKET**

At the direction of the State Veterinarian, all materials of the above nature (described in 2 NCAC 52C .0201) entering North Carolina shall have a duplicate shipping ticket stating name of consignee, amount of material, date shipped and how shipped, when ticket shall be sent to the State Veterinarian's office by the shipper when shipment or sale is made. North Carolina dealers shall report name of purchasers of above products.

*History Note:      Authority G.S. 106-315;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **SECTION .0300 - DIAGNOSTIC LABORATORIES**

### **02 NCAC 52C .0301      POLICY FOR RECEIVING SPECIMENS**

The policies for receiving dead or sick animal specimens for study by the Diagnostic Laboratories Section are as follows:

- (1)      Animals too decomposed for study will not be accepted; and
- (2)      Animal tissues (parts of animals), blood, serum, milk, must be collected and submitted by a licensed veterinarian or the professional personnel of other laboratories.

*History Note:      Authority G.S. 106-22(3);*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52C .0302      POLICY FOR DISPOSITION OF SPECIMENS**

Carcasses of animals accepted for examination and received into the necropsy area will not be released. All animal carcasses shall be disposed of by incineration or other approved methods.

*History Note:      Authority G.S. 106-22(3);*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **SECTION .0400 - BONE MEAL**

#### **02 NCAC 52C .0401      DISTRIBUTING BONE MEAL**

No bone meal (ground or crushed animal bones) or animal feeds containing bone meal shall be sold, offered for sale, or otherwise distributed, in the State of North Carolina for feeding purposes unless the manufacturer or distributor of same can show definitely that such bone meal meets the requirements of this Section.

*History Note:*      *Authority G.S. 106-168.12; 106-284.41;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52C .0402      MANUFACTURING BONE MEAL**

Bone meal (ground or crushed animal bones) for feeding purposes shall in the process of manufacture be heated sufficiently to destroy all disease producing organisms, including spores. The minimum requirement to accomplish this shall consist of exposure to steam under pressure (approximately 15 pounds gauge pressure) at not less than 248 degrees F. for not less than 30 minutes, or dry heating at not less than 284 degrees F. for not less than three hours, provided that all parts of the material reach the temperature above indicated.

*History Note:*      *Authority G.S. 106-168.12; 106-284.41;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **SECTION .0500 - BIOLOGICAL RESIDUES**

#### **02 NCAC 52C .0501      ANALYSIS BY STATE CHEMIST**

The results of analyses conducted by the State Chemist, or his delegate, will be accepted by the Commissioner of Agriculture as evidence that an animal, animal product, or animal feed does not bear a biological residue, or that a biological residue present is within tolerances established or approved by the Board of Agriculture, or that it exceeds the approved tolerances.

*History Note:*      *Authority G.S. 106-549.81;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52C .0502      PERMITS**

A written permit will be issued by the Commissioner of Agriculture for the movement of an animal, animal product, or animal feed under detention or quarantine pursuant to G.S. 106-549.82 when it can be determined that such movement is necessary to prevent economic loss to the owner or other persons, and it can be accomplished without impairing the enforcement of this Chapter.

*History Note:*      *Authority G.S. 106-549.84;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **SECTION .0600 - DISEASE REPORTS**

#### **02 NCAC 52C .0601      SUBMISSION OF DISEASE REPORTS**

- (a) No livestock shall be removed from this State unless an interstate health certificate, in proper form, is submitted to the State Veterinarian within seven days of issuance of said certificate.
- (b) Tuberculosis test chart(s) for livestock shall be submitted to the State Veterinarian within seven days of the issuance of said test chart(s).
- (c) Any reaction to a tuberculin test shall be communicated to the State Veterinarian by telephone by the next business day after the reaction result is ascertained.

*History Note: Authority G.S. 106-14; 106-22(3); 106-348; 106-396;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52C .0602 SUBMITTED DEFINED**

For the purposes of 2 NCAC 52C .0601 (a) and (b), "Submitted to the State Veterinarian" means the deposit of the certificate or chart, with the U.S. Postal Service, with proper postage, within seven days after the certificate or chart has been completed, to the following address:

N.C. State Veterinarian  
472 Agriculture Building  
P.O. Box 26026  
Raleigh, North Carolina 27611.

*History Note: Authority G.S. 106-14; 106-22(3); 106-348; 106-396;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52C .0603 REPORTABLE DISEASES**

All persons practicing veterinary medicine in North Carolina shall report the following diseases and conditions to the State Veterinarian's office by telephone within two hours after the disease is reasonably suspected to exist:

- (1) Anthrax;
- (2) Avian Chlamydiosis (Psitticosis, Ornithosis);
- (3) Avian Encephalomyelitis;
- (4) Avian Influenza (High Pathogenic);
- (5) Avian Influenza (Low Pathogenic);
- (6) Brucellosis (livestock only);
- (7) Classical Swine Fever (Hog Cholera);
- (8) Contagious Equine Metritis;
- (9) Echinococcus;
- (10) Equine Encephalomyelitis (including Eastern Equine Encephalomyelitis, Venezuelan Equine Encephalomyelitis, Western Equine Encephalomyelitis, and St. Louis Encephalomyelitis);
- (11) Equine Infectious Anemia;
- (12) Exotic Newcastle Disease;
- (13) Foreign Animal Diseases (including, in addition to those listed in this Rule, any disease believed to be absent from the United States and its territories);
- (14) Fowl Typhoid (*Salmonella gallinarum*);
- (15) Infectious Laryngotracheitis (other than vaccine induced);
- (16) Leishmaniasis;
- (17) *Mycoplasma gallisepticum*/*Mycoplasma synoviae*;
- (18) Paramyxovirus (other than Newcastle; includes menangle virus);
- (19) Plague (*Yersinia pestis*);
- (20) Pseudorabies;
- (21) Pullorum (*Salmonella pullorum*);
- (22) Q fever (*Coxiella burnetii*);
- (23) Rabies (equine and livestock only);
- (24) Scabies (cattle and sheep only);
- (25) Screw Worm (Exotic myiasis);
- (26) Transmissible spongiform encephalopathies (including Bovine Spongiform Encephalopathy, Chronic Wasting Disease, and scrapie);
- (27) Tuberculosis;
- (28) Tularemia (*Francisella tularensis*);
- (29) Vesicular Disease (Foot and Mouth, Vesicular Stomatitis, Vesicular Exanthema, Swine Vesicular Disease); and

- (30) West Nile (domestic animals only).

*History Note:* Authority G.S. 106-307.2;  
Temporary Adoption Eff. December 1, 2002;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **SECTION .0700 – MISCELLANEOUS REQUIREMENTS**

### **02 NCAC 52C .0701 INTRASTATE REQUIREMENTS: CERVIDAE**

*History Note:* Authority G.S. 106-317; 106-400; 106-549.97(a2);  
Eff. July 1, 1998;  
Amended Eff. August 1, 2004; August 1, 2002;  
Amended Eff. January 1, 2016;  
Repealed Eff. July 1, 2018.

## **SUBCHAPTER 52D - MEAT AND POULTRY INSPECTION**

### **SECTION .0100 - STANDARDS: OFFICIAL MARK**

#### **02 NCAC 52D .0101 CERTAIN STANDARDS ADOPTED: EXCEPTIONS**

The Rules, Regulations, Definitions and Standards of the United States Department of Agriculture governing meat and meat products inspection, poultry products inspection, voluntary inspection of poultry and humane methods for slaughtering animals, Title 9, Code of Federal Regulations, Parts 300 through 500, are hereby incorporated by reference, including subsequent amendments and editions, subject to the following exceptions:

- (1) To conform Federal regulations to North Carolina authority, references in the Federal regulations to the "Secretary of Agriculture," the "United States Department of Agriculture," the "Food Safety and Inspection Service," and its "Administrator" shall be deemed to refer to the corresponding North Carolina authority, the "Commissioner of Agriculture," the "North Carolina Department of Agriculture and Consumer Services," the "Meat and Poultry Inspection Service" and its "Director for Meat and Poultry Inspection Service," respectively. References to "interstate commerce" shall be deemed to refer to "intrastate commerce" within North Carolina.
- (2) Statutory references to the "Federal Meat Inspection Act" shall be deemed to refer to the corresponding provisions of the "North Carolina Meat Inspection Law," Article 49B and Article 49C of G.S. 106.
- (3) Statutory references to the "Federal Poultry Products Inspection Act" shall be deemed to refer to the corresponding provisions of the "North Carolina Poultry Products Inspection Act," Article 49D of Chapter 106 of the North Carolina General Statutes.
- (4) References to federal marks of inspection, forms, overtime rates and charges shall be deemed to refer to the corresponding North Carolina marks of inspection, forms, and overtime rates and charges. These rates are established by the Commissioner pursuant to G.S. 106-549.69 to cover the cost of providing the service. Standards of the Federal Food, Drug, and Cosmetic Act incorporated in the federal regulations are applicable to these articles.

Copies of the above are available for inspection in the office of the Director of the State Meat and Poultry Inspection Service and may be obtained at no cost from the United States Government Printing Office website at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/9cfrv2\\_04.html#301](http://www.access.gpo.gov/nara/cfr/waisidx_04/9cfrv2_04.html#301).

*History Note:* Authority G.S. 106-549.21; 106-549.22; 106-549.28;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2005; July 1, 1998; July 1, 1986; April 1, 1985; January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## 02 NCAC 52D .0102 OFFICIAL MARK OF INSPECTION

Part 312 of the Federal Meat Inspection Regulation shall refer to the following official North Carolina mark of inspection:

- (1) The mark shall be an isosceles trapezoid with base and top lines parallel, and the top line centered over the base. The distance between the base and top lines shall be equal to the length of the top line. The proportion for these lengths shall be as follows:

| Base Line | Top Line | Distance Between<br>Base and Top |
|-----------|----------|----------------------------------|
| 8         | 5        | 5                                |
- (2) The text of the mark within the border of the trapezoid shall be as follows:
  - (a) "INSP'D" centered along the periphery of the left hand edge;
  - (b) "AND" centered along the periphery of the top;
  - (c) "PASSED" centered along the periphery of the right hand edge;
  - (d) "N.C.D.A." centered along the periphery of the bottom edge;
  - (e) "BY" centered immediately above the letters N.C.D.A.; and
  - (f) The plant designator number "P----(No.)" will be centered in the remaining space.
- (3) A height of approximately one-ninth of the vertical distance between the base and top lines shall be the lettering size for "INSP'D," "AND," "PASSED," "BY," "N.C.D.A." as they appear in the official North Carolina mark of inspection.
- (4) A height of not less than one-seventh and not greater than one-sixth of the vertical distance between the base and top lines shall be the lettering size for the plant designator number "P----(No.)" as it appears in the official North Carolina mark of inspection.

*History Note:* Authority G.S. 106-549.21; 106-549.22; 106-549.28;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## SUBCHAPTER 52E - MARKETING OF LIVESTOCK

### SECTION .0100 - DEFINITIONS AND GENERAL RULES

#### 02 NCAC 52E .0101 DEFINITIONS

These definitions are applicable throughout Chapter 52:

- (1) "Farm of Origin" means a farm or other premise where an animal was born or on which it has been maintained for at least 90 consecutive days immediately prior to movement.
- (2) "Recognized Slaughtering Establishment" means any slaughter establishment operating under provisions of the federal or state meat inspection acts and where ante-mortem and post-mortem inspections are routinely performed.
- (3) "Breeding Swine" means any swine which are maintained for breeding purposes, including sows which are parturient or which have given birth to one or more litters of pigs and boars which are uncastrated and which have reached a stage of maturity rendering the animal capable of being used as a breeding animal, including those boars which through age or infirmity are no longer suitable for such use.
- (4) "Feeder Swine" means any swine showing no visible signs of infectious or communicable disease and weighing less than 150 pounds and which are moved from the farm of origin to an approved feeder pig market to be assembled for resale as feeder swine or moved directly to another premise for further feeding prior to slaughter.
- (5) "Slaughter Swine" means swine which are consigned to a slaughter market or consigned directly to slaughter irregardless of age, breed or sex.
- (6) "Immediate Slaughter" means slaughter within seven days.

*History Note:* Authority G.S. 106-416;  
Eff. April 1, 1984;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52E .0102      RESOLD CATTLE**

*History Note:      Authority G.S. 106-14; 106-22(3); 106-348; 106-396; 106-416;  
Eff. April 1, 1984;  
Repealed Eff. April 1, 1985.*

## **02 NCAC 52E .0103      RESOLD CATTLE**

(a) When cattle for feeding or breeding purposes are delivered to a public livestock market, the seller shall designate as "resold" or "second-handed" any cattle which have been sold through any livestock market within the previous 21 days. The seller shall make this designation to the livestock market operator, his agent, or the North Carolina Department of Agriculture livestock inspector in charge.

(b) All resold or second-handed cattle shall be penned together and separate from farm fresh cattle. The market operator shall announce to the buyers that these are resold or second-handed cattle when they are offered for sale.

Note: Violation of this Rule is a misdemeanor under G.S. 106-417, and violators may be fined or imprisoned, or both, in the discretion of the court. In addition, a public livestock market license may be revoked for violations of this Rule, pursuant to G.S. 106-407.2.

*History Note:      Authority G.S. 106-416;  
Eff. May 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **SECTION .0200 - PUBLIC LIVESTOCK MARKET REGULATIONS**

### **02 NCAC 52E .0201      DAY AND TIME OF SALE**

The regularly scheduled auction sales at public livestock auction markets shall be held on a designated day or days, Monday through Friday. The State Veterinarian may, on a minimum of two weeks written notice from a market operator, issue a permit for a breeding cattle consignment sale to be held on a Saturday. Cattle consigned to sales held under this exemption must be entered at the sales barn no later than 6:00 P.M. on the day preceding the sale with each individual consignment confined to separate pens until the required testing for brucellosis has been completed. Cattle officially tested as negative for brucellosis within 30 days prior to the sale may be entered at the sales barn anytime prior to the sale.

*History Note:      Authority G.S. 106-408; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0202      NOTIFICATION OF UNSATISFACTORY PAYMENT**

Public livestock market operators shall notify the Commissioner of Agriculture of unsatisfactory payment for livestock within 24 hours after having knowledge of such unsatisfactory payment. The notification will include the following:

- (1) the person on which the account is drawn and address;
- (2) amount of unsatisfactory payment;
- (3) nature of unsatisfactory payment including payee, bank; and address if applicable;
- (4) nature of collection action taken by the public livestock market.

*History Note:      Authority G.S. 106-418.6;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0203      FACILITIES FOR HANDLING LIVESTOCK**

Proper facilities for handling, segregating, holding and sale of livestock shall meet the following minimum requirements:

- (1) Facilities for Handling Breeder and/or Feeder Swine. Alleys and pens shall have properly drained floors of concrete or other impervious material approved by the State Veterinarian or his authorized representative. The alleys shall lead directly from unloading docks to such pens and shall be used by all feeder and/or breeder swine offered for sale.
- (2) Facilities for Handling Slaughter Swine. When slaughter swine are sold on the same day that feeder and/or breeder swine are sold, separate facilities shall be provided for slaughter swine including unloading docks, alleys and pens. Alleys shall lead directly from unloading docks to pens so that slaughter swine shall not come in contact with facilities used by feeder and/or breeder swine.
- (3) Maintenance of Floors Required by this Rule. All floors of concrete or other impervious material referred to or required in these Regulations shall be free of holes, cracks or depressions and shall be properly drained and reasonably smooth so that they can be easily cleaned and disinfected. All other floors shall be properly drained, free of holes and depressions and maintained in such a manner that they can be readily cleaned and kept in a sanitary manner.
- (4) Facilities for Handling Livestock Other Than Swine. Sufficient unloading and loading docks, alleys and pens shall be provided for yarding livestock in a safe and humane manner. Docks, alleys and pens shall be constructed in such manner so that they drain properly and may be cleaned and/or disinfected as deemed necessary by the State Veterinarian or his authorized representative.
- (5) Holding Pens and Restraining Chutes. Sufficient holding pens and restraining chutes suitable for restraining animals for testing, tagging, branding and other procedures required in providing livestock inspection service at stockyards shall be provided and maintained in a manner acceptable to the State Veterinarian at each public livestock market selling cattle.
- (6) Laboratory Facility. All public livestock markets selling cattle shall provide laboratory space for conducting brucellosis tests acceptable to the State Veterinarian or his authorized representative. The laboratory shall be constructed so as to provide privacy for the person or persons conducting the brucellosis tests. It shall be constructed and equipped so as to provide adequate ventilation, lighting, heating, and cooling. Refrigeration for brucellosis testing supplies and water with facilities for washing testing equipment shall be readily available. Unauthorized persons shall not have access to this facility.

*History Note: Authority G.S. 106-408; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52E .0204      MARKETS KEPT CLEAN AND SANITARY: DISINFECTION**

(a) Livestock market facilities including yards, loading and unloading docks, alleys, pens, chutes, scales, and sales ring shall be maintained in a clean and sanitary manner. All loading docks, alleys, pens, scales and sales rings used for feeding and/or breeding swine shall be thoroughly cleaned and disinfected in an approved manner prior to receiving such swine for each sale. All trucks, trailers and other conveyances owned and/or operated by livestock market operators shall be maintained in a clean and sanitary manner. Those trucks, trailers, and other conveyances transporting animals affected with an infectious or contagious disease shall be thoroughly cleaned and disinfected before further use. All livestock market operators shall provide equipment and facilities deemed suitable by the State Veterinarian or his authorized representative for cleaning and disinfection of market facilities, trucks, trailers, and other conveyances operated by them in handling and transporting livestock.

(b) Approved disinfectants to be used in disinfection of livestock market facilities, trucks, trailers and conveyances, etc., are those listed in 2 NCAC 52B .0503. Equipment and facilities for cleaning and disinfecting livestock market facilities, trucks, trailers and other conveyances shall consist of, but not be limited to, high pressure hoses and connections, power sprayers or other pressure sprayers approved by the State Veterinarian for applying disinfectant solutions.

*History Note: Authority G.S. 106-408; 106-416;  
Eff. April 1, 1984;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0205 VETERINARIANS ACCEPTABLE FOR WORK AT LIVESTOCK MARKETS**

*History Note: Authority G.S. 106-408.1;  
Eff. April 1, 1984;  
Expired Eff. April 1, 2017 pursuant to G.S. 150B-21.3A.*

**02 NCAC 52E .0206 CATTLE AND SWINE FOR IMMEDIATE SLAUGHTER: IDENTIFICATION**

(a) Cattle. Cattle sold in a public livestock market shall be identified with an official back tag applied at a point just back of the shoulder, or by any other method approved by the State Veterinarian.

