

BILL ANALYSIS

S.B. 572
By: Harris
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It is estimated that more than 1 million animals (mostly dogs and cats) are put to sleep in Texas' animal shelters annually. Currently, there is no state law that dictates the proper methods and procedures for euthanizing these animals or that requires training of shelter personnel performing the euthanasia. Instead, the only state law addressing the euthanasia of animals (Sec. 823.006, Health and Safety Code) simply lists six prohibited methods of euthanasia. As a result, shelter animals are being killed by various antiquated and inhumane methods by untrained and inexperienced personnel. This has resulted in both cruel and inhumane deaths for these animals and safety concerns for shelter personnel. S.B. 572 establishes the acceptable methods and procedures for humanely and safely euthanizing shelter animals and provides for the training of euthanasia personnel.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Health in SECTION 1 (Section 821.053 and Section 821.054, Health and Safety Code) of this bill.

ANALYSIS

SECTION 1. Adds Subchapter C to Chapter 821, Texas Health and Safety Code.

Sec. 821.051. Defines "animal," "animal shelter," "Board," and "Department" for the purposes of this Act.

Sec. 821.052. Provides that all dogs and cats in the custody of an animal shelter be euthanized only by the use of sodium pentobarbital or commercially compressed (bottled) carbon monoxide gas and that all other animals be euthanized only by the methods and procedures recommended by the American Veterinary Medical Association Panel on Euthanasia applicable to such animals.

Sec. 821.053. Requires the Texas Board of Health (board) to adopt rules for the requirements and procedures for administering sodium pentobarbital to euthanize animals in the custody of an animal shelter. When sodium pentobarbital is used to euthanize an animal, it must be done in accordance with the requirements and procedures established by the board.

Sec. 821.054. (a) Requires the board to adopt rules relating to standards for carbon monoxide chambers used to euthanize animals in the custody of an animal shelter, and to adopt rules for the requirements and procedures for administering commercially compressed carbon monoxide.

(b) Persons administering commercially compressed carbon monoxide to euthanize an animal may use only carbon monoxide chambers that conform to the standards adopted by the board and must administer the carbon monoxide in accordance with the requirements and procedures adopted by the board.

Sec. 821.055. (a) Any person who euthanizes an animal in an animal shelter must have completed a training course in the proper methods and techniques for euthanizing animals within the past three years. The course's curriculum must include the pharmacology, proper administration, and storage of euthanasia

solutions; federal and state law regulating the storage and accountability of euthanasia solutions; euthanasia technician stress management; proper restraint and handling of an animal during euthanasia; the procedures for administering commercially compressed carbon monoxide to an animal; techniques for verifying an animal's death; and the proper disposal of a euthanized animal.

(b) The Department of Health (department) must approve the sponsors and curriculum of the training course.

(c) This section does not apply to a veterinarians licensed to practice in this state.

821.056. Provides that a person commits an offense punishable as a Class B misdemeanor if the person violates this subchapter or a board rule adopted under this subchapter.

821.057. A court of competent jurisdiction may enjoin a substantial violation of this subchapter.

SECTION 2. Repeals Section 823.006, Health and Safety Code, which currently sets forth certain prohibited methods of euthanasia.

SECTION 3. Requires the board to adopt rules applicable to the use of sodium pentobarbital and commercially compressed carbon monoxide in euthanizing animal shelter animals not later than June 1, 2004.

SECTION 4. Requires the department to develop procedures to approve the sponsors and curriculum for the euthanasia training courses not later than June 1, 2004 .

SECTION 5. (a) The effect of this Act is prospective and applies only to offenses committed on or after September 1, 2003. If any element of the offense is committed prior to September 1, 2003, it will be prosecuted under the law in effect at that time.

(b) An offense committed under Section 821.006, Health and Safety Code, before the repeal of that section by this Act is covered by that section, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2003, except that Sections 821.053, 821.054, and 821.055, take effect January 1, 2005.

EFFECTIVE DATE

This Act takes effect September 1, 2003, except that Sections 821.053, 821.054, and 821.055, take effect January 1, 2005.