1   AN ACT

2 relating to the euthanasia of an animal by an animal shelter;

3 providing criminal penalties.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1. Chapter 821, Health and Safety Code, is amended

6 by adding Subchapter C to read as follows:

7   SUBCHAPTER C. EUTHANASIA OF ANIMALS

8   Sec. 821.051. DEFINITIONS. In this subchapter:

9   (1) "Animal" has the meaning assigned by Section

10 821.001.

11   (2) "Animal shelter" means a facility that collects,

12 impounds, or keeps stray, homeless, abandoned, or unwanted animals.

13   (3) "Board" means the Texas Board of Health.

14   (4) "Department" means the Texas Department of Health.

15   Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may

16 euthanize a dog or cat in the custody of an animal shelter only by

17 administering sodium pentobarbital or commercially compressed

18 carbon monoxide.

19   (b) A person may euthanize all other animals in the custody

20 of an animal shelter, including birds and reptiles, only in

21 accordance with the applicable methods, recommendations, and

22 procedures set forth in the 2000 Report of the American Veterinary

23 Medical Association Panel on Euthanasia as modified or superseded

24 by a subsequent report of the American Veterinary Medical

1 Association Panel on Euthanasia that is approved by the board.

2   Sec. 821.053. REQUIREMENTS FOR USE OF SODIUM PENTOBARBITAL.

3 (a) The board by rule shall establish the requirements and

4 procedures for administering sodium pentobarbital to euthanize an

5 animal in the custody of an animal shelter.

6   (b) A person may administer sodium pentobarbital to

7 euthanize an animal in the custody of an animal shelter only in

8 accordance with the requirements and procedures established by

9 board rule.

10   Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALLY

11 COMPRESSED CARBON MONOXIDE. (a) The board by rule shall

12 establish:

13   (1) standards for a carbon monoxide chamber used to

14 euthanize an animal in the custody of an animal shelter; and

15   (2) requirements and procedures for administering

16 commercially compressed carbon monoxide to euthanize an animal in

17 the custody of an animal shelter.

18   (b) A person administering commercially compressed carbon

19 monoxide to euthanize an animal in the custody of an animal shelter:

20   (1) may use only a carbon monoxide chamber that meets

21 the standards established by board rule; and

22   (2) may administer the commercially compressed carbon

23 monoxide only in accordance with the requirements and procedures

24 established by board rule.

25   Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS. (a) A

26 person may not euthanize an animal in the custody of an animal

27 shelter unless the person has successfully completed, not more than

1 three years before the date the person euthanizes the animal, a

2 training course in the proper methods and techniques for

3 euthanizing animals. The training course curriculum must include:

4   (1) the pharmacology, proper administration, and

5 storage of euthanasia solutions;

6   (2) federal and state law regulating the storage and

7 accountability of euthanasia solutions;

8   (3) euthanasia technician stress management;

9   (4) proper restraint and handling of an animal during

10 euthanasia;

11   (5) the procedures for administering commercially

12 compressed carbon monoxide to an animal;

13   (6) techniques for verifying an animal's death; and

14   (7) the proper disposal of a euthanized animal.

15   (b) The department must approve the sponsors and curriculum

16 of the training course required by this section.

17   (c) This section does not apply to a person licensed to

18 practice veterinary medicine in this state.

19   (d) Notwithstanding Subsection (a), an employee of an

20 animal shelter is not required to have successfully completed the

21 training course before the 120th day following the date of initial

22 employment.

23   Sec. 821.056. OFFENSE AND PENALTY. (a) A person commits

24 an offense if the person violates this subchapter or a board rule

25 adopted under this subchapter.

26   (b) An offense under this section is a Class B misdemeanor.

27   Sec. 821.057. INJUNCTION. A court of competent

 1   jurisdiction, on the petition of any person, may prohibit by

 2   injunction the substantial violation of this subchapter or a board

 3   rule adopted under this subchapter.

 4   SECTION 2.   Section 823.006, Health and Safety Code, is

 5   repealed.

 6   SECTION 3.   The Texas Board of Health shall adopt the rules

 7   required by Sections 821.053 and 821.054, Health and Safety Code,

 8   as added by this Act, not later than June 1, 2004.

 9   SECTION 4.   The Texas Department of Health shall develop

10   procedures to approve the sponsors and curriculum for the training

11   course required by Section 821.055, Health and Safety Code, as

12   added by this Act, not later than June 1, 2004.

13   SECTION 5.   (a) The change in law made by the repeal of

14   Section 823.006, Health and Safety Code, by this Act applies only to

15   an offense committed on or after September 1, 2003.   For purposes of

16   this section, an offense is committed before September 1, 2003, if

17   any element of the offense occurs before that date.

18   (b) An offense committed under Section 823.006, Health and

19   Safety Code, before the repeal of that section by this Act is

20   covered by the law in effect when the offense was committed, and the

21   former law is continued in effect for that purpose.

22   SECTION 6.   This Act takes effect September 1, 2003, except

23   that Sections 821.053, 821.054, and 821.055, Health and Safety

24   Code, as added by this Act, take effect January 1, 2005.

_____   _____
   President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 572 passed the Senate on March 27, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on April 30, 2003, by a viva-voce vote.

                            _____
                          Secretary of the Senate

    I hereby certify that S.B. No. 572 passed the House, with amendment, on April 23, 2003, by a non-record vote.

                            _____
                          Chief Clerk of the House

Approved:

_____
          Date

_____
          Governor