(b) Swine. All swine sold for immediate slaughter in a public livestock market or buying station shall be identified as follows:

- (1) Bred gilts, sows and boars will be individually identified with an official backtag, eartag or tattoo approved by the State Veterinarian.
- (2) Other swine weighing 150 pounds or less shall be identified with a green paint mark on the back not less than three inches in diameter.
- (3) Swine weighing in excess of 150 pounds that can be graded and/or classed as top hogs need not be paint marked or tagged.

*History Note: Authority G.S. 106-409; 106-410;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0207 CATTLE: SWINE SOLD OTHER THAN SLAUGHTER: IDENTIFICATION**

(a) Cattle. All cattle sold for purposes other than for immediate slaughter in public livestock markets shall be identified with an official ear tag or a legible permanent ear tattoo or other methods approved by the State Veterinarian.

(b) Swine. All swine sold for purposes other than for immediate slaughter at public livestock markets, including feeder and/or breeder swine shall be identified with an official ear tag or other methods approved by the State Veterinarian. All feeder swine sold through public livestock markets and/or approved feeder pig sales shall be identified at the time of entry into a public livestock market and/or other approved feeder pig sale facility, with an official feeder pig tag approved by the State Veterinarian. A permanent record will be made of the tag numbers used for each consignor of feeder swine, along with the name and address of the consignor. One copy of the record will be mailed to the State Veterinarian at the completion of each sale.

*History Note: Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0208 REMOVAL OF IDENTIFICATION MARKS: TAGS: ETC.**

No person or persons shall remove any paint mark, tag, etc., required for identification of cattle and swine unless previously authorized by the State Veterinarian or his authorized representative. The State Veterinarian authorizes the removal of paint marks, tags, etc., used for identification of slaughter cattle and swine at the time of slaughter.

*History Note: Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0209 CERTIFICATES: CATTLE AND SWINE REMOVED FOR NON-SLAUGHTER**

(a) No cattle except those for immediate slaughter shall be removed from a public livestock market unless they are accompanied by a certificate issued by a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal

Regulations or an employee of the veterinary division of the North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that such animals are apparently healthy and come directly from a certified brucellosis-free herd or state or that eligible cattle listed have passed an approved test for brucellosis within 30 days prior to sale. (Steers, spayed heifers, and native cattle under 18 months of age are exempt from this requirement.) Every animal shall be identified by a numbered ear tag or tattoo in accordance with Title 9, Part 78.1 of the Code of Federal Regulations. No brucellosis test shall be required on official brucellosis vaccinates less than 20 months of age of the dairy breeds and less than 24 months of age of the beef breeds, provided that all parturient or post parturient cattle regardless of age shall be tested for brucellosis. Official calthood vaccinates must be identified by ear tag, tattoo or official vaccination certificate.

(b) Swine. No swine except those for immediate slaughter shall be removed from any public livestock market unless they are accompanied by a certificate issued by a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations or employee of the veterinary division, North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that swine covered by the certificate are apparently healthy and come directly from a validated brucellosis-free herd. Each animal shall be identified with an official ear tag, tattoo or other methods approved by the State Veterinarian.

(c) Record Kept. A copy of all health certificates issued on cattle and swine sold in a public livestock market shall be kept on file as a part of the livestock market records for at least one year.

(d) Exemptions. The Commissioner of Agriculture exempts from the requirement for official health certificates all breed sponsored sales, quality feeder pig sales where animals are not sold for movement to other states, and those sponsored wholly or in part by an agency of state government.

*History Note: Authority G.S. 106-416;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2000; December 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52E .0210 REMOVAL OF SLAUGHTER SWINE FROM A PUBLIC LIVESTOCK MARKET**

(a) No swine consigned to and sold in a swine slaughter sale at a public livestock market shall be removed from the market for any purpose other than for immediate slaughter unless a permit is obtained from the State Veterinarian or his authorized representative.

(b) Conditions under which a permit may be authorized by the State Veterinarian:

- (1) When there is sufficient evidence to prove swine have been stolen and sold for slaughter;
- (2) When swine are found to be affected with a treatable disease which at that time would render them unfit for slaughter;
- (3) No sale animals;
- (4) Animals sold for home consumption.

(c) All swine released by permit from the State Veterinarian or his authorized representative, in (b)(1), (2), (3), and (4) of this Rule, shall be quarantined in isolation on the swine owner's premise until it has been determined that they will not expose other swine to a contagious and/or infectious disease.

*History Note: Authority G.S. 106-410; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52E .0211 SALE OF SLAUGHTER SWINE IN FEEDER SWINE FACILITIES**

Public livestock markets not having separate facilities for receiving, handling and selling feeder and slaughter swine may use their feeder pig facilities for the sale of slaughter swine provided:

- (1) All feeder swine sales and slaughter swine sales are held on alternate days;
- (2) Following each slaughter swine sale, all slaughter swine shall be removed and the facilities used for slaughter swine shall be thoroughly cleaned and disinfected prior to receiving any feeder swine for sale.

*History Note:* Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0212 PERMITS/DISEASED LIVESTOCK ENTER PUBLIC LIVESTOCK MARKETS**

- (a) Permits shall not be issued for known diseased animals to enter a public livestock market except when it can be determined by the State Veterinarian or his authorized representative that other animals will not be exposed.  
(b) Diseased animals entering public livestock markets under permit shall be placed under quarantine until they are disposed of in accordance with instructions issued by the State Veterinarian or his authorized representative.

*History Note:* Authority G.S. 106-412; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**SECTION .0300 - LIVESTOCK MARKET REGULATIONS**

**02 NCAC 52E .0301 REMOVAL OF LIVESTOCK FROM SLAUGHTER BUYING STATIONS**

The operator or operators of a buying station not operating under a public livestock market permit shall not allow the removal of livestock from such facility for any purpose other than for immediate slaughter unless a permit has been obtained from the State Veterinarian or his authorized representative.

*History Note:* Authority G.S. 106-409; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0302 SANITATION**

All slaughter buying stations shall be maintained in a clean and sanitary manner.

*History Note:* Authority G.S. 106-409; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0303 PERMITS TO REMOVE ANIMALS**

The issuance of a written permit by the State Veterinarian or his authorized representative to remove animals for any purpose other than immediate slaughter from a "buying station" of a slaughterhouse or similar business, not operating under a public livestock market permit, is contingent upon the animals in question being moved to an isolated location and maintained under quarantine until it can be determined that they will not serve as a source of disease capable of being spread to other animals.

*History Note:* Authority G.S. 106-409; 106-410; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0304 PERMITS FOR OTHER PURPOSES**

(a) At an owner's request, permits to use animals sold for slaughter for another purpose will be issued in the following cases:

- (1) when there is evidence that the animals have been stolen and sold for slaughter;
- (2) when the animals are affected with a treatable disease or condition, including advanced pregnancy, which would render them unfit for slaughter at that time;
- (3) in other instances where slaughter would cause a demonstrated preventable loss to the owner.

(b) In all cases, animals temporarily or permanently released from slaughter under this provision shall be quarantined and isolated as a condition of the permit until it can be determined they are not infected with a contagious disease.

*History Note:* Authority G.S. 106-409; 106-410; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52E .0305 DENIAL OF PERMIT**

(a) No permit shall be issued for an animal known to be affected with or having visible signs of a contagious or infectious disease to enter a public livestock market except when it can be determined that other animals will not be exposed.

(b) Animals quarantined under this provision will be held in isolation for a sufficient time to prevent the exposure of healthy animals to contagious diseases. Movement of quarantined animals to slaughter will be authorized by the State Veterinarian or his authorized representative when it is determined that the movement can be accomplished without exposure of other animals or humans to disease.

(c) All facilities used for holding such animals and conveyances used in transporting them shall be thoroughly cleaned and disinfected at the discretion and to the satisfaction of the State Veterinarian or his authorized representative.

*History Note:* Authority G.S. 106-412; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52E .0306 PERMISSION TO SELL DISEASED ANIMALS**

Written permission may be given by the Commissioner of Agriculture or his authorized representative to sell, trade or dispose of animals affected with or exposed to a contagious or infectious disease for slaughter at a plant with state or federal meat inspection provided in the opinion of the official issuing the permit it can be done without exposing humans or animals to a contagious disease. Permission should be requested in writing directed to: State Veterinarian, Department of Agriculture, Post Office Box 26026, Raleigh, North Carolina 27611.

*History Note:* Authority G.S. 106-413; 106-414;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **SECTION .0400 - LIVESTOCK BRANDING**

#### **02 NCAC 52E .0401 APPLICATION FOR BRAND REGISTRATION**

(a) An application for a brand shall be accompanied by an exact likeness of the brand desired for registration. This likeness shall be a minimum of three inches in its smallest dimension either horizontal or vertical.

(b) An application for a brand shall specify the exact location on the animal where the brand will be located.

*History Note:* Authority G.S. 80-61;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52E .0402 STYLE AND LOCATION OF BRAND**

(a) No brand shall be accepted for registration that:

- (1) contains any numbers;
- (2) because of shape would be difficult to read when affixed to the animal; or
- (3) is a close likeness to another registered brand, in accordance with G.S. 80-60.

(b) If practical, a brand shall be located on either the right or left hip to the rear of the hip bone. In any event, the brand shall be readable from a side or top view of the animal.

*History Note:* Authority G.S. 80-61;  
Eff. April 1, 1984;  
Readopted Eff. July 1, 2019.

## **SUBCHAPTER 52F - PEN-RAISED QUAIL**

### **02 NCAC 52F .0101 DEFINITIONS**

The following definitions will pertain to this entire Chapter:

- (1) "Person" means any individual, firm or corporation.
- (2) "Quail" means any and all species of quail.
- (3) "Permit" means a permit to process for the purpose of sale and to offer for sale pen-raised quail for consumption as food, issued by the N.C. Department of Agriculture.
- (4) "Pen-raised quail" means any and all quail which have been propagated in captivity.

*History Note:* Authority G.S. 106-549.94;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52F .0102 REGISTRATION**

Any person who processes for the purpose of sale any pen-raised quail for use as food shall register with the Department of Agriculture.

*History Note:* Authority G.S. 106-549.94; S.L. 1977, c. 905;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52F .0103 PEN-RAISED QUAIL OFFERED FOR SALE**

The dressed carcasses of pen-raised quail shall be offered for sale only when sealed in not readily resealable containers which shall bear a printed legend showing the name and address of the processor holding a valid permit. The label may clearly indicate the species of quail in the container and shall clearly indicate that the contents are not wild game either by the use of the words "Pen-Raised," "Farm Raised" or other similar wording approved by the Commissioner of Agriculture.

*History Note:* Authority G.S. 106-549.94; S.L. 1977, c. 905;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52F .0104 RECORD REQUIREMENTS**

The processor shall be required to maintain records containing the number of pen-raised quail sold for use as food, the date of each sale, and the name and address of the buyer.

*History Note:* Authority G.S. 106-549.94; S.L. 1977, c. 905;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52F .0105 RECORDS INSPECTION**

The records hereby required shall be supported by copies of receipts, invoices, bills of sale, or other written vouchers, and shall be made available for inspection at any reasonable time on request by any authorized agent of

the North Carolina Department of Agriculture. Such records and vouchers shall be retained and made available for inspection for a minimum of one year following any sale or the expiration of the permit under which pen-raised quail are sold for consumption as food.

*History Note:* Authority G.S. 106-549.94; S.L. 1977, c. 905;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52F .0106 RESALE**

Persons offering quail for resale shall maintain the quail carcasses in the sealed containers in which they are purchased.

*History Note:* Authority G.S. 106-549.94; S.L. 1977, c. 905;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **SUBCHAPTER 52G - BIOLOGICS**

#### **SECTION .0100 - DEFINITIONS**

##### **02 NCAC 52G .0101 DEFINITIONS**

The following definitions are applicable throughout this Subchapter:

- (1) "Person" means and includes an individual corporation, partnership, or other legal entity.
- (2) "Expiration Date" means the end of the period in which the biological product properly stored and handled, can with reasonable certainty, yield the result expected.
- (3) "Commissioner" means the North Carolina Commissioner of Agriculture.

*History Note:* Authority G.S. 106-712;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

##### **02 NCAC 52G .0102 DEFINITION ADOPTED BY REFERENCE**

The definitions contained in 9 CFR 101.4 (labeling terminology) are hereby adopted by reference, except that reference to Veterinary Services shall be interpreted to mean the N.C. Department of Agriculture. Copies of these definitions are available in the office of the State Veterinarian.

*History Note:* Authority G.S. 106-712;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **SECTION .0200 - LICENSES**

##### **02 NCAC 52G .0201 BIOLOGICS PRODUCTION LICENSE APPLICATION AND FEES**

- (a) An application for an initial license to produce biologics shall be accompanied by an application fee of one hundred dollars (\$100.00) and a license fee of one hundred dollars (\$100.00).
- (b) Applications for a license to produce biologics shall contain all of the following:
  - (1) the name and address of the person who owns the establishment proposed to produce biologics;
  - (2) the name and address of the person in charge of biologics production;
  - (3) the type(s) of biologics to be produced;

- (4) a full description of the building, including its location, facilities, equipment, and apparatus to be used in biologics production; and
- (5) such other information as may be required by the Commissioner.

*History Note:* Authority G.S. 106-710; 106-712; 106-713;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **02 NCAC 52G .0202 LICENSING CRITERIA FOR PRODUCTION ESTABLISHMENTS**

- (a) All establishments producing biologics shall be located in a facility that is a permanent fixture.
- (b) All establishments shall be properly equipped to produce the product(s) for which they are registered.

*History Note:* Authority G.S. 106-712; 106-713;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **02 NCAC 52G .0203 LICENSES**

A license is not transferable as to location or ownership. Change in equity ownership, directly or by sale or transfer of a controlling stock interest or change in location, requires a new license and fee. An annual license renewal fee of one hundred dollars (\$100.00) is payable to the N.C. Department of Agriculture on or before July 1 of each year.

*History Note:* Authority G.S. 106-710; 106-712; 106-713;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **SECTION .0300 - INSPECTION AND RECORD KEEPING**

### **02 NCAC 52G .0301 INSPECTIONS**

- (a) Upon receipt of an application for a license to produce biologics and the appropriate application fee, the director or his authorized agent shall inspect the establishment.
- (b) An authorized representative of the Commissioner shall be permitted to enter an establishment producing registered biologics at any reasonable hour and inspect without previous notification the entire premises of such establishment and all records maintained relative to the condition of animals maintained, biologic production, spoilage, and distribution, as well as any other premises where the registrant may have placed any such products, records, or animals.
- (c) The licensed manufacturer shall provide upon request and without cost to the Commissioner samples of stock cultures, other material, or finished product from his establishment and all firms or persons storing or selling the manufacturer's registered biologics; and shall also provide in contracts with distributors that the Commissioner may take such samples without charge to the Commissioner.

*History Note:* Authority G.S. 106-712; 106-713;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52G .0302 RECORDS AND SAMPLES**

Each establishment licensed by the Commissioner shall maintain, as to each registered biologic, records of the source of stock cultures, methods of preparation, results of tests for purity and safety of each serial of biologics produced and the sale, shipment, or other disposition of the above.

*History Note:* Authority G.S. 106-712; 106-713;  
Eff. April 1, 1984;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52G .0303 PROTECTION OF CONFIDENTIAL INFORMATION**

Information submitted by users of biologics shall be treated as confidential information to the extent that the release thereof will divulge the contents or formulation of such product.

*History Note: Authority G.S. 106-24.1; 106-709; 106-712;  
Eff. April 1, 1984;  
Readopted Eff. July 1, 2019.*

## **SECTION .0400 - REGISTRATION OF BIOLOGICS**

### **02 NCAC 52G .0401 BIOLOGICS REQUIRING REGISTRATION**

- (a) Each biologic produced in an establishment licensed by the Commissioner shall be separately registered, except as provided in (b) and (c) of this Rule.
- (b) Biologics produced by a licensed veterinarian for prevention or treatment of disease in animals which are under his care and are administered only by him or under his supervision to such animals need not be registered.
- (c) Biologics which are produced pursuant to 9 CFR 102.5 (U.S. Veterinary Biological Product License) need not be registered with the Commissioner.
- (d) The Commissioner may require registration of any biologic when he determines it necessary to prevent the spread or introduction of infection or disease and to assure its safe and effective use.

*History Note: Authority G.S. 106-709; 106-712;  
Eff. April 1, 1984;  
Amended Eff. April 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52G .0402 APPLICATIONS FOR REGISTRATION**

- (a) Each application for registration of a biologic shall include a detailed protocol of methods of production which shall specify, as a minimum, the source and type of biologic material used to produce the product and methods used to determine purity and safety of the product during manufacture and distribution.
- (b) Each application for registration of a biologic shall include a sample of the label to be used, which shall specify, as a minimum:
  - (1) the name of the product;
  - (2) the name of the person producing the biologic as it appears on the license;
  - (3) the date the product was manufactured;
  - (4) the expiration date;
  - (5) the lot number; and
  - (6) conditions of use.
- (c) Each application for registration of a biologic shall include such other information as required by the Commissioner to determine if a product may be hazardous to human or animal health.

*History Note: Authority G.S. 106-709; 106-712;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52G .0403 REGISTRATION**

- (a) Registration of a biologic shall be approved when the applicant provides such information concerning protocols, source of biologic agents, purity and safety as may be required by these Rules.
- (b) Upon approval, a biologic shall be registered upon receipt of a fifty dollar (\$50.00) fee.
- (c) The registration of a biologic shall specify the conditions of use and period for which the registration is granted.
- (d) No change in composition, protocol of production or labeling of a biologic registered by the Commissioner shall be made without prior approval of the Commissioner.

*History Note:* Authority G.S. 106-709; 106-710; 106-712; 106-713; 106-715;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **SUBCHAPTER 52H - GARBAGE FED SWINE**

### **02 NCAC 52H .0101 DEFINITIONS**

The following definition is in effect throughout this Subchapter: "Garbage Feeding" means to feed garbage to swine, to offer garbage to swine, to make garbage available to swine, to allow swine to have access to garbage and/or similar acts wherein swine may consume or contact garbage, including garbage-contaminated equipment and products.

*History Note:* Authority G.S. 106-405.1; 106-405.8;  
Eff. April 1, 1984;  
Amended Eff. October 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52H .0102 PERMIT FOR FEEDING GARBAGE TO SWINE**

(a) No person shall feed garbage to swine without first obtaining a permit therefor from the North Carolina Commissioner of Agriculture; provided that a permit is not required of any individual who feeds only his own household garbage to his own swine. Applications for permits to feed garbage shall be made in writing on forms furnished by the State Veterinarian and shall include the name and address of the applicant, the location of the feeding premises, number of swine usually fed, origin of garbage collected, type of collecting and cooking equipment and similar information. The Commissioner of Agriculture or his authorized agent, the State Veterinarian, may require a survey of the garbage-feeding premises and equipment, by a state or federal inspector, prior to issuing the permit.

(b) It is the policy of the Veterinary Division that in all cases, a survey of garbage feeding premises and equipment is made prior to issuance of a permit.

*History Note:* Authority G.S. 106-405.2; 106-405.8;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **02 NCAC 52H .0103 COLLECTION AND TRANSPORTATION OF GARBAGE**

(a) Trucks, vehicles, cans, barrels, vats or other equipment used for the collection and transportation of garbage shall be maintained in a clean and sanitary manner, and such vehicles and equipment shall not be used for any other purposes until cleaned and disinfected. All cans, barrels, vats or other containers shall be leak-proof and fitted with lids or other approved covers necessary to prevent spillage. No garbage, either raw or cooked, originating in any other state shall be fed to swine in North Carolina except upon written authorization by the State Veterinarian. The State Veterinarian is authorized to require processing or reprocessing by heat-treatment of all garbage originating in another state or originating in an area owned or under control of the United States armed forces or other agencies of the United States Government. The owners or agents in charge of vehicles transporting garbage shall furnish any authorized state or federal inspector information as to the origin and destination of the garbage. Upon written or verbal request, any person disposing of garbage shall furnish the State Veterinarian or his authorized agent the name and address of the garbage collector and the approximate hour of collection. Garbage collected and transported for the purpose of feeding to swine in violation of the Garbage Feeding Law (G.S. 106-405.1- 106-405.9) and/or rules and regulations shall be disposed of by burial or other approved methods as directed by authorized state and federal inspectors.

(b) Policy of the veterinary division dictates that the State Veterinarian does not authorize the feeding of garbage originating outside of this state to be fed to swine in North Carolina. No exception is made to the required heat treatment of garbage prior to being fed to swine.

*History Note: Authority G.S. 106-405.8;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52H .0104 SANITATION AND MANAGEMENT**

(a) The garbage feeding premises shall be kept in a clean and sanitary manner and properly drained. The holding pens and feed lots shall be well constructed of suitable materials so as to prevent the escape of swine, including baby pigs. The fences and gates shall be kept in good repair and escape proof from bottom to top. Swine shall not have access to the area where raw garbage is transported, unloaded and cooked. The feeding platforms or troughs shall be constructed of concrete, wood or other impervious material and of sufficient size and dimensions to accommodate the swine herd. The troughs shall be secured so as to prevent turning over and contaminating the soil. Raw garbage collected shall be heat-treated within twenty-four hours and kept covered until processed. Effective rodent, vermin and fly control measures shall be practiced. An adequate water supply shall be available on the garbage feeding premises. Containers and other utensils used in transferring cooked garbage to the feeding platforms or troughs shall not be contaminated with raw garbage. The feeding of garbage on the ground is prohibited. Garbage shall not be allowed to accumulate on the platform, in the feed trough or in and around the pens. Spilled garbage and waste garbage shall be buried outside the pens or feed lots. Rubbish, trash, bones, dead animals and other objectionable materials shall be removed from the feed lots and adjacent premises at frequent intervals and disposed of by burning, burial or other approved methods. The garbage feeding of swine shall be separate and apart from other livestock. No garbage feeding operation shall be maintained within 300 feet of non-garbage fed swine unless a specific written permit shall have been obtained first from the State Veterinarian or his authorized representative.

(b) A written permit for the maintenance of a garbage feeding operation of swine within 300 feet of non-garbage fed swine will not be issued by the State Veterinarian or his authorized representative unless a barrier sufficient to prevent the movement of men and animals has been erected and the owner of the non-garbage fed swine has given his approval in writing.

*History Note: Authority G.S. 106-405.5; 106-405.8;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52H .0105 GARBAGE COOKING EQUIPMENT AND OPERATIONS**

(a) Garbage cooking equipment shall be located 15 or more feet from the feed lots and so placed that raw garbage may be emptied into the cooker without passing through or contaminating the feed lots. The garbage cooking vats or other equipment shall be fitted with a metal or other approved removable cover. The size of the vat or other cooking equipment shall be determined by the amount of garbage processed and the heating facilities shall be adequate to heat-treat all parts of the garbage at a temperature of 212 degrees F. for 30 minutes or longer.

(b) Vats or other cooking equipment using direct fire for heat-treatment shall be enclosed in a fire box or furnace with a minimum of one and one-half inch direct fire space on each side, each end and extending a minimum of two inches above the top level of the garbage, during cooking operations. Drums if used shall be cut horizontally and enclosed in a fire box or furnace and fitted with a cover as prescribed for vats and other cooking equipment. The cooking equipment shall be provided with a shelter or other suitable covering for proper heat-treatment during all types of weather.

(c) Boilers and steam generating equipment shall be adequate in size and capacity to heat-treat the raw garbage of each processing operation. The steam pipes used in the cooking equipment shall be adequate in size and properly spaced with end valves, if required, and approved by the inspector. Inspectors shall provide a detailed diagram showing proper methods of both steam heat-treatment and open fire heat-treatment of garbage.

*History Note: Authority G.S. 106-405.6; 106-405.8;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52H .0106 CHANGES IN SPECIFICATIONS FOR COOKING EQUIPMENT**

Changes in specifications for cooking equipment and methods (as specified in 2 NCAC 7E .0105) may be permitted by the State Veterinarian when it will not affect the efficiency of cooking and operation.

*History Note:* Authority G.S. 106-405.8;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52H .0107 MOVEMENT: SALE AND QUARANTINE OF GARBAGE-FED SWINE**

(a) Swine which have been fed garbage shall be sold only for direct movement to a slaughtering establishment. They shall not be used for other than immediate slaughter and at the time of sale shall be identified by the garbage feeding permit number on the bill of sale.

(b) No garbage-fed swine shall be moved or transported except in compliance with the federal regulations and with the law and rules and regulations of the state of destination.

(c) Swine fed on raw garbage, improperly cooked garbage and/or fed or held on premises in violation of the Garbage Feeding Law and/or rules and regulations shall be subject to quarantine. The State Veterinarian is authorized to permit the movement of garbage-fed swine to isolated premises and subject to quarantine. The movement and/or sale of garbage-fed swine, including swine fed on individual household garbage and all other swine, shall be subject to the emergency rules and regulations established by the Commissioner of Agriculture for the control and eradication of vesicular diseases.

(d) A permit to move swine under quarantine because of having been fed raw garbage will be issued by the State Veterinarian when movement can be accomplished without risking the exposure of other animals.

*History Note:* Authority G.S. 106-405.8;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52H .0108 EXEMPTIONS**

The Commissioner of Agriculture or his authorized representative will exempt from the definition of garbage the waste resulting from the processing of seafood when it can be determined that the waste is not contaminated with, or has not been exposed to, other material classified as garbage.

*History Note:* Authority G.S. 106-405.1;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52H .0109 BOILING GARBAGE**

Boiling garbage for 30 minutes is an acceptable alternate to heating garbage to 212 degrees F. for 30 minutes, provided that all parts of the garbage reach the temperature of boiling for 30 minutes.

*History Note:* Authority G.S. 106-405.6;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### **SUBCHAPTER 52I - RENDERING PLANTS**

#### **02 NCAC 52I .0101 PLANS AND SPECIFICATIONS FOR NEW PLANTS**

Each applicant for a license for a proposed new rendering plant (one not in operation prior to January 1, 1953) shall, at the time of applying for license, furnish the Commissioner of Agriculture a full set of blue-prints showing detailed plans and specifications for such rendering plant and its equipment. Such plans and specifications shall clearly indicate the intended use of buildings and equipment and the construction standards required. Any contemplated use

of the plant and equipment not indicated in either the application for license or in the plans and specifications shall be brought to the attention of the rendering plant inspection committee.

*History Note: Authority G.S. 106-168.4; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52I .0102 NEW PLANT INSPECTION**

The operator of a new plant, upon beginning operations, shall notify the Commissioner of Agriculture, who shall cause an operating inspection to be made by the Committee.

*History Note: Authority G.S. 106-168.8; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52I .0103 BUILDINGS AND GROUNDS**

- (a) There shall be no access openings directly from the raw materials department to the cooked material department.
- (b) Floor surfaces shall be graded and constructed so as to provide drainage away from the cooked material room. Drainage outlets shall be of sufficient size to properly carry off all waste and fluids. Disposal lines shall have adequate clean-out arrangements. A grease trap shall be installed between intake and final effluent outlet on each drainage or sewer line carrying waste and/or fluids containing grease.
- (c) Live steam or hot water shall be available in ample supply for washing and sterilizing walls, floors, platforms, raw material containers and/or equipment, and vehicle bodies.
- (d) Ground or premises of rendering plants shall be surfaced with concrete or other impervious material where there is possibility of contamination, by seepage or otherwise, from blood, raw material or truck wash water.
- (e) Underground drainage shall be provided where necessary on the premises to prevent puddling of fluids produced through operations.

*History Note: Authority G.S. 106-168.8; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52I .0104 PLANT OPERATIONS**

- (a) "Approved Methods" for processing, as required in Paragraph 7 of G.S. 106-168.8, shall be interpreted as meaning that the raw materials shall be heat treated at a sufficient temperature and for a sufficient time to destroy all disease producing organisms.
- (b) Outside storage areas for building materials, drums, machinery, other equipment and supplies shall be so arranged and maintained as not to create an unsightly appearance or provide hiding and breeding places for rodents, flies and other vermin.
- (c) Buildings and premises shall be kept as clean and neat as practicable under good operational practices.
- (d) Skinning and cutting room floors and walls, and the waste from raw materials, shall be frequently disinfected with disinfectants approved by the inspection committee.
- (e) Disinfectant stations for employees shall be conveniently located.
- (f) Employees in contact with raw material shall wash and disinfect their hands and other contaminated parts of their bodies before coming in contact with the finished product of any portion of the plant where finished products are located. Likewise, employees shall change or disinfect their rubber boots, rubber shoes, gloves or any other wearing apparel which has been in contact with raw material before having contact with finished products or before entering any portion of the plant where finished products are located.
- (g) Rubber boots or rubber shoes shall be worn by employees working in the raw material section of a rendering plant.
- (h) Trash and waste shall be disposed of daily by burning, burying or by other means approved by the Committee.
- (i) Domestic animals shall not be allowed on the premises except those owned by persons living on the premises. No domestic animals shall be allowed to come in contact with raw material.

- (j) Raw material shall not be allowed to remain at a collecting station for more than 12 hours unless kept under satisfactory refrigeration.
- (k) Copies of the law and the rules and regulations relating to rendering plants shall be made available and explained to employees in order that they may cooperate in carrying them out.
- (l) Sprinklers or spray equipment for disinfecting purposes shall be kept in or conveniently near the raw material department.

*History Note:* Authority G.S. 106-168.8; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52I .0105 OPERATION OF TRUCKS**

- (a) Each truck or other vehicle used for collecting or transporting raw material shall be identified by a legible sign on both sides of the body or on the right and left doors of the driver's cab, setting forth the name and address and the license number of the rendering plant or collector operating such truck or other vehicle; or identified by other methods which shall be approved by the inspection committee.
- (b) Each truck or other vehicle transporting dead animals shall carry at all times sprinklers or spray equipment containing a disinfectant approved by the Committee.
- (c) The driver of a dead stock truck and the assistant or assistants on such truck shall wear rubber boots which shall be disinfected prior to entry on each farm.
- (d) After the inside and other contaminated parts of vehicles used in transporting raw materials have been steamed or washed, they shall be disinfected with disinfectants approved by the Committee.
- (e) Non-resident collectors operating in North Carolina shall comply with the laws, rules and regulations governing the collection and transportation of raw material to be processed or rendered. Non-resident owned or operated vehicles used or to be used in collecting raw material in North Carolina or in transporting raw material within the state for delivery to rendering plants located in other states shall, on the request of the North Carolina Commissioner of Agriculture, be assembled at a designated time and place for initial and subsequent inspections by the Committee.

*History Note:* Authority G.S. 106-168.8; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52I .0106 RECORDS AND REPORTS OF DEAD ANIMALS COLLECTED**

Rendering plant operators and collectors shall keep a record of dead animals collected showing the names and addresses of the owners and the kind of animals collected. Operators and collectors shall also file with the State Veterinarian, State Department of Agriculture, Raleigh, North Carolina, monthly reports within 15 days after the end of each month giving a summary of the number and kind of dead animals collected. More frequent reports shall be made on request of the State Veterinarian.

*History Note:* Authority G.S. 106-168.10; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 52I .0107 REINSPECTION**

Pursuant to G.S. 106-168.6, a second inspection of a site, buildings, equipment, etc., that failed to be certified upon completion of a first inspection, shall be made by the Committee within 20 days after the plant owner notifies the Commissioner that deficiencies have been corrected.

*History Note:* Authority G.S. 106-168.6; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **02 NCAC 52I .0108 APPROVED DISINFECTANTS**

Any disinfectant listed on the USDA list of approved disinfectants as reproduced in 2 NCAC 52B .0503 is approved by the North Carolina Department of Agriculture for the purpose of disinfecting trucks engaged in rendering operations. A pressure spray device capable of covering all surfaces of a vehicle or container used in transporting raw material is approved for applying disinfectant.

*History Note: Authority G.S. 106-168.8; 106-168.12;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **SUBCHAPTER 52J - ANIMAL WELFARE SECTION**

### **SECTION .0100 - RECORD KEEPING AND LICENSING**

#### **02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.**

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, estimated age, sex, breed or breed type, and color markings;
- (3) location of animal, including complete address and contact information, if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded, transferred, or adopted, and the date and time of such transaction; name and address of intermediary transporter if used; in the event of death, the record shall show the date, signs of illness, and cause of death if identified; if euthanized, the record shall show date and type of euthanasia;
- (5) record of veterinary care including medications, treatments, procedures, and immunizations. The record shall include: diagnosis(es), diagnostic testing and results, date and time of administration or procedure, description of medication and initials of person administering any product, medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency, duration to include the number of dosages or days to be given and the reason for the administration; and
- (6) all records shall be created and/or updated within 48 hours of the occurrence of procedures, including but not limited to intake, change of location, medication or treatment administration and/or disposition. The record shall be accurate; creation of a misleading record or deliberate or non-incidentals falsification of a record including medication administration documentation during or after an investigation or inspection shall be considered a violation of this regulation.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985;  
Readopted Eff. September 1, 2022.*

#### **02 NCAC 52J .0102 RECORDS; BOARDING KENNELS**

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
- (2) description of animal including breed or breed type, sex, age and color markings;
- (3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering product or procedure. The

description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency and duration to include the number of dosages or days to be given and the reason for the administration;

- (4) all records shall be created and/or updated at the time of the occurrence such as intake, medication or treatment administration and/or release. The record shall be accurate; creation of a misleading record or deliberate or non-incident falsification of a record including medication administration during or after an investigation or inspection shall be considered a violation of this regulation;
- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and
- (6) in the event of either an animal death or escape, the licensee shall notify the Animal Welfare Section within 48 hours.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005;  
Readopted Eff. September 1, 2022.

## **02 NCAC 52J .0103 INSPECTION OF RECORDS**

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the Director or his or her authorized representative on request, during the business and cleaning hours listed on the license application and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released from a boarding kennel or sold from a pet store or public auction. Animal shelters shall maintain records required by the Animal Welfare Act or this Subchapter for a period of three years after the disposition of the animal.

*History Note:* Authority G.S. 19A-24; 19A-25;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985;  
Readopted Eff. September 1, 2022.

## **02 NCAC 52J .0104 DEFINITIONS**

As used in this Subchapter:

- (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas, or objects to which an animal may have access, including, but not limited to toys, blankets, food and water utensils, and bedding.
- (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health. Adequate veterinary care means provision of veterinary care sufficient to address the relief of pain and/or suffering experienced by the animal and sufficient to address the medical condition.
- (3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
- (4) "Cage" means a primary enclosure which is enclosed on all sides including the top and bottom.
- (5) "Compatible group" means all animals in the group comingle peacefully without the presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the group.
- (6) "Common area(s)" means areas of the facility in which multiple animals may have access such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and exercise areas, and other such similar areas.
- (7) "Disposition" means the adoption, death, euthanasia, release, sale, trade, or transfer from a facility.
- (8) "Enrichment" means providing objects or activities, appropriate to the needs of the species as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's well-being.
- (9) Exercise area means an enclosed space in which an animal(s) is confined, and which is large enough for species-appropriate activity such as walking, running, climbing, jumping, socialization and/or play to occur.

- (10) "Husbandry" means the practice of daily care administered to animals.
- (11) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.
- (12) "Infirm" means not physically or mentally strong, especially through age or illness.
- (13) "Isolation" means the separation, for the period of communicability, of infected animals from others in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.
- (14) "Isolation area" means a location where animals infected with disease may be placed to contain, control, and limit the spread of the disease.
- (15) "License period" means July 1 through June 30.
- (16) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- (17) "Potable" means suitable for drinking.
- (18) "Properly cleaned" means the removal of carcasses, debris, food waste, excrement, urine, dirty or soiled accessories and other organic material with adequate frequency.
- (19) "Social interaction" means friendly physical contact or play between animals of the same species or with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is not considered social interaction.
- (20) "Special provisions" means additional procedures, protocols, and/or equipment used when caring for, housing and/or transporting animals with special needs. Examples of animals with "special needs" include, but are not limited to, brachycephalic breeds, very young or old animals, animals with a medical condition, infirm animals, and/or animals that are compromised or debilitated.
- (21) "Suitable method of drainage" means drainage that allows for the elimination of water and waste products, prevents contamination of animals, allows animals to remain dry, and complies with applicable building codes and local ordinances.
- (22) "Supervision " means at least one person (at least 16 years of age) present, at all times, able to constantly, directly view all animals within the entirety of each enclosure or exercise area.
- (23) "Surgical procedure" for the purposes of this Subchapter means any invasive procedure performed on an animal to include, but not be limited to: procedures to spay or neuter, any procedure that invades a body cavity and/or requires suturing or repairing of tissues; and/or any treatment of injuries or disorders of the body by incision, manipulation or alteration of organs or tissues with the hands or with instruments. For the purposes of this Subchapter, insertion of a microchip is not considered to be a surgical procedure.
- (24) "Veterinarian" means a veterinarian who is currently licensed by North Carolina and/or an adjacent state. The license must be valid with the appropriate state regulatory agency.

*History Note:* Authority G.S. 19A-24;  
 Eff. January 1, 2005;  
 Readopted Eff. September 1, 2022.

**02 NCAC 52J .0105 LICENSES AND REGISTRATIONS**

All operators of an animal shelter, pet shop, public auction, dealers, and boarding kennels shall have a valid license/registration.

- (1) Licenses and registrations are not transferable.
- (2) In the event of a change of ownership or management of a regulated facility, the facility shall notify the director of the Animal Welfare Section ('AWS') in writing within 10 days of the change. Submission of a new license or registration application and a facility inspection is required within 10 days. A facility inspection by the AWS is required in the event of such a change.
- (3) In the event of a change of name, address, phone, email, or point of contact for the facility, the facility shall notify the director by the Change Form located on the AWS website or other written documentation within 10 days of change.
- (4) Renewal applications for license or registration renewal shall be submitted yearly to the AWS office between April 1st and June 15th. Current application forms are located on the AWS website at <https://www.ncagr.gov/vet/aws>. The contents of the applications shall include the following:

- (a) the name, physical address, phone number, email address and mailing address for the facility;
- (b) the name, address, phone number, and email address for the owner of the facility;
- (c) the hours and days the facility is open to the public;
- (d) the cleaning hours of the facility;
- (e) the number of enclosures and the maximum number of animals on site;
- (f) the description of the facility's program of veterinary care ('PVC') including the disinfection protocols; vaccination protocols including rabies vaccination; the isolation of ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine, emergency and after hours veterinary care;
- (g) animal shelters shall have the PVC reviewed by a licensed veterinarian as described in 02 NCAC 52J .0210(a) and the application for the animal shelter registration shall contain the veterinarian's signature and contact information;
- (h) statement of presence of an emergency disaster plan for the facility; and
- (i) statement of agreement by the owner or authorized agent of the accuracy of the information contained in the application; of the willingness to comply with the rules of this Subchapter and to cooperate as required by law with the Animal Welfare Section inspections and investigations; acknowledgement of authority to execute the application; and agreement to notify the AWS of any significant change in the operation of the facility.

*History Note:* Authority G.S. 19A-24;  
Eff. September 1, 2022.

## **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

### **02 NCAC 52J .0201 GENERAL**

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.
- (c) Facilities shall have adequate electric power to comply with the Animal Welfare Act.
- (d) Storage of food and bedding:
  - (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;
  - (2) all open bags of food and edible treats shall be stored in airtight containers with lids;
  - (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;
  - (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and
  - (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.
- (e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding and debris from the facility in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary manner.
- (f) Hot and cold running, potable water must be available. Facilities such as a washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.
- (h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.
- (i) An adequate drainage system must be provided for the facility.

(j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services ('NCDA&CS') employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

(k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

(l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.

(m) A licensee or registrant and all agents of the facility shall be truthful with NCDA&CS employees during all phases of inspections or investigations.

(n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may abuse, harass, delay or obstruct any inspector or State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this Rule, the following definitions apply:

(1) "Abuse" means:

(A) Communicating a threat as defined by G.S. 14-277.1;

(B) Using profane, indecent or threatening language to any person over the telephone, annoying or harassing by repeated telephoning or making false statements over the telephone as defined by G.S. 14-196;

(C) Cyberstalking as defined by G.S. 14-196.3;

(D) Stalking as defined by G.S. 14-277.3A; and/or

(E) Disorderly conduct as defined by G.S. 14-288.4.

(2) "Harass" means knowingly conduct, including oral, written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or other computerized or electronic transmissions directed at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate purpose.

(o) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

(p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences, as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific written consent of the owner of that animal.

(q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

(r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or evacuation of animals in the event of a natural or manmade disaster.

(s) For the purposes of G.S. 19A-23(5a), written standards for an "approved foster care provider" shall include but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals; feeding and watering protocols; provision and documentation of veterinary care; provision and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC Animal Welfare Act and its rules issued pursuant thereto.

(t) For the purposes of G.S. 19A-23(5b), written standards for an "approved rescue organization" shall include but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals; feeding and watering protocols; provision and documentation of veterinary care of the shelter's animals; provision and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for the shelter's animals in long term care at the rescue; requirements for inspection by the shelter; and compliance by the rescue with the North Carolina Animal Welfare Act and its rules issued pursuant thereto.

*History Note: Authority G.S. 19A-24; 19A-30(3);  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005;  
Readopted Eff. October 1, 2022.*

## **02 NCAC 52J .0202 INDOOR FACILITIES**

(a) Heating and cooling of indoor facilities:

(1) indoor facilities for dogs and cats shall be adequately heated and cooled to protect the dogs and cats from cold and heat and provide for their health and comfort;

- (2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and
  - (3) special provisions shall be provided to any animal that cannot maintain its normal body temperature. These special provisions shall be sufficient for the animal to maintain its normal body temperature and shall be documented in the animal's record.
- (b) Ventilation of indoor facilities:
- (1) indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times; the facilities shall be provided with fresh air either by means of windows, doors, vents and/or air conditioning and shall be ventilated so as to minimize drafts;
  - (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow; and
  - (3) air flow shall be adequate to minimize odors and moisture condensation.
- (c) Indoor housing facilities for dogs and cats shall have sufficient illumination to permit routine inspections, maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.
- (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.
- (e) Drainage of indoor housing facility:
- (1) a suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing facility;
  - (2) if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage; and
  - (3) the drainage system shall be constructed with barriers adequate to protect the animals from cross-contamination with urine and fecal material from animals housed in adjacent and/or nearby enclosures and/or exercise areas.

*History Note: Authority G.S. 19A-24; 19A-30(3);  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0203 OUTDOOR FACILITIES**

- (a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures, common areas and walkways with which an animal comes in contact:
- (1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;
  - (2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .0207 of this Subchapter.
- (b) Exercise areas of outdoor facilities:
- (1) shall have flooring or groundcover constructed of sealed concrete or other surfaces impervious to moisture; and/or
  - (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or
  - (3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with 02 NCAC 52J .0207; and/or
  - (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 02 NCAC 52J .0210(b) and (c).
- (c) Sand and organic materials such as mulch, pine straw, or other similar non-approved material shall not be used as ground cover in primary enclosures, common areas, exercise areas and/or walkways.
- (d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:

- (1) housing shall be constructed of material which is impervious to moisture and which can be cleaned and sanitized in accordance with 02 NCAC 52J .0207;
  - (2) one house shall be available for each animal within each primary enclosure. The house(s) shall be of adequate size for the animal housed in the enclosure. In the case of a mother and her unweaned offspring, one house of adequate size to comfortably house the mother and all the offspring together must be provided;
  - (3) housing structures in outdoor facilities must contain clean, dry bedding or a heat source when the temperature falls below 32 degrees F;
  - (4) special provisions shall be provided to any animal that cannot maintain its normal body temperature when housed outside. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal body temperature even with special provisions, then that animal shall not be housed outside. No infirm animal may be housed outdoors; and
  - (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.
- (e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.
- (f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be properly cleaned and sanitized as set forth in 02 NCAC 52J .0207 to protect the animals from injury and/or illness.
- (g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will be kept in outside facilities. This shall be documented in the animal's record.
- (h) A suitable method of drainage shall be provided so that water is adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the animal(s) does/do not have access to standing water.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. March 23, 2009; January 1, 2005;  
Readopted Eff. September 1, 2022.*

#### **02 NCAC 52J .0204 PRIMARY ENCLOSURES**

- (a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture excluding the ground cover options of gravel and grass allowed for in Rule .0203 of this Section.
- (b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.
- (c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.
- (d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure or the sides or top covering of the enclosure.
- (e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural play behaviors typical of the species.
- (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five feet tall.
- (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.
- (h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.
- (i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6)

$x$  (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches  $\div$  144 = required floor space in square feet. The calculation shall be expressed in square feet.

(j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed or confined or comingled with adult dogs other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.

(k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined in an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within the exercise area or primary enclosure such that the person(s) has/have immediate access to the animals in the event of an emergency, aggression or fight between animals.

(l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure, the sides, or top covering of the enclosure and to leave the whelping/queening area for exercise.

(m) In addition to Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed in any primary enclosure or exercise area shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet.

(n) Not more than 12 cats shall be housed or confined in the same primary enclosure or exercise area.

(o) In all cat primary enclosures and exercise areas, a clean receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required for each primary enclosure and exercise area.

(p) Pools in primary enclosures and/or exercise areas:

- (1) Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area, an ingress-egress area shall be provided;
- (2) No dog shall have access to the pool or pool area other than a typical kiddie wading pool without supervision;
- (3) Facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and death resulting from access to pools or pool areas;
- (4) Pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured filtration and cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation and water quality; and
- (5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation, repair and maintenance.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0205 FEEDING**

(a) Adult dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour period.

(b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.

(c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this Rule for a specific animal, documentation of such veterinary care is required and shall include:

- (1) the original veterinary directive signed by the veterinarian issuing it;
- (2) the printed name of the veterinarian;
- (3) the reason for the restriction;
- (4) the specific feeding directions;
- (5) the origination and review dates of the directive;
- (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer required;
- (7) the date of the cessation of the directive; and
- (8) documentation by the facility of each feeding as prescribed by the veterinarian.

- (d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner.
- (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.
- (f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste.
- (g) For every adult animal, there shall be at least one food receptacle offered. When multiple animals are housed together, caretakers shall observe each animal feeding to ensure that each animal receives adequate feed.
- (h) Food receptacles shall be durable and shall be kept clean and sanitized.
- (i) Uneaten food within food receptacles shall be discarded within 24 hours or sooner if spoiled or contaminated.
- (j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but shall be discarded after each feeding.
- (k) Food and water receptacles in outdoor facilities shall be protected from the elements.
- (l) This Rule is applicable only to animals, as defined in G.S. 19A-23(4), subject to the Animal Welfare Act.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985;  
Readopted Eff. October 1, 2022.*

## **02 NCAC 52J .0206 WATERING**

- (a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.
- (b) Veterinary care for a specific animal that requires water to be withheld, given in intervals, or any variation other than continuous access by an animal can only be prescribed by a veterinarian and shall be documented in writing by the facility. The documentation shall include:
  - (1) the original veterinary directive signed by the veterinarian issuing it;
  - (2) the printed name of the veterinarian;
  - (3) the reason for the restriction;
  - (4) the specific watering directions;
  - (5) the origination and review dates of the directive;
  - (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no longer required;
  - (7) the date of the cessation of the directive; and
  - (8) documentation by the facility of each watering as prescribed by the veterinarian.
- (c) Water in receptacles shall be changed daily and whenever visibly soiled.
- (d) Watering receptacles shall be durable and kept clean and sanitized.
- (e) Damaged receptacles shall be replaced.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0207 SANITATION**

- (a) Waste shall be removed from primary enclosures, exercise areas and common areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats shall be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris.
- (b) When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in clean enclosures from being contaminated with water and other wastes.
- (c) Cross contamination barriers shall be in place in primary enclosures and be sufficient to prevent feces, urine and cleaning waste water from entering another occupied primary enclosure.
- (d) Sanitation shall be as follows:

- (1) prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;
  - (2) in addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more days;
  - (3) primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:
    - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
    - (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or degreaser solution, followed by the application, at the correct concentration, of an animal-safe disinfectant labeled to be effective against common pathogens. The disinfectant is to be left on the surfaces for the time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried prior to returning the animal(s) to this area; or
    - (C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the return of the animal(s).
  - (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;
  - (5) food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;
  - (6) soiled linens and cloth products shall be mechanically washed with detergent and sanitized;
  - (7) any area accessible to multiple animals shall be kept clean and sanitary; and
  - (8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust and biological material.
- (e) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.
- (f) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

*History Note:* Authority G.S. 19A-24;  
 Eff. April 1, 1984;  
 Amended Eff. January 1, 2005; April 1, 1985;  
 Readopted Eff. September 1, 2022.

## **02 NCAC 52J .0208 EMPLOYEES**

*History Note:* Authority G.S. 19A-24;  
 Eff. April 1, 1984;  
 RRC Objection August 18, 2022 and rule returned to agency on November 7, 2022.

## **02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION**

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

- (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males, except for planned breeding purposes. Breeding shall not be allowed in animal shelters.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written

permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.

- (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.
- (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.
- (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.
- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:
  - (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and
  - (b) Exemptions from these long-term care provisions are allowed only for safety or health reasons and must be approved by a veterinarian. This exemption must be reviewed and renewed every 30 days if the continuation is necessary. Documentation of the exemption must include the reason for the exemption, the name and contact information of the veterinarian authorizing the exemption, the original exemption date and the dates of review and renewal and alternative(s) offered if any.
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0210 VETERINARY CARE**

(a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia (animal shelters only), disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes. The following is required of each PVC:

- (1) The PVC for animal shelters and pet stores shall be established with the assistance of a veterinarian and the veterinarian's information and signature shall be included in the appropriate section of the license/registration application/renewal application;
- (2) The PVC for boarding kennels shall be submitted as part of the license/registration application/renewal and must be approved by the Animal Welfare Section Inspector assigned to the facility;
- (3) The facility shall implement and follow the PVC; and

- (4) Changes to the PVC shall be submitted for approval to the Animal Welfare Section within 10 days of the effective date.
- (b) If there is an infectious disease outbreak that persists for more than seven days at the facility, the facility operator shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be documented by the facility.
- (c) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem. These recommendations shall include, at a minimum: sanitation of primary enclosures, common areas, exercise areas and accessories, and protocols for animal intake, evaluation, isolation, disease recognition and treatment and euthanasia (in animal shelters).
- (d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period and does not meet the criteria of G.S. 19A-32.1(b)(2), then adequate veterinary care shall be provided to the animal.
- (e) A certified facility shall maintain a list of authorized personnel pursuant to 02 NCAC 52J .0402 and shall maintain this list in the Policy and Procedure Manual pursuant to 02 NCAC 52J .0800.
- (f) Diseased, injured, infirm or deformed animals shall be sold or adopted only under the policy set forth in the PVC.
- (g) Full written disclosure of the medical condition of the animal and all veterinary medical treatments provided to the animal shall be provided to the person or organization receiving, adopting, purchasing or otherwise acquiring the animal. Proof of written disclosure signed by the person or organization receiving the animal shall be maintained as part of the animal's record.
- (h) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. This subsection shall not apply to animals which have been in the facility less than 15 days.
- (i) If surgical procedures are performed at the registered/licensed facility, the facility shall:
- (1) only perform surgical procedures on animals owned by the facility. The facility shall not perform surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under the jurisdiction of the North Carolina Board of Veterinary Medicine;
  - (2) appoint a North Carolina ("NC") licensed veterinarian to be the supervising veterinarian to direct, oversee and be responsible for the performance of all surgical procedures and for the condition of the surgical facility;
  - (3) ensure all surgical procedures are performed by a NC licensed veterinarian and performed within the designated surgical area;
  - (4) ensure that the designated surgical area meets the minimum standards for surgery in 21 NCAC 66 .0207(b)(9), the drug procedures meet the minimum standards in 21 NCAC 66 .0207(b)(11) and the recordkeeping procedures meet the minimum standards in 21 NCAC 66 .0207(b)(12);
  - (5) ensure that the minimum standards for after-hours emergency service in 21 NCAC 66 .0207(b)(19) for the provision of after-hours emergency veterinary care for an animal receiving surgical procedure(s) are met; and
  - (6) ensure that surgical procedures are not performed until the inspection of the surgical facility and supporting procedures noted in this section has occurred and all deficiencies have been corrected.
- (j) Boarding kennels shall not administer a prescription medication, tranquilizer, sedative, or any pharmaceutical drug designed to calm an animal unless the medication or drug is administered under the direction of or by prescription from the animal's veterinarian, and written permission from the animal's owner. In the event a boarding kennel agrees to administer such medications or substances, the medications shall be in the original container issued by the veterinarian or pharmacy and administered according to label directions. The administration of these medications or substances shall be documented as required by 02 NCAC 52J .0102.
- (k) Nothing in these rules allows the practice of veterinary medicine in North Carolina beyond what is otherwise authorized by the NC Veterinary Medical Board pursuant to the NC Veterinary Practice Act.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. March 23, 2009; January 1, 2005;*

*Readopted Eff. September 1, 2022.*

## **SECTION .0300 - TRANSPORTATION STANDARDS**

### **02 NCAC 52J .0301 VEHICLES**

- (a) Vehicles used in transporting dogs and cats subject to the Animal Welfare Act shall be mechanically sound and equipped to provide fresh air to all animals transported.
- (b) The animal cargo space shall be constructed and maintained so as to prevent engine exhaust fumes from entering the animal holding space.
- (c) The interior of the animal holding space shall be properly cleaned after the transport of each animal. The holding space shall be sanitized between use for shipments.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Readopted Eff. October 1, 2022.*

### **02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS**

(a) Primary enclosures such as compartments or transport cages, cartons, or crates used by persons subject to the Animal Welfare Act to transport cats and dogs shall be constructed, ventilated and designed to protect the health and ensure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

- (1) Each animal in the vehicle has adequate fresh air for normal breathing.
- (2) The openings of such enclosures are always easily accessible for emergency removals.
- (3) The animals are adequately protected from the elements.
- (4) The temperature in any area of a vehicle holding an animal shall be maintained between 50 degrees F and 85 degrees F. A facility shall be deemed as being in compliance if its vehicles' animal holding areas are equipped with operable heating and air-conditioning or forced-air heating and cooling, or other temperature control that are adequately utilized. A functional thermometer shall be present in the animal holding area of the vehicle.

- (b) Animals transported in the same primary enclosure shall be of the same species. Puppies or kittens less than four months of age shall not be transported in the same primary enclosure with adult dogs and cats other than their dams.
- (c) Primary enclosures used to transport dogs and cats shall be large enough for each animal to turn about freely, and to easily stand, sit, or lie down in a natural position. Primary enclosures used to transport dogs and cats shall be secured to the vehicle to prevent sliding or tipping of the enclosure during transit.
- (d) Special provisions during transport shall be provided to any animal that cannot maintain its normal body temperature during the transport. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record.
- (e) Animals shall not be placed in primary enclosures over other animals in transit unless such enclosure is constructed to prevent animal excreta from entering lower enclosures.
- (f) All primary enclosures used to transport dogs and cats shall be sanitized between use for shipments.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. March 23, 2009; January 1, 2005;  
Readopted Eff. September 1, 2022.*

### **02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS**

If dogs and cats are transported for a period of more than six hours:

- (1) The transportation vehicle shall stop a minimum of once every six hours for a period of no less than one hour. Dogs shall be removed from their respective primary enclosures and provided exercise, if it is safe to do so. The reason for the exclusion of any animal from this requirement during a transport shall be documented. During this one-hour period dogs and cats shall be continuously provided a supply of potable water.
- (2) No dog or cat shall be subject to vehicular transport which has not been adequately fed within 24 hours of any time during transportation. No puppy or kitten less than six months of age shall be

subject to vehicular transport which has not been adequately fed within six hours of any time during transportation.

- (3) The primary enclosure used for transportation of cats shall be equipped with a properly cleaned litter box and clean litter.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0304 CARE IN TRANSIT**

(a) Drivers or traveling attendants shall inspect each animal in transit with adequate frequency to determine the animal's comfort, health, and safety, and to obtain or provide relief or emergency care if needed.

(b) If a transport lasts more than six hours, the transporter shall log the start and end times of the transport, the species, identification of the transported animal(s), any visible injury, illness or other medical condition, and care provided including stops, exercise, watering, feeding and veterinary care. This documentation shall be kept by the facility for a minimum of one year after the transport.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Readopted Eff. September 1, 2022.

### **SECTION .0400 - EUTHANASIA STANDARDS**

#### **02 NCAC 52J .0401 ADOPTION BY REFERENCE**

A person required to obtain a certificate of registration pursuant to G.S. 19A, Article 3 may use any method of euthanasia approved by the American Veterinary Medical Association ('AVMA'), and/or the Humane Society of the United States ('HSUS') which are hereby incorporated by reference, including subsequent amendments and editions. Copies of these documents may be obtained as follows:

- (1) AVMA Guidelines on Euthanasia may be accessed at no cost on their website at [www.avma.org](http://www.avma.org).
- (2) The HSUS Euthanasia Reference Manual can be accessed at no cost via the link: <https://humanepro.org/sites/default/files/documents/euthanasia-reference-manual.pdf>.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0402 AUTHORIZED PERSONS**

Only a Certified Euthanasia Technician pursuant to 02 NCAC 52J .0403(1) or a veterinarian licensed to practice veterinary medicine in North Carolina, may euthanize an animal in a certified facility.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0403 DEFINITIONS**

As used in this Subchapter:

- (1) "Certified Euthanasia Technician" means a person who has:
  - (a) been instructed in the proper methods of humane euthanasia, security and records keeping;
  - (b) has passed the written examination and the practical examination pursuant to 02 NCAC 52J .0410;
  - (c) has been issued a Euthanasia Technician Certificate pursuant to 02 NCAC 52J .0412; and
  - (d) is employed by a certified facility.
- (2) "Certified facility" means a registered animal shelter that employs at least one Certified Euthanasia Technician or North Carolina ("NC") licensed veterinarian to perform euthanasia on animals at that facility.

- (3) "Approved Certified Euthanasia Technician trainer" means an individual who has received permission from the Animal Welfare Section to provide training to applicants or individuals seeking to be Certified Euthanasia Technicians and has met the criteria pursuant to 02 NCAC 52J .0408.
- (4) "Chemical Agent" means any chemical approved by the American Veterinary Medical Association and/or the Humane Society of the United States which is used to induce death.
- (5) "Applicant" means a person who has submitted an application to the Animal Welfare Section (AWS) seeking certification as a Certified Euthanasia Technician, pursuant to Rule .0412 of this Section.
- (6) "Conviction of a criminal offense" means having been convicted or entered a plea of guilty or nolo contendere to any offense described in G.S. 19A-24(b)(7).
- (7) Euthanasia by injection ('EBI') means the injection of an approved commercially-manufactured euthanasia medication via an intravenous, intraperitoneal or intracardiac (subject to additional conditions) injection into an animal to cause the death of that animal.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0404 CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS**

- (a) Individuals who perform euthanasia shall be trained and qualified as a Certified Euthanasia Technician as set forth in this Section.
- (b) Individuals seeking certification as a Euthanasia Technician shall submit a written application documenting their qualifications to the Animal Welfare Section, North Carolina Department of Agriculture and Consumer Services, 1030 Mail Service Center, Raleigh, NC 27699-1030, on the form provided by the Animal Welfare Section.
- (c) The Animal Welfare Section shall receive and review all applications and examination results for Euthanasia Technician certification and determine whether or not to issue the individual applicant proof of certification in the form of a printed certificate, pursuant to 02 NCAC 52J .0412.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0405 CERTIFICATION STANDARDS**

Applicants for certification as a Certified Euthanasia Technician shall be at least 18 years of age at the date they receive certification and shall demonstrate compliance with this Section. Applicants are not eligible for certification if they have been convicted of a felony offense, or a crime or infraction involving animal abuse or neglect.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0406 APPLICATION REQUIREMENTS**

An applicant for certification shall:

- (1) Submit a completed and signed application which can be obtained by calling the Animal Welfare Section ('AWS') office at (919) 707-3280.
- (2) The contents of the applications shall include the following:
  - (a) the name, phone number, email address and mailing address for the applicant;
  - (b) the name, registration number, and address of the shelter employing the applicant;
  - (c) a checkbox to be filled in if the applicant has been convicted of a criminal offense as defined in 02 NCAC 52J .0403(6); and
  - (d) a notarized signature of the applicant.
- (3) Provide a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has completed an Animal Welfare Section approved course pursuant to 02 NCAC 52J .0407, passed the course written examination and passed a practical examination in the euthanasia by injection (EBI) techniques.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0407 TRAINING AND EXAMINATIONS**

(a) Training and examinations for euthanasia certification shall consist of:

- (1) Classroom lecture covering the entire list of subjects in Paragraph (b) of this Rule;
- (2) A written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; and
- (3) A pass/fail practical examination in Euthanasia by Injection ('EBI') techniques and the subjects in Paragraph (e) of this Rule.

(b) The Animal Welfare Section shall develop Certified Euthanasia Technician training programs and materials or accredit training programs and materials to be offered by other individuals, schools, agencies or veterinary practices. The programs and materials shall conform to the processes set forth by the American Veterinary Medical Association and/or the Humane Society of the United States and shall include the following topics:

- (1) The theory and history of euthanasia methods and practice;
- (2) Relevant animal anatomy;
- (3) Proper animal restraint, handling and methods for controlling animal stress;
- (4) Proper chemical agent dosages, record keeping and usage documentation, chemical agent, instrument and equipment storage, handling and disposal in accordance with rules and the Code of Federal Regulations;
- (5) Proper injection techniques;
- (6) Proper dosing for the specific route of administration for the Euthanasia by Injection;
- (7) Proper and accurate verification of lack of pain perception;
- (8) Proper and accurate verification of animal death;
- (9) Proper record keeping including documentation of justification for intracardiac and for early euthanasia;
- (10) Proper disposal of euthanized animals;
- (11) Stress management for euthanasia personnel;
- (12) Proper methods and techniques of euthanasia under extraordinary circumstances;
- (13) Proper methods, techniques and chemicals inducing anesthesia and sedation in animals prior to euthanasia; and
- (14) Proper methods, techniques and chemicals used in the practical examination section for Certified Euthanasia Technician.

(c) The Animal Welfare Section shall prepare written examinations to be given to applicants. Following the classroom training detailed in Paragraph (b) of this Rule, the applicant shall take a written examination provided by the Animal Welfare Section. Notes or other assistance are not allowed during the taking of the written examination. The applicant must achieve a score of at least 80 percent correct to pass the written examination. Those passing the written examination for that classroom training session are eligible to take the practical examination on the EBI techniques. Those failing this written examination shall attend another classroom training session and shall pass a different version of the written examination provided by the Animal Welfare Section before they are eligible to take the practical examination.

(d) The applicant must pass a practical examination on the EBI techniques.

(e) Applicants for certification in Euthanasia by Injection shall demonstrate the following knowledge and competencies to pass the practical examination:

- (1) Correctly calculate chemical agent dosage based upon the species, age, weight and condition of the animal and the route of administration;
- (2) Correctly complete all required documentation and demonstrate proper technique for scanning an animal for a microchip;
- (3) Correctly draw the properly calculated chemical dosage into a syringe and needle of a type and size appropriate for the animal and for the route of administration;
- (4) Correctly administer the chemical agent to the animal;
- (5) Properly perform intravenous injections on dogs and intravenous or intraperitoneal injections on cats;

- (6) Knowledge of the current euthanasia guidelines, medical procedures including lack of pain perception verification and drugs necessary for an animal to be euthanized by cardiac injection;
- (7) Demonstrate ability to verify death by a combination of the following:
  - (A) lack of respiration;
  - (B) lack of ocular reflexes;
  - (C) lack of a heartbeat verified by the use of a stethoscope;
  - (D) greying of mucous membranes;
  - (E) lack of response to firm toe pinch; and
  - (F) rigor mortis.
- (8) Knowledge about the human health risks associated with the use of chemical agents used for euthanasia including signs and symptoms associated with accidental exposure of the Certified Euthanasia Technician; and
- (9) Proper first aid for a person accidentally exposed to chemical agents used for euthanasia.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0408 TRAINERS**

- (a) Certified Euthanasia Technician training shall be provided by the Animal Welfare Section or by companies or individuals meeting the following criteria:
  - (1) be a NC licensed veterinarian that has euthanized dogs and cats; or
  - (2) be a CET formerly or currently registered with the Animal Welfare Section that has a minimum of six months CET experiences.
- (b) Information taught shall conform to this Section and the guidelines set forth by the American Veterinary Medical Association Guidelines on Euthanasia or the Humane Society of the United States.
- (c) Trainers shall disclose to their students and the Animal Welfare Section any affiliations with suppliers of equipment or supplies used in euthanasia.
- (d) The Animal Welfare Section may make unannounced audits of instruction and testing by trainers.
- (e) Prior to providing euthanasia training leading to certification as a Euthanasia Technician, the person or company shall obtain approval before each class for its training program from the Animal Welfare Section. The application for the approval of the CET class shall contain:
  - (1) the name of the trainer;
  - (2) the contact information for the trainer;
  - (3) the date and location for the proposed CET class;
  - (4) an area to initial an agreement that the trainer has read and understood the North Carolina Animal Welfare Act and its associated North Carolina Administrative Code rules, the American Veterinary Medical Association Guidelines on Euthanasia and the Humane Society of the United States Euthanasia Reference Manual;
  - (5) an area to initial the agreement to:
    - (A) teach the euthanasia information in accordance with the requirements of this Subchapter;
    - (B) provide a copy of the class material to the Animal Welfare Section upon request;
    - (C) allow the Animal Welfare Section to audit the class;
    - (D) not to copy the answer key or test other than for the purposes of administering the test at the end of the class;
    - (E) to collect the answer key and all copies of the test and return them to the Animal Welfare Section within 10 calendar days of the administration of the test; and
    - (F) to grade the tests and return the test results to the Animal Welfare Section within 10 calendar days of the administration of the test.
- (f) Trainers shall return to the Animal Welfare Section office copies of the written tests, notification of results for the written examinations and notification of results for the practical examinations within 10 days of the date of the tests. These results shall include all examination outcomes for all applicants.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. October 1, 2022.*

**02 NCAC 52J .0409      PROBATIONARY EUTHANASIA TECHNICIANS**

*History Note:*    *Authority G.S. 19A-24;*  
                          *Eff. March 23, 2009;*  
                          *Repealed Eff. September 1, 2022.*

**02 NCAC 52J .0410      EXAM REQUIRED**

An individual who has not passed the written exam and the practical examination may not serve as a Certified Euthanasia Technician.

*History Note:*    *Authority G.S. 19A-24;*  
                          *Eff. March 23, 2009;*  
                          *Readopted Eff. September 1, 2022.*

**02 NCAC 52J .0411      NEW APPLICATION**

The Animal Welfare Section shall deny the application of any applicant who fails the written examination twice or the practical examination twice. If the individual wishes to apply for certification again, the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written examination and the practical examination before a certification can be issued.

*History Note:*    *Authority G.S. 19A-24;*  
                          *Eff. March 23, 2009;*  
                          *Readopted Eff. September 1, 2022.*

**02 NCAC 52J .0412      ISSUANCE OF CERTIFICATION**

Upon the receipt of materials specified in this Section the Animal Welfare Section shall issue a Euthanasia Technician Certificate.

*History Note:*    *Authority G.S. 19A-24;*  
                          *Eff. March 23, 2009;*  
                          *Readopted Eff. September 1, 2022.*

**02 NCAC 52J .0413      LENGTH OF CERTIFICATION**

A Euthanasia Technician Certificate issued by the Animal Welfare Section is valid for five years from the date of issuance unless it is revoked pursuant to this Section or upon termination of employment as described in this Section.

*History Note:*    *Authority G.S. 19A-24;*  
                          *Eff. March 23, 2009;*  
                          *Readopted Eff. September 1, 2022.*

**02 NCAC 52J .0414      TERMINATION OF EMPLOYMENT**

Upon termination of employment by voluntary or involuntary separation from the certified facility or closure of the certified facility, a Certified Euthanasia Technician shall not perform animal euthanasia in a certified facility until reinstated by the Animal Welfare pursuant to 02 NCAC 52J .0416. The Certified Euthanasia Technician's certification shall be canceled effectively upon termination of employment. No later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment from a certified facility the Certified Euthanasia Technician shall notify the Animal Welfare Section of the termination of employment.

*History Note:*    *Authority G.S. 19A-24;*  
                          *Eff. March 23, 2009;*  
                          *Readopted Eff. September 1, 2022.*

**02 NCAC 52J .0415      NOTICE OF TERMINATION**

A certified facility shall notify the Animal Welfare Section of the termination of any Certified Euthanasia Technician within 10 days of the termination. Said notice shall be in writing and mailed to Animal Welfare Section; 1030 Mail Service Center; Raleigh, NC 27699 or emailed to agr.aws@ncagr.gov.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0416 REINSTATEMENT**

If a former Certified Euthanasia Technician is employed at a certified facility before the expiration of his or her certification, the employer may request reinstatement of the certification from the Animal Welfare Section ('AWS'). The AWS shall reinstate the Certified Euthanasia Technician if a review of the request shows that the initial certification has not expired and there are no active AWS investigations or suspension or revocation actions pending or active against the certification. The reinstated Certification shall be good for five years from the date of its initial issue. The Certified Euthanasia Technician shall not euthanize animals until the certification has been reinstated by the Animal Welfare Section.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0417 CERTIFICATION RENEWAL**

(a) Certifications may be renewed every five years provided that:

- (1) within the 12 months immediately preceding the application for certification renewal the Certified Euthanasia Technician has taken and passed a practical examination in current Euthanasia by Injection ('EBI') techniques pursuant to 02 NCAC 52J .0407;
- (2) the applicant attends a euthanasia re-certification course which reviews the current standards and guidelines on EBI; and
- (3) the applicant attends a training about stress management.

(b) The applicant shall submit an application for certification renewal to the Animal Welfare Section. The application can be obtained by calling the Animal Welfare Section ('AWS') office at (919) 707-3280 and shall include a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has passed a practical examination in the techniques of EBI.

(c) The contents of the application shall include the following:

- (1) the name, phone number, email address, and mailing address for the applicant;
- (2) the name, registration number, and address of the shelter employing the applicant;
- (3) a checkbox to be filled in if the applicant has been convicted of a criminal offense as defined in the 02 NCAC 52J .0403(6); and
- (4) a notarized signature of the applicant.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0418 DUTIES**

A Certified Euthanasia Technician shall:

- (1) Prepare animals for euthanasia in accordance with 02 NCAC 52J .0401;
- (2) Scan for a microchip, and attempt to reach the individual(s) or organization associated with the microchip present in the animal unless emergency circumstances preclude such an attempt;
- (3) Document the presence or absence of a microchip in the animal and the attempt to contact the individual(s) or organization associated with the microchip or the emergency circumstance that precluded such an attempt. The documentation of the attempt to contact the owner shall include the date and time of phone call and/or email sent to the individual(s) or organization associated with the microchip. If another method was used to attempt to reach the individual(s) or organization associated with the microchip, the method of the attempt shall be documented;

- (4) Accurately record the facility's identification number of the animal, its species, sex, breed or breed type, description and date, dosages and route of administration for drugs that are administered for sedation and euthanasia and amounts for drugs wasted;
- (5) Order euthanasia supplies;
- (6) Maintain the security of all controlled substances and other drugs in accordance with applicable State and federal laws and regulations;
- (7) Report to the appropriate government agencies violations or suspicions of a violation of the rules in this Subchapter or any abuse of drugs;
- (8) Euthanize animals in accordance with the rules of this Section; and
- (9) Dispose of euthanized animals, expired or unwanted chemical agent(s) or the containers, instruments and equipment used in the administration of drugs in accordance with all applicable federal, State and local laws and regulations.

*History Note:* Authority G.S. 19A-24;  
 Eff. March 23, 2009;  
 Readopted Eff. October 1, 2022.

**02 NCAC 52J .0419 GROUNDS FOR DISCIPLINE - CERTIFIED EUTHANASIA TECHNICIANS**

The Department may refuse to issue, renew, or reinstate the certification of a Euthanasia Technician, or may deny, revoke, suspend, sanction, place on probation, or impose other forms of discipline upon any Certified Euthanasia Technician for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician prescribed in 02 NCAC 52J .0418;
- (2) Abuse of Chemical Substances. Improper use of any drug or chemical substance by:
  - (a) Selling, diverting or giving away drugs or chemical substances;
  - (b) Stealing drugs or chemical substances;
  - (c) Misusing chemical substances by using them for any use other than it's intended use as prescribed by the America Veterinary Medical Association Euthanasia Guidelines and the Humane Society of the United States Euthanasia Reference Manual; or
  - (d) Abetting anyone in the foregoing activities;
- (3) Euthanizing animals without supervision as required by this Subchapter;
- (4) Enabling or abetting the euthanasia of animals by uncertified individuals except in extraordinary circumstances pursuant to 02 NCAC 52J .0702;
- (5) Fraud, misrepresentation, or deception in obtaining certification;
- (6) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct includes:
  - (a) engaging in fraud, misrepresentation, or deception in the performance of Euthanasia Technician duties;
  - (b) working in conjunction with any organization or person illegally practicing as a Certified Euthanasia Technician;
  - (c) failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal;
  - (d) euthanizing animals in a manner that endangers the health or welfare of the public, for example, improper handling, transport or storage of drugs related to the sedation or euthanasia of animals, or improper handling or disposal of the body of a euthanized animal;
  - (e) ignorance or incompetence in the euthanizing of animals;
  - (f) intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not certified;
  - (g) swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician; or
  - (h) failing to provide requested information or the provision of inaccurate or misleading information during an investigation or inspection by the Animal Welfare Section;
- (7) Conviction of a criminal offense;
- (8) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the rules in this Subchapter and/or entering of inaccurate or misleading information into the records of a certified facility;

- (9) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper security and storage for euthanasia and restraint drugs as established under applicable United States Drug Enforcement Administration and North Carolina Department of Health and Human Services statutes and rules;
- (10) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the containers, instruments and equipment in a manner permitted by this Subchapter;
- (11) Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia and restraint chemical agents;
- (12) Revocation, Suspension or Limitation. The revocation, suspension, limitation of a license or certificate or registration or any other disciplinary action by another state or United States jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee; and
- (13) Failure of any applicant or certificate holder to be truthful with the North Carolina Department of Agriculture and Consumer Services during any investigation or inspection.

*History Note:* Authority G.S. 19A-24;  
 Eff. March 23, 2009;  
 Readopted Eff. October 1, 2022.

## **SECTION .0500 – EUTHANASIA BY INJECTION**

### **02 NCAC 52J .0501 INTRACARDIAC INJECTION**

Intracardiac injection for euthanasia shall only be administered under the following conditions:

- (1) due to injury or other medical condition, the animal is unconscious, or the animal has been rendered unconscious by administration of a general anesthetic;
- (2) due to medical condition of the animal and/or size of the animal, intravenous or intraperitoneal administration is not practical or humane;
- (3) the absence of a pain response has been verified prior to the administration of the intracardiac injection and this verification is documented in the animal's record; and
- (4) the justification for an intracardiac injection rather than an intravenous or intraperitoneal route of administration has been documented in the animal's record.

*History Note:* Authority G.S. 19A-24;  
 Eff. March 23, 2009;  
 Readopted Eff. September 1, 2022.

## **SECTION .0600 - EUTHANASIA BY CARBON MONOXIDE**

- 02 NCAC 52J .0601 CARBON MONOXIDE EQUIPMENT**
- 02 NCAC 52J .0602 PROHIBITED USES**
- 02 NCAC 52J .0603 DEAD ANIMALS**
- 02 NCAC 52J .0604 INDIVIDUAL SEPARATION**
- 02 NCAC 52J .0605 CHAMBER REQUIREMENTS**
- 02 NCAC 52J .0606 INSPECTIONS AND RECORDS**
- 02 NCAC 52J .0607 CLEANING CHAMBER**
- 02 NCAC 52J .0608 OPERATIONAL GUIDES AND INSTRUCTION MANUALS**
- 02 NCAC 52J .0609 PERSONS REQUIRED TO BE PRESENT**

*History Note:* Authority G.S. 19A-24; 19A-24(5);  
 Eff. March 23, 2009;  
 Expired Eff. April 1, 2019 pursuant to G.S. 150B-21.3A.

## **SECTION .0700 - EXTRAORDINARY CIRCUMSTANCES**

- 02 NCAC 52J .0701 EUTHANASIA UNDER EXTRAORDINARY CIRCUMSTANCES**

For purposes of this Section, an extraordinary circumstance is one in which an animal is offsite from a shelter and is an immediate risk to animals, humans, or public health, or in which it would be inhumane to transport the animal, and no less extreme measure of euthanasia is feasible. It also includes circumstances or situations in which it would be inhumane to transport an animal to another location to perform euthanasia.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**

Under extraordinary circumstances a shelter employee may use gunshot or other extreme method of euthanasia as set forth and in accordance with the American Veterinary Medical Association or the Humane Society of the United States incorporated by reference in 02 NCAC 52J .0401.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. October 1, 2022.

#### **02 NCAC 52J .0703 METHODS AND STANDARDS**

The methods of euthanasia used by a certified facility under an extraordinary circumstance must be a method approved by the American Veterinary Medical Association and/or the Humane Society of the United States for use on that species of animal and must conform to standards set forth by that organization.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0704 TECHNICIAN NOT REQUIRED**

If an extraordinary circumstance or situation occurs and euthanasia is necessary, the person performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified facility.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0705 REPORTS**

A certified facility or registrant shall prepare a report of any euthanasia performed under extraordinary circumstances or situations, and keep the report on file for at least two years. The report shall include the date, time, identification of the animal, the name of the person performing the euthanasia, the method of euthanasia and the reason for euthanasia of the animal as authorized by this Section.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

### **SECTION .0800 – POLICY AND PROCEDURE MANUAL**

#### **02 NCAC 52J .0801 MANUAL REQUIRED**

Any certified facility performing euthanasia shall have a current policy and procedure manual about euthanasia.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.

#### **02 NCAC 52J .0802 CONTENTS**

The policy and procedure manual shall set forth the shelter's equipment, process, procedures and documentation requirements for the euthanasia of animals pursuant to G.S. 19A 32.1(b)(2) and (g)(ii) and 02 NCAC 52J .0101(4); .0418(1) and (2); and .0501.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.*

## **02 NCAC 52J .0803      ADDITIONAL CONTENTS**

A certified facility's policy and procedure manual shall be kept consistent with the publications listed below and reflect the current information for each. The manual shall include:

- (1) A copy of the current North Carolina Animal Welfare Act and the rules in this Subchapter;
- (2) A copy of the most recent American Veterinary Medical Association ('AVMA') Guidelines for the Euthanasia of Animals and any future revisions, replacements, supplements or changes thereto issued by that organization;
- (3) A copy of the most recent Euthanasia Reference Manual of the Humane Society of the United States;
- (4) A copy of the facility's policies and/or procedures for euthanasia by injection;
- (5) A list of Certified Euthanasia Technicians and the date of certification;
- (6) The name, address and contact information for the veterinarian responsible for the written program of veterinary care as described in 02 NCAC 52J .0210(a);
- (7) The name, address and contact information for veterinarians responsible for the veterinary medical care of the animals. The contact information shall include telephone numbers for working hours, weekends, nights and holidays;
- (8) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- (9) Procedures to follow if no Certified Euthanasia Technician is present and euthanasia of an animal is necessary;
- (10) Procedures to follow including the names(s) of shelter manager designee(s) when the shelter manager is not available to make the decisions necessary and complete the required paperwork when an animal is to be euthanized prior to the end of the 72-hour holding period;
- (11) Methods of verifying death of an animal after a euthanasia process is performed;
- (12) The name and contact information of the suppliers of:
  - (a) Injectable euthanasia solution;
  - (b) Tranquilizer, sedation, and anesthetic medications;
- (13) Original of U.S. Drug Enforcement Administration certification permitting the use of controlled substances;
- (14) Original of the North Carolina Health and Human Services certificate permitting the storage and use of controlled substances;
- (15) Material safety data sheets for all chemical, anesthetic, tranquilizing, sedation and euthanasia medications used in that facility;
- (16) Information detailing the signs and symptoms associated with human exposure to the agents used for euthanasia at the facility;
- (17) Information detailing First Aid for people accidentally exposed to the agents used for euthanasia at the facility; and
- (18) Contact information of the physician or medical facility providing medical treatment to employees of the facility. The information shall include the name of the medical facility, the telephone number for both working and after-hours contact and directions to the medical facility from the certified facility including a map. If the medical facility does not provide service after-hours, on weekends or on holidays, there must be contact information as described in this item for the nearest medical facility, urgent care clinic or emergency room that does provide care during that time.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009;  
Readopted Eff. September 1, 2022.*

## **SECTION .0900 – ANIMAL SHELTER SUPPORT FUND**

### **02 NCAC 52J .0901 ELIGIBLE EXPENSES**

Eligible expenses include:

- (1) Veterinary costs – Grant money may be requested for veterinary expenditures incurred for the assessment, diagnostic and triage evaluation, medical treatment, minor surgical treatment, medications, first aid and minor medical supplies, vaccinations, parasite control/treatment, or euthanasia of animals housed at the shelter.
- (2) Sanitation costs – Grant money may be requested for expenditures related to sanitation of the shelter, including detergent/disinfectant supplies, cleaning supplies, labor costs for the sanitation of the shelter, and waste and carcass disposal costs.
- (3) Animal sustenance and supplies – Grant money may be requested for expenditures for animal food, provision of water to the shelter, and food and water bowls or buckets, as well as labor costs for the feeding and watering of the shelter animals.
- (4) Temporary housing and sheltering of animals – Grant money may be requested for expenditures for animal cages and kennels, animal transport carriers, tarps, fencing, dog or cat houses and other construction supplies, as well as labor costs or equipment or facility leasing expenses incurred during the construction or repair of temporary animal housing.
- (5) Administrative Costs – Grant money may be requested for administrative costs such as salaries, wages, mailing, copying, and printing.
- (6) Capital Expenditures – Grant money may be requested for capital expenditures for facility repairs, purchase of land or building(s) and equipment costs such as kennels, runs, or automated sanitation systems.
- (7) Grant money may be requested for administrative costs and capital expenditures as described in Items (5) and (6) of this Rule only if such costs are directly required for the facility to comply with the AWA (G.S. 19A-20 through 31) or the rules adopted by the Board of Agriculture (02 NCAC 52J) implementing that Act.

*History Note: Authority G.S. 19A-67; 19A-68;  
Temporary Adoption Eff. November 29, 2016;  
Temporary Adoption Expired Eff. September 11, 2017;  
Eff. November 1, 2017;  
Readopted Eff. September 1, 2022;  
Amended Eff. December 1, 2023.*

### **02 NCAC 52J .0902 APPLICATION GUIDELINES**

(a) A local government applying for grant money from the Animal Shelter Support Fund (the Fund) shall submit the completed application to the Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services via email to [agr.aws@ncagr.gov](mailto:agr.aws@ncagr.gov) or by mail to Animal Welfare Section (AWS), NCDA&CS, 1030 Mail Service Center, Raleigh, NC 27699.

(b) Application instructions are available online at: <https://www.ncagr.gov/vet/aws/>. This application shall contain the following information:

- (1) the name and contact information for the local government official that will administer the grant money, and the name and contact information for the local government official that oversees the operation of the government animal shelter;
- (2) name, address, and contact information for the animal shelter for which the funds are being applied;
- (3) a copy of the AWS Order of Suspension, AWS Order of Revocation, or AWS Facility Compliance Inspection report citing the specific violation or violations for which the county is applying for the grant funds or the date and description of the incident and damage incurred by the unforeseen catastrophic disaster such as a hurricane, tornado, fire, flood, or other natural or man-made disaster at the animal shelter;
- (4) an explanation of how the applicant will use the grant funds to resolve or mitigate the cited violation or violations of the Animal Welfare Act (AWA) and its rules and how the applicant will ensure further compliance with the AWA (G.S. 19A-20 through 31) and its associated rules (02 NCAC 52J); and

- (5) an itemized listing of the costs for which funding is sought.

*History Note:* Authority G.S. 19A-67; 19A-68;  
Temporary Adoption Eff. November 29, 2016;  
Temporary Adoption Expired Eff. September 11, 2017;  
Eff. November 1, 2017;  
Readopted Eff. September 1, 2022;  
Amended Eff. December 1, 2023.

## **02 NCAC 52J .0903 EVALUATION OF APPLICATIONS**

- (a) Each completed application shall be evaluated by the Animal Welfare Section (AWS) staff.
- (b) The staff shall review all applications for completeness. If an application is incomplete, the applicant shall be asked to reapply with a new, completed application.
- (c) The following criteria shall be used to evaluate the applications:
- (1) the thoroughness of the explanation of how the compliance violations will be resolved or mitigated with the use of the grant funds;
  - (2) the thoroughness of the explanation of the plans to ensure future compliance with the AWA (G.S. 19A-20 through 31) and its associated rules (02 NCAC 52J);
  - (3) in the incidence of an unforeseen catastrophic occurrence, such as a hurricane, tornado, fire, flood, or other natural or man-made disaster, the thoroughness of the explanation of how the grant funds will be used to mitigate the damage done by the incident;
  - (4) the amount of funds available;
  - (5) the amount of funds requested; and
  - (6) the order in which the application was received.

*History Note:* Authority G.S. 19A-67; 19A-68;  
Eff. December 1, 2023.

## **SUBCHAPTER 52K – ANIMAL EXHIBITIONS**

### **SECTION .0100 – PURPOSE AND SCOPE**

#### **02 NCAC 52K .0101 PURPOSE**

The purpose of this Subchapter is to establish standards for animal exhibitions at agricultural fairs to reduce the likelihood of the transmission of disease from animals to humans.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0102 SCOPE**

The rules in this Subchapter apply to animal exhibitions at agricultural fairs where animals are displayed for the purpose of physical contact with humans.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **SECTION .0200 - DEFINITIONS**

#### **02 NCAC 52K .0201 DEFINITIONS**

As used in this Subchapter:

- (1) "Agricultural fair" or "fair" means a fair required to be licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.
- (2) "Animal contact exhibit" means any exhibit at an agricultural fair where there are animals displayed for the purpose of petting, holding, feeding, or other physical contact by humans, including but not limited to, petting zoos, pony rides and poultry handling exhibits.
- (3) "Commissioner" means the Commissioner of Agriculture or the Commissioner's authorized representative.
- (4) "Department" means the North Carolina Department of Agriculture and Consumer Services.
- (5) "Transition area" means the area between an animal contact exhibit exit and the closest hand-washing station.

*History Note:* Authority G.S. 106-520.3A;  
 Eff. September 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

## **SECTION .0300 - SIGNAGE**

### **02 NCAC 52K .0301 SIGNAGE**

An animal contact exhibit shall provide visible signage at the entrance and exit of the exhibit to educate the public regarding:

- (1) the fact that animal contact may pose a health risk;
- (2) items that are prohibited in animal areas;
- (3) the identity of high risk populations, including:
  - (a) the elderly;
  - (b) children under the age of six;
  - (c) women who are pregnant;
  - (d) people with an existing health condition; and
- (4) the location of hand-washing stations.

*History Note:* Authority G.S. 106-520.3A;  
 Eff. September 1, 2006;  
 Amended Eff. September 1, 2014;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **02 NCAC 52K .0302 MINIMUM SIZE OF LETTERING ON SIGNAGE**

All lettering on signs shall be at least 3/8 inch high.

*History Note:* Authority G.S. 106-520.3A;  
 Eff. September 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

## **SECTION .0400 – OPERATIONS AND STAFFING**

### **02 NCAC 52K .0401 FENCING**

(a) Animals and bedding shall be separated from the public with fencing to minimize the public's contact with manure and bedding. This does not apply to:

- (1) animal rides (including pony, camel, and elephant rides);
- (2) milking booths; or
- (3) the petting of an animal held or restrained outside of its housing area by an exhibit operator or patron as part of an educational or photographic opportunity where there is limited possibility of contact with manure and bedding.

(b) Fencing shall be at least 29 inches high. On the side(s) of the exhibit intended for public contact, the fencing shall have a solid board or panel at the bottom at least eight inches high to contain manure and bedding.

(c) Fencing may allow children to reach through or over to pet and feed animals.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Amended Eff. September 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0402 PROHIBITED ITEMS**

In order to minimize hand to mouth contact, no pacifiers, baby bottles, drink cups, food, drink or smoking shall be allowed in animal contact exhibits.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0403 AGE REQUIREMENTS**

Unsupervised children less than six years old shall not be permitted in animal contact areas.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0404 FEEDING OF ANIMALS**

Only food provided by the animal contact exhibit may be fed to the animals. Animal food shall not be provided in containers that are human food items, such as ice cream cones.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0405 STAFFING; COMPLIANCE**

An animal contact exhibit shall be staffed at all times of operation by at least one person who has the authority to ensure that the exhibit complies with this Subchapter. The owner, operator or person in charge of an animal contact exhibit shall be responsible for compliance with this Subchapter, and shall not knowingly permit violations by its employees, agents or patrons.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0406 SURFACES; EXHIBIT AREAS**

(a) Surfaces in the animal contact exhibit that can be touched by both fair patrons and animals shall be made of impervious material, and shall be cleaned and disinfected daily and at any time visible contamination is present.

(b) All animal fencing, feed troughs, and open watering systems shall be disinfected prior to and at the end of each fair.

(c) Contact animal exhibits shall be held on impervious surfaces whenever feasible.

(d) Impervious exhibit areas shall be cleaned and disinfected at the end of the fair.

(e) Exhibit areas that are not impervious shall be cleaned of all manure at the end of the fair and shall not be used for human activities for at least six months after cleaning.

(f) Paragraphs (c) and (e) of this Rule shall not apply to pony rides.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006.  
Amended Eff. November 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0407 WASTE DISPOSAL**

The fair shall designate a manure disposal area and shall control wastewater runoff. The animal contact exhibit shall have a designated area for temporary storage of animal waste and shall not transport such waste through areas occupied by fair patrons. Manure disposal and storage areas shall be inaccessible to the public, unless waste is bagged and placed in a closeable dumpster.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **SECTION .0500 – FOOD, DRINK AND HAND-WASHING**

#### **02 NCAC 52K .0501 HAND-WASHING STATIONS**

- (a) Hand-washing stations with soap, running water, paper towels and disposal containers shall be located within 10 feet of the exit of an animal contact exhibit, wherever feasible.
- (b) Hand-washing stations suitable for small children shall be available in the same area as the stations in Paragraph (a) of this Rule.
- (c) Signage shall be provided to direct patrons to hand-washing stations.
- (d) In order to promote hand-washing with soap and water, dispensers for waterless hand sanitizing lotions, gels or hand wipes shall not be provided in the transition or exhibit area. Such dispensers may be placed at the entrance of milking booths to reduce the potential for introduction of disease to the exhibit animals.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Amended Eff. September 1, 2014; November 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

#### **02 NCAC 52K .0502 FOOD AND DRINK**

Food and beverages for human consumption shall not be sold, prepared, served, or consumed in transition areas.

*History Note:* Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

### **SECTION .0600 - ANIMAL KEEPING, CERTIFICATIONS AND EXHIBITION**

#### **02 NCAC 52K .0601 HEALTH CERTIFICATE; VACCINATIONS**

- (a) An official health certificate as defined in 02 NCAC 52B .0202, a rabies vaccination certificate (when applicable), and any other documentation required by 02 NCAC 52B for species or state of origin, shall accompany all animals contained in a public contact setting.
- (b) An animal for which there is an approved rabies vaccine, but which is too young to receive rabies vaccination, is prohibited from animal contact exhibits unless proof of rabies vaccination, within the preceding 12 months, of the mother is provided.
- (c) Initial rabies vaccination shall be administered at least 30 days prior to the event. Subsequent vaccinations for livestock shall be no more than one year prior to the event and may be within 30 days of the event if proof of previous vaccination is provided. Dogs and cats shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6.

(d) If no licensed rabies vaccine exists for a particular species (such as rabbits, goats, llamas, and camels), no vaccination is required.

*History Note: Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Amended Eff. November 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

#### **02 NCAC 52K .0602 DAILY MONITORING**

Animals shall be monitored daily by exhibit personnel for signs of illness. Animals that exhibit signs of illness shall be removed from public contact immediately.

*History Note: Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

#### **02 NCAC 52K .0603 HIGH RISK ANIMALS**

Animals that pose a high disease risk to humans, as determined by the State Veterinarian or his representative, shall not be allowed in animal contact exhibits.

*History Note: Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

#### **02 NCAC 52K .0604 BIRTHING ANIMALS**

No near-birth or birthing sheep, cattle or goats and no sheep, cattle or goats that have given birth within the previous two weeks shall be allowed in animal contact exhibits.

*History Note: Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

### **SECTION .0700 - PERMITTING AND RECORD-KEEPING**

#### **02 NCAC 52K .0701 PERMITTING**

(a) Each animal contact exhibit shall be inspected and permitted by the Department prior to opening at a sanctioned agricultural fair.

(b) Permitting applications for animal contact exhibits will be included in the annual County Fair Handbook distributed by the Department. Applications and other information shall be forwarded by the fair manager to all contracted animal contact exhibits or completed by fair staff for exhibits operated by the fair.

(c) In order to be permitted when the fair opens, an animal contact exhibit shall be set up and ready for inspection at least two hours before the fair opens.

(d) Permits shall be valid for exhibition at other fairs listed on the permit application, unless the permit has been suspended or revoked.

(e) A permit may be suspended or revoked by the Commissioner or his authorized representative for any violation of this Subchapter or G.S. 106-520.3A, in accordance with the Administrative Procedure Act.

*History Note: Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

## **02 NCAC 52K .0702 RECORDS**

Each contact animal exhibit shall keep a record of daily disinfection and animal monitoring during each fair. Records shall be maintained for a period of one year and shall be made available for inspection by the Commissioner of Agriculture or his designee.

*History Note: Authority G.S. 106-520.3A;  
Eff. September 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.*

## **SUBCHAPTER 52L – FARMED CERVIDS**

### **SECTION .0100 – FARMED CERVID LICENSE AND PERMIT**

#### **02 NCAC 52L .0101 INCORPORATION BY REFERENCE**

(a) For the purpose of the rules in this Subchapter, the following regulations and standards are hereby incorporated by reference including any subsequent amendments and editions:

- (1) 9 C.F.R. Part 55;
- (2) 9 C.F.R. Part 81;
- (3) 9 C.F.R. Part 86; and
- (4) The United States Department of Agriculture's Chronic Wasting Disease Program Standards (May 2019).

(b) The regulations and standards incorporated by reference in Paragraph (a) of this Rule are available free of cost at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/cervid/cervids-cwd/cervids-voluntary-hcp>.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

#### **02 NCAC 52L .0102 DEFINITIONS**

(a) The definitions in the regulations and standards set forth in 02 NCAC 52L .0101 shall apply to such terms when used in this Subchapter, to the extent that they do not conflict with G.S. 106-549.97(a)(1) or Paragraph (b) of this Rule.

(b) The following definitions apply to this Subchapter:

- (1) "APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.
- (2) "Carcass" means the head, the whole animal, or tissue sample extracted in accordance with the USDA Standards, 9 C.F.R. 55.8 and 9 C.F.R. 55.23(b).
- (3) "Certified Herd" means any herd that has reached Certified status under an Approved State Chronic Wasting Disease Herd Certification Program as determined by the USDA in accordance with 9 C.F.R. 55.23(a) and 9 C.F.R. 55.24(a).
- (4) "CWD Testing" means official Chronic Wasting Disease ("CWD") testing in accordance with the USDA Standards, (6.2) Official CWD Test, and 9 C.F.R. 55.8.
- (5) "Diagnostic Laboratory" means the North Carolina Department of Agriculture and Consumer Services Veterinary Diagnostic Laboratory System.
- (6) "Facility" means a facility for farmed cervids.
- (7) "Fawns" or "calves" means cervids under one year of age.
- (8) "Herd Certification Program" means the North Carolina Farmed Cervid Herd Certification Program.
- (9) "ICVI" means interstate certificate of veterinary inspection.
- (10) "Licensed Facility" means any facility associated with a farmed cervid license.

- (11) "Licensee" means a person issued a farmed cervid license in accordance with the rules of this Subchapter and includes designees named by the licensee.
- (12) "Non-susceptible species" means Cervidae that are not known to be naturally susceptible to CWD.
- (13) "Officially Identified" means identification in accordance with 9 CFR 55.25.
- (14) "Susceptible species" means Cervidae that are known to be naturally susceptible to CWD.
- (15) "Temporary Exhibit" means a public display of farmed cervids including animal acts, educational displays, carnivals, circuses, parades, shopping center displays, and zoos, whether operated for profit or not.
- (16) "Veterinary Division" means the Veterinary Division of the North Carolina Department of Agriculture and Consumer Services.

(c) Farmed cervids are livestock in accordance with 9 C.F.R. 86.1.

*History Note:* Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.

**02 NCAC 52L .0103 FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT REQUIRED**

No person shall possess, exhibit, buy or sell, or partake in the production of any farmed cervid within the State unless that person first obtains a farmed cervid license or a temporary exhibit permit from the Veterinary Division in accordance with the rules in this Subchapter.

*History Note:* Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018.

**02 NCAC 52L .0104 FARMED CERVID LICENSE**

(a) Farmed Cervid License.

- (1) Persons interested in obtaining a farmed cervid license shall apply with the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:
  - (A) the applicant's name;
  - (B) the applicant's address;
  - (C) the applicant's contact information, including telephone numbers and email addresses;
  - (D) the farm's name;
  - (E) the farm's address;
  - (F) the farm's contact information, including telephone numbers and email addresses;
  - (G) a statement of whether the farm is commercial, defined as a farmed cervid facility that is or will be selling cervid or cervid products as a for-profit business, or private, defined as non-commercial;
  - (H) a statement from the applicant verifying the information provided is accurate;
  - (I) the national premises identification number; and
  - (J) the applicant's signature.
- (2) Both licensees and persons interested in obtaining a farmed cervid license shall comply with 02 NCAC 52L .0401(c)(1) by enrolling susceptible species of farmed cervid herds in the Herd Certification Program.

(b) Terms of License and Inventory Report.

- (1) A farmed cervid license shall be valid from July 1 through June 30 for the year in which it was issued. If the new license is approved after July 1, it shall take effect on the date of issue.
- (2) Licensees may apply for renewal each year during the renewal period of October 1 through December 31. If December 31 falls on a weekend or holiday, then the renewals must be received by the Veterinary Division or postmarked by the next business day. The contents of the renewal application shall include:
  - (A) the licensee's name, address, and contact information, including telephone numbers and email addresses;
  - (B) the farm name, address, and contact information, including telephone numbers and email addresses;

- (C) a statement from the licensee verifying the information provided is accurate; and
- (D) the licensee's signature.
- (3) Licensees shall submit a written inventory report in spreadsheet form with their license renewal. The inventory report shall include the:
  - (A) licensee's name, mailing address, telephone number, and email address;
  - (B) licensed facility name, address, and national premises identification number;
  - (C) farmed cervid license number;
  - (D) for susceptible species, the species, sex, and birth year of each susceptible species of farmed cervid;
  - (E) for susceptible species, the animal identification numbers for each susceptible species of farmed cervid;
  - (F) for susceptible species, the date of disposition or death of any susceptible species of farmed cervid; and
  - (G) for non-susceptible species, the total number and the type and number of each non-susceptible species of farmed cervid as of the date of the application or renewal.
- (4) The inventory report shall be accompanied by a statement from the licensee verifying the information provided is accurate.
- (c) Renewal of Farmed Cervid License.
  - (1) Existing farmed cervid licenses shall be renewed as long as the applicant for renewal continues to meet the licensing requirements of this Subchapter.
  - (2) A person whose license has lapsed shall not be eligible for renewal, but may apply for a new license.
- (d) Only one license shall be associated with each farmed cervid facility and national premises identification number.
- (e) Each quarter, with the first quarter from January 1 to March 31, the second quarter from April 1 to June 30, the third quarter from July 1 to September 30, and the fourth quarter from October 1 to December 31, the licensee shall submit an updated inventory report to the Veterinary Division if susceptible species of fawns and calves were officially identified during that quarter. This update, if applicable, shall be submitted within 30 days of a quarter's end date.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE**

- (a) Circumstances or purposes for which a farmed cervid license shall not be issued or renewed include the following:
  - (1) failing to submit a complete application or renewal;
  - (2) submitting falsified information;
  - (3) for the purpose of holding non-farmed cervids or farmed cervids that were transported without a valid transportation permit;
  - (4) for the purpose of rehabilitating non-farmed cervids;
  - (5) for the purpose of commingling farmed and non-farmed cervids;
  - (6) keeping any farmed cervid for reasons other than agricultural or commercial purposes, such as buying, selling, and production of farmed cervids, or for scientific, exhibition, and educational purposes;
  - (7) to an individual under the age of 18 years of age;
  - (8) failing to have susceptible species of farmed cervid herds enrolled in the Herd Certification Program with the Veterinary Division; or
  - (9) the applicant has violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, in his or her experience, based upon the nature of the violation, the applicant may not comply with the requirements of the farmed cervid license.
- (b) Any person whose farmed cervid license or permit has been revoked or suspended shall not be licensed within the period during which the order of revocation or suspension remains in effect.
- (c) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who was responsible for, participated in, or worked for that person during the

violation upon which the order of revocation or suspension was based, shall not be licensed for facilities owned by his or her employer or facilities in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.

(d) The Department shall not issue a farmed cervid license until a person has:

- (1) constructed or acquired a facility for keeping farmed cervids that complies with 02 NCAC 52L .0201; and
- (2) had the facility inspected and verified by the Veterinary Division.

(e) No farmed cervid license shall be issued to any person in possession of rehabilitative or non-farmed cervid.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT**

(a) Temporary exhibit permits shall not be issued for the buying, selling, or production of farmed cervids.

(b) A temporary exhibit permit shall only be issued for Reindeer or Caribou.

(c) Temporary exhibit permit applications shall be submitted to the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing [farmedcervid@ncagr.gov](mailto:farmedcervid@ncagr.gov). The contents of the application shall include the following:

- (1) the applicant's name;
- (2) the applicant's address;
- (3) the applicant's contact information, including telephone numbers and email addresses;
- (4) the farm's name;
- (5) the farm's address;
- (6) the farm's contact information, including telephone numbers;
- (7) the date(s) of the exhibit;
- (8) the date of exhibit inspection by the Veterinary Division, unless an exhibit facility plan was previously approved and includes the date of facility plan approval and approval number;
- (9) the purpose of the exhibit;
- (10) the location of the exhibit, including the county;
- (11) the species to be exhibited;
- (12) the sex, date of birth, species, and identification number(s) for each cervid to be exhibited;
- (13) a statement from the applicant verifying the information provided is accurate; and
- (14) the applicant's signature.

(d) Temporary exhibit permits are only valid for the dates and locations specified. Applicants shall apply to the Veterinary Division:

- (1) five business days prior to the date of exhibit if the exhibitor previously submitted a detailed exhibit facility plan that has been pre-approved by the Veterinary Division. The detailed exhibit facility plan shall include descriptions of how the animals will be contained, the type of fencing or containment utilized, whether the public will be able to touch the animals, whether the animals will move from a containment area to a parade, and whether if any physical restraints will be utilized, and includes photographs or sketches of the display and the display area; or
- (2) 60 days prior to the date of exhibit.

(e) The Veterinary Division shall only issue temporary exhibit permits when the temporary exhibit area is inspected by the Veterinary Division and meets the following criteria:

- (1) all farmed cervids to be exhibited are from a certified herd and officially identified in accordance with 9 C.F.R. 55.25;
- (2) the temporary exhibit enclosure, with the exception for farmed cervids exhibited during parades, shall:
  - (A) be an area of at least 10 feet by 10 feet;
  - (B) have fencing at least eight feet in height with a ground clearance of no greater than three inches and sufficient in strength and stability to prevent escape, unless the animals are restrained to prevent escape;
  - (C) have an enclosure large enough to ensure each animal has sufficient room, based on the size and species of the animal, to stand erect and lie naturally; and

- (D) have no exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure;
  - (3) farmed cervids exhibited shall be secured so that no farmed cervids may escape; and
  - (4) the temporary exhibit complies with Aedin's Law, G.S. 106-520.3A, and 02 NCAC 52K when those laws and rules apply.
- (f) All permit holders shall report any cervid escape, entry, or death within 24 hours of discovery to the Veterinary Division in accordance with 02 NCAC 52L .0110.
- (g) Circumstances or purposes for which a temporary exhibit permit shall not be issued include:
- (1) failing to submit a complete application;
  - (2) submitting a falsified application;
  - (3) for the purpose of holding non-farmed cervids or farmed cervids that have been transported without a transportation permit;
  - (4) for the purpose of rehabilitating non-farmed cervids;
  - (5) for the purpose of commingling farmed and non-farmed cervids; and
  - (6) to an individual under the age of 18 years of age.
- (h) Any person whose farmed cervid license or temporary exhibit permit has been revoked or suspended shall not be issued a temporary exhibit permit within the period during which the order of revocation or suspension remains in effect.
- (i) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who is responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be issued a permit for exhibits owned by his or her employer or exhibits in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.
- (j) No temporary exhibit permit shall be issued to any person in possession of rehabilitative or non-farmed cervid.

*History Note:* Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.

#### **02 NCAC 52L .0107 TRANSFER OF FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT**

- (a) No farmed cervid license, permit, or animal identification issued or assigned by the Veterinary Division shall be transferable, except as provided by this Rule.
- (b) If a farmed cervid licensee or temporary exhibit permit holder becomes incapacitated, mentally incompetent, dies, or if the business is sold or otherwise acquired, a person who is at least 18 years of age and has obtained legal possession of any farmed cervid and the licensed facility from the previous licensee, or that licensee's estate, may request the Veterinary Division in writing, prior to the transfer, that the existing farmed cervid license, permit, and animal identification be transferred to the new owner.
- (c) Any license, permit, or animal identification transferred under this Rule shall be subject to the same terms and conditions imposed on the original licensee or permit holder.
- (d) Any actions pending from a complaint, investigation, or other cause may be continued notwithstanding any transfer under this Rule.
- (e) No farmed cervid license, permit, or animal identification shall be transferred to a person who had a farmed cervid license or permit revoked or suspended by the Veterinary Division within the period during which the order of revocation or suspension remains in effect.

*History Note:* Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018.

#### **02 NCAC 52L .0108 VOLUNTARY SURRENDER OF FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT**

Farm cervid licensees or temporary exhibit permit holders may voluntarily surrender any license or permit issued under this Subchapter by notifying the Veterinary Division in writing.

*History Note:* Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018.

## **02 NCAC 52L .0109 RECORDS AND INSPECTION**

### **(a) Maintenance of Records.**

- (1) Each licensee shall maintain herd records for all susceptible species of farmed cervids, regardless of whether tagged with animal identification or not, as required by the USDA Standards and 9 C.F.R. 55.23(b), and maintain a copy of any documents related to susceptible species of farmed cervids submitted to the CWD Diagnostic Laboratory.
- (2) All records required by this Subchapter and any ICVI as defined and required by 9 C.F.R. Part 86 shall be maintained by the licensee for a period of five years.

(b) Inspection of Records. The licensee shall make all records required under this Subchapter available for inspection and copying by the Veterinary Division.

(c) Inspection and Inventory of Licensed Facility and Exhibit. The licensee shall make all enclosures, exhibits, and any susceptible species of farmed cervid available for inspection by the Veterinary Division under conditions where all identification on the animals may be safely read by the inspector within a period of four hours. The licensee shall also make any farmed cervid available for inspection to allow the Veterinary Division to ascertain the species of any farmed cervid under the same conditions. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.

(d) Fence Monitoring Requirement. The fence surrounding the enclosure shall be monitored weekly for structural soundness and stability by the licensee to prevent ingress and egress of any cervid.

### **(e) Maintenance.**

- (1) Any opening or passage resulting from damage or deterioration to the perimeter fence shall be sealed by the licensee within 24 hours upon detection or the animals secured until the fence is repaired to prevent any farmed cervid escape.
- (2) Any damage to the enclosure fence that threatens its stability shall be repaired by the licensee within seven calendar days of detection, or within 24 hours if there is an imminent threat of farmed cervid escape.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **02 NCAC 52L .0110 ESCAPE, DISAPPEARANCE, OR BREACH OF FACILITY**

(a) When a licensee discovers the escape or disappearance of any farmed cervid, the licensee shall report the escape or disappearance within 24 hours by contacting the Veterinary Division by telephone at (919) 707-3250 or email at [farmedcervid@ncagr.gov](mailto:farmedcervid@ncagr.gov).

- (1) The report shall include for susceptible species the identification numbers, species, sex, and age of the animals involved and the estimated time and date of escape or disappearance, and if deceased, the estimated time and date of death.
- (2) A recaptured live farmed cervid shall be held in quarantine by itself or with other escapees by the licensee until the Veterinary Division determines the disposition of the farmed cervid, based on the risk of CWD transmission as a result of this escape. Failure to quarantine the escaped farmed cervid to prevent commingling with the herd shall result in the quarantine of the entire herd.
- (3) The licensee shall be responsible for all costs associated with CWD testing and disposal of any escaped animal.
- (4) If live recapture is not possible, the licensee shall harvest the escaped cervid if possible and submit the deceased cervid to the Diagnostic Laboratory for CWD testing.

(b) When a licensee discovers the entry of any non-farmed cervid into the licensed facility, the licensee shall:

- (1) report the entry within 24 hours by contacting the Veterinary Division by telephone or email for further action or disposition of the non-farmed cervid;
- (2) obtain a wildlife depredation permit from the North Carolina Wildlife Resources Commission. Contact information can be found at <http://www.ncwildlife.org/Licensing/Regulations/Nongame-and-Other-Regulations/Wildlife-Depredation#5836327-wildlife-taken-with-a-depredation-permit>;
- (3) take the non-farmed cervid in accordance with the wildlife depredation permit; and
- (4) submit the non-farmed cervid for CWD testing at no charge to the licensee.

*History Note: Authority G.S. 106-549.97(a2);*

*Eff. June 1, 2018;*  
*Amended Eff. May 1, 2022.*

**02 NCAC 52L .0111 REPORTING CWD SYMPTOMS AND FARMED CERVID DEATH**

(a) CWD Symptom Reporting:

- (1) Each licensee shall notify the Veterinary Division by telephone upon discovery if any farmed cervid exhibits clinical symptoms of CWD, including loss of body condition, behavioral changes, excessive salivation, increased drinking and urination, depression, and eventual death. The Veterinary Division's telephone number is (919) 707-3250.
- (2) Farmed cervids that exhibit clinical symptoms of CWD shall not be transported unless directed by the Veterinary Division.
- (3) Regardless of age, the carcass of all farmed cervids that exhibited clinical symptoms of CWD shall be submitted to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.
- (4) In cases where animals escape or disappear and are not available for tissue sampling and testing, or when the samples are of such poor quality, as determined in accordance with the USDA Standards, including Part A (5.3) Sample Collection and Submission Procedures, (5.4) Consequences of Poor Quality and Missing Samples, (6.4) Test Results, and (6.5) Rejected Samples, that they cannot be tested for CWD, the Veterinary Division may investigate, in cases of repeated unavailability of tissue sampling and testing, whether the unavailability of animals or usable samples for testing constitutes a failure to comply with program requirements and may affect the herd's status in the Herd Certification Program.
- (5) The Veterinary Division may require CWD testing or quarantine, or both, at any facility if the following circumstances or conditions occur:
  - (A) any herd or animal tested positive for CWD within the facility;
  - (B) the facility received farmed cervid from a facility that tested positive for CWD within five years;
  - (C) the facility may have been exposed to any CWD positive or suspect farmed cervid; or
  - (D) the facility transferred any farmed cervid that tests positive for CWD within five years of transfer.

(b) Reporting Death:

- (1) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within 24 hours upon knowledge of the death of any susceptible species of farmed cervid, including any slaughtered susceptible species of farmed cervid, whether sent to a slaughterhouse or slaughtered at the farmed cervid facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone or email at [farmedcervid@ncagr.gov](mailto:farmedcervid@ncagr.gov). The report shall include the following information:
  - (A) the licensee's name, mailing address, telephone number, and email address;
  - (B) the licensee's facility name, address, and national premises identification number;
  - (C) the farmed cervid license number;
  - (D) the date of death;
  - (E) the species and sex of each susceptible species of farmed cervid;
  - (F) the animal identification for each susceptible species of farmed cervid;
  - (G) the name and location of the Diagnostic Laboratory where the carcass of the susceptible specie of farmed cervid is to be submitted for CWD testing if testing is required; and
  - (H) a statement from the licensee verifying the information provided is accurate.
- (2) The carcass of any known susceptible species of farmed cervid that was 12 months of age or older that died of any cause shall be submitted by the licensee or the licensee's designee to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass. Regardless of whether a farmed cervid is required to be tested or not, all deaths of susceptible species are required to be reported.

*History Note: Authority G.S. 106-549.97(a2);*  
*Eff. June 1, 2018;*  
*Amended Eff. May 1, 2022.*

## **02 NCAC 52L .0112 ANIMAL IDENTIFICATION**

### **(a) Animal Identification Required.**

- (1) Licensees shall identify all susceptible species of farmed cervid in accordance with the USDA Standards and 9 C.F.R. 55.25.
- (2) Susceptible species of farmed cervid born within a licensed facility shall be officially identified on or before 12 months of age. Fawns and calves of susceptible species shall be deemed a year old for purposes of the rules in this Subchapter and shall be officially identified by the first July 1 following their birth, unless the farmed cervid licensee maintains a record of the month and year the calf or fawn was born.
- (3) All farmed cervids shall be officially identified before being transported.
- (4) All susceptible species of farmed cervids shall be identified and included in the inventory report and records as required by 02 NCAC 52L .0104(b) and 02 NCAC 52L .0109(a).

### **(b) Application for Animal Identification Tags.**

- (1) Applicants may request animal identification tags from the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or by emailing [farmedcervid@ncagr.gov](mailto:farmedcervid@ncagr.gov), by providing the following information:
  - (A) the applicant's name, mailing address, telephone number, and email address;
  - (B) the licensed facility name, address, and national premises identification number;
  - (C) the farmed cervid license number; and
  - (D) the species, sex, and birth year of the farmed cervids.
- (2) The application shall be accompanied by a statement from the licensee verifying that the information provided is accurate.
- (3) The Veterinary Division may provide animal identification tags, based on availability of supplies, upon receipt of the completed application.

### **(c) Replacement of Animal Identification Tags.**

- (1) **Lost Tags.** The loss of a tag shall be reported to the Veterinary Division by the licensee.
- (2) **Unusable Tags.** Tags that cannot be affixed to the ear of a farmed cervid or unreadable because of malformation or damage to the tags shall be reported to the Veterinary Division by the licensee.
- (3) Licensees may request replacement tags using the same form as provided pursuant to Paragraph (b) of this Rule and shall include the information required by Paragraph (b) of this Rule. The Department may provide replacement tags, based on availability of supplies, upon receipt of the application.
- (4) Licensees shall update their records to reflect any replacement of tags and notify the Veterinary Division of the update when submitting records during the license renewal period.
- (5) If an animal identification is lost for any reason, the licensee shall comply with the identification requirements as soon as possible, but no later than the next annual inspection or prior to transport, whichever is earlier.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **02 NCAC 52L .0113 TRANSPORTATION PERMIT**

(a) No person shall transport any farmed cervid within the State unless that person first obtains a transportation permit from the Veterinary Division.

(b) A transportation permit shall only be issued by the Veterinary Division to an applicant to transport farmed cervids:

- (1) from a Certified Herd;
- (2) not known to be susceptible to CWD;
- (3) to and from a veterinary medical facility for medical diagnosis or treatment;
- (4) to a slaughterhouse for slaughter;
- (5) for export out of North Carolina, subject to 9 C.F.R. 81.3; and
- (6) for import into North Carolina, subject to 02 NCAC 52B .0213.

(c) All transportation permit applications shall be submitted to the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or emailing [farmedcervid@ncagr.gov](mailto:farmedcervid@ncagr.gov), except

for transportation for emergency veterinary treatment purposes in accordance with Paragraph (h) of this Rule, and shall include the following information:

- (1) the applicant's name, mailing address, telephone number, and email address;
  - (2) the licensed facility or out-of-state facility name, address, and national premises identification number;
  - (3) the farmed cervid license number or out-of-state CWD Herd Certification Program identification number;
  - (4) the species and sex of each farmed cervid;
  - (5) the animal identification for each farmed cervid;
  - (6) the destination name, address, telephone number, and email address; and
  - (7) the reason for the movement.
- (d) Transportation permit applications shall include the following information when applicable:
- (1) for any susceptible species of farmed cervid to be moved for slaughter, the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing;
  - (2) for transporting farmed cervids to an exhibit, the exhibit permit number;
  - (3) for importing farmed cervid into the State, a copy of the ICVI as required by 9 C.F.R. Part 86; and
  - (4) for importing into the State any CWD susceptible farmed cervid, as identified by the Veterinary Division or the USDA, a copy of the negative antemortem CWD test result using a method approved by the USDA.
- (e) The transportation permit application shall be accompanied by a statement from the applicant verifying that the information provided is accurate.
- (f) No susceptible species of farmed cervids shall be exported out of State unless the animals have reached Certified status.
- (g) Transportation permits shall be valid for 30 calendar days unless otherwise stated on the permit.
- (h) Emergency Veterinary Treatment. An applicant seeking to transport any farmed cervid for veterinary treatment shall first contact the Veterinary Division by telephone or email to seek authorization. The telephone number is (919) 707-3250 and email address is farmedcervid@ncagr.gov. At the time of the request, the applicant shall provide to the Veterinary Division information listed under Paragraph (c) of this Rule.
- (i) No approval shall be issued for transportation of susceptible species of farmed cervid to a veterinary medical facility out-of-state.
- (j) Any verbal authorization from the Veterinary Division shall only allow transportation of the farmed cervid to the specified veterinary medical facility and directly back to the licensed facility, and shall not be construed to permit intervening destinations.
- (k) Licensees shall notify the Veterinary Division in writing, including the identification numbers of any farmed cervid not transported in accordance with the transportation permit, within seven calendar days after the expiration of the permit.
- (l) Any person transporting any farmed cervid shall present the transportation permit to any law enforcement officer or any representative of the Department upon request, except that a person transporting a farmed cervid by verbal authorization for emergency veterinary treatment shall provide the Veterinary Division's telephone number that the person contacted.
- (m) The licensee shall be responsible for securing all farmed cervids during transport so as to prevent escape.

*History Note: Authority G.S. 106-307.5; 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **SECTION .0200 – ENCLOSURE REQUIREMENTS**

### **02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS**

- (a) The enclosure size for any farmed cervid, including any fawn or calf, shall be at least half of one acre.
- (b) Bodies of water and impassible areas shall not be counted towards the minimum enclosure size or the area for pen density.
- (c) The enclosure shall be surrounded by a fence:
  - (1) of sufficient strength and design to prevent ingress or egress of both farmed and non-farmed cervids under any circumstances;

- (2) be at least eight feet high; and
- (3) have a ground clearance of no greater than three inches.
- (d) Farmed cervids shall not be contained within or be allowed to enter a place of residence, except for fawns or calves on a temporary basis in the course of emergency veterinary treatment in accordance with guidance from a licensed veterinarian. Licensees shall be responsible for securing all farmed cervids so as to prevent escape during transport or at the residence.
- (e) No exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure.
- (f) If a person intends to maintain two or more separate herds, that person shall maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet between the perimeter fencing around separate herds, and no commingling of animals shall occur. Movement of animals between herds shall be recorded as if they were separately owned herds.
- (g) All additional farmed cervid enclosures added after a farmed cervid license has been issued shall first be inspected by the North Carolina Department of Agriculture and Consumer Services and comply with the enclosure requirements of this Section prior to the housing of any farmed cervids.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **SECTION .0300 – ENFORCEMENT**

### **02 NCAC 52L .0301 LICENSE OR PERMIT REVOCATION, FORFEITURE, AND DEPOPULATION**

- (a) The Veterinary Division may take one or more of the following actions based on the nature of the violation against any person for failure to comply with the requirements of G.S. 106-549.97, 9 C.F.R. Part 55, 9 C.F.R. Part 81, the USDA Standards, or this Subchapter:
  - (1) issue warnings;
  - (2) revoke any license or permit issued under this Subchapter;
  - (3) cancel the enrollment in the Herd Certification Program; or
  - (4) reduce the status of a herd in accordance with 02 NCAC 52L .0401(g).
- (b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this Rule and may order any farmed cervid brought into this State illegally be quarantined, tested for CWD, or terminated, or any combination thereof.
- (c) Violations of this Subchapter include the following circumstances or conditions:
  - (1) providing inaccurate or false information to the Veterinary Division;
  - (2) failing to comply with animal identification requirements;
  - (3) failing to comply with facility enclosure and maintenance requirements;
  - (4) failing to comply with monitoring or record-keeping requirements;
  - (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;
  - (6) failing to report the death, escape, or disappearance, of any farmed cervid; or
  - (7) failing to submit deceased farmed cervid for CWD testing.
- (d) The Veterinary Division may revoke a farmed cervid license or temporary exhibit permit, or both, under any of the following circumstances or conditions:
  - (1) the farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0111;
  - (2) the farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0111; or
  - (3) the farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid without a permit in accordance with 02 NCAC 52L .0113.
- (e) Disposition of Farmed Cervid.
  - (1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in one or more of the following manners:
    - (A) sell or otherwise transfer ownership and possession of any farmed cervid;
    - (B) export out of state any farmed cervid; or

- (C) terminate any remaining farmed cervid.
- (2) In the event the Veterinary Division directed the disposition of any farmed cervid and the owner refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be paid by the owner.
- (3) The release of any farmed cervid to the wild by any person is prohibited.
- (f) Disposal of Dead Farmed Cervids.
  - (1) Licensees shall be responsible for the disposal of any dead farmed cervid carcass in accordance with applicable laws and regulations and the costs associated with disposal.
  - (2) The carcass of farmed cervids that have been designated by the Department as CWD-positive, exposed, or suspect shall be disposed of in accordance with the USDA Standards, Part B (7) Carcass Disposal, and using one of options provided under the USDA Standards.
  - (3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive, exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.

*History Note: Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
Amended Eff. May 1, 2022.*

## **SECTION .0400 – HERD CERTIFICATION PROGRAMS**

### **02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM**

- (a) Scope. This Rule shall only apply to susceptible species of farmed cervids.
- (b) Enrollment Qualifications.
  - (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Herd Certification Program.
  - (2) Applicants shall comply with all farmed cervid license requirements and rules in this Subchapter in order to have herds enrolled and remain in the Herd Certification Program.
- (c) Enrollment Application.
  - (1) Persons who possess any susceptible species of farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Herd Certification Program, if not already enrolled.
  - (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.
  - (3) The Veterinary Division shall deny enrollment if:
    - (A) the applicant submits an incomplete farmed cervid license application;
    - (B) the applicant has provided false information;
    - (C) the applicant fails to provide additional information requested by the Veterinary Division;
    - (D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the requirements of the Herd Certification Program;
    - (E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd plan;
    - (F) any pending or outstanding citation exists against the applicant;
    - (G) the applicant has failed to comply with any farmed cervid license requirement; or
    - (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (i) of this Rule.
  - (4) Upon determining that a herd is eligible to participate in the Herd Certification Program in accordance with Paragraphs (b) and (c) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.
- (d) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Herd Certification Program after August 13, 2012, shall be the date the herd is approved for participation upon inspection except:

- (1) for new herds that were formed from and contain only animals from herds enrolled in an Approved State CWD Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals;
  - (2) the first day that the herd participated in any state program that APHIS at a later date determines qualifies as an Approved State CWD Herd Certification Program; or
  - (3) any other exception provided under 9 C.F.R. 55.22(b).
- (e) Initial and Subsequent Herd Status.
- (1) When a herd is first enrolled in the Herd Certification Program, it shall be placed in the First Year status, unless the herd is composed only of animals obtained from herds already enrolled in the Herd Certification Program, or another USDA approved state CWD herd certification program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd.
  - (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
    - (A) First Year – starts on enrollment date of the herd in the CWD Herd Certification Program.
    - (B) Second Year – starts on the anniversary date of the First Year.
    - (C) Third Year – starts on the anniversary date of the Second Year.
    - (D) Fourth Year – starts on the anniversary date of the Third Year.
    - (E) Fifth Year – starts on the anniversary date of the Fourth Year.
  - (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.
- (f) Loss or Suspension of Herd Status.
- (1) If the Veterinary Division determines that animals from a herd enrolled in the Herd Certification Program have commingled with animals from a herd with a lower program status, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
  - (2) If a herd is designated a CWD-positive herd or a CWD-exposed herd by the Veterinary Division, it shall upon designation lose its program status and may only reenroll after entering into a herd plan.
  - (3) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd by the Veterinary Division, it shall upon designation be placed in Suspended status pending an epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If the epidemiologic investigation:
    - (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level;
    - (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose its program status and shall be designated a CWD-exposed herd;
    - (C) is unable to make a determination regarding the exposure of the herd, because the necessary animal or animals are no longer available for testing (i.e., a trace animal from a known positive herd died and was not tested) or for other reasons, the herd status shall continue as Suspended until a herd plan is developed for the herd in accordance with its definition under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level. If the epidemiological investigation finds that the licensee of the herd has not complied with the rules of this Subchapter for animal identification, animal testing, and recordkeeping, the herd shall be reinstated into the Herd Certification Program at the First Year status level, with a new enrollment date set at the date the herd entered into Suspended status. Any herd reinstated after being placed in Suspended status shall then comply with the requirements of the herd plan as well as the requirements of the Herd Certification Program. The herd plan shall require testing of all animals that die in the herd for any reason, regardless of the age of the animal; whenever it is required by federal law, may

require movement restrictions for animals in the herd based on epidemiologic evidence regarding the risk posed by the animals in question; and whenever it is required by federal law, may include other requirements found necessary to control the risk of spreading CWD.

(g) Cancellation of Enrollment and Reduction of Herd Status.

- (1) A licensee may cancel participation of any herd in the Herd Certification Program by surrendering the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
- (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd after determining that the licensee failed to comply with any rule of this Subchapter, by giving written notice to the licensee of the reasons for the cancellation or reduction in status.
- (3) To appeal the designation of an animal as CWD-positive, cancellation of enrollment of a herd, or loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.

(h) Adding Animals to Existing Herd.

- (1) A herd may add animals from herds with the same or a higher herd status with no negative impact on the certification status of the receiving herd.
- (2) If animals are acquired from a herd with a lower herd status, the receiving herd shall revert to the program status of the sending herd.
- (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of acquisition of the animal.

(i) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, including reinstating a suspended status, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee in accordance with the USDA Standards, (2.1) Participating Herd: Requirements for Enrollment.

(j) A licensee may commingle non-susceptible species of farmed cervid with susceptible species of farmed cervid without affecting the herd status of the susceptible species. This exception shall not apply to non-farmed cervids or to non-susceptible species that are later determined by the Department to be CWD susceptible.

*History Note:* Authority G.S. 106-549.97(a2);  
Eff. June 1, 2018;  
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**02 NCAC 52L .0402 NORTH CAROLINA MONITORED HERD CERTIFICATION PROGRAM**

*History Note:* Authority G.S. 106-549.97(a2);  
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