

By: Harris

S.B. No. 572

A BILL TO BE ENTITLED

AN ACT

relating to the euthanasia of an animal by an animal shelter;
providing criminal penalties.

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

SECTION 1. Chapter 821, Health and Safety Code, is amended
by adding Subchapter C to read as follows:

SUBCHAPTER C. EUTHANASIA OF ANIMALS

Sec. 821.051. DEFINITIONS. In this subchapter:

(1) "Animal" has the meaning assigned by Section 821.001.

(2) "Animal shelter" means a facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.

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

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

Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may euthanize a dog or cat in the custody of an animal shelter only by administering sodium pentobarbital or commercially compressed carbon monoxide.

(b) A person may euthanize all other animals in the custody of an animal shelter, including birds and reptiles, only in accordance with the applicable methods, recommendations, and procedures set forth in the 2000 Report of the American Veterinary Medical Association Panel on Euthanasia as modified or superseded by a subsequent report of the American Veterinary Medical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 COMMERCIALY
11 COMPRESSED CARBON MONOXIDE. (a) The board by rule shall establish:

12 (1) standards for a carbon monoxide chamber used to
13 euthanize an animal in the custody of an animal shelter; and

14 (2) requirements and procedures for administering
15 commercially compressed carbon monoxide to euthanize an animal in
16 the custody of an animal shelter.

17 (b) A person administering commercially compressed carbon
18 monoxide to euthanize an animal in the custody of an animal shelter:

19 (1) may use only a carbon monoxide chamber that meets
20 the standards established by board rule; and

21 (2) may administer the commercially compressed carbon
22 monoxide only in accordance with the requirements and procedures
23 established by board rule.

24 Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS. (a) A
25 person may not euthanize an animal in the custody of an animal
26 shelter unless the person has successfully completed, not more than
27 three years before the date the person euthanizes the animal, a

1 training course in the proper methods and techniques for
2 ethanizing animals. The training course curriculum must include:

3 (1) the pharmacology, proper administration, and
4 storage of euthanasia solutions;

5 (2) federal and state law regulating the storage and
6 accountability of euthanasia solutions;

7 (3) euthanasia technician stress management;

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

10 (5) the procedures for administering commercially
11 compressed carbon monoxide to an animal;

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

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

14 (b) The department must approve the sponsors and curriculum
15 of the training course required by this section.

16 (c) This section does not apply to a person licensed to
17 practice veterinary medicine in this state.

18 Sec. 821.056. OFFENSE AND PENALTY. (a) A person commits an
19 offense if the person violates this subchapter or a board rule
20 adopted under this subchapter.

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

22 Sec. 821.057. INJUNCTION. A court of competent
23 jurisdiction, on the petition of any person, may prohibit by
24 injunction the substantial violation of this subchapter or a board
25 rule adopted under this subchapter.

26 SECTION 2. Section 823.006, Health and Safety Code, is
27 repealed.

1 SECTION 3. The Texas Board of Health shall adopt the rules
2 required by Sections 821.053 and 821.054, Health and Safety Code,
3 as added by this Act, not later than June 1, 2004.

4 SECTION 4. The Texas Department of Health shall develop
5 procedures to approve the sponsors and curriculum for the training
6 course required by Section 821.055, Health and Safety Code, as
7 added by this Act, not later than June 1, 2004.

8 SECTION 5. (a) The change in law made by the repeal of
9 Section 823.006, Health and Safety Code, by this Act applies only to
10 an offense committed on or after September 1, 2003. For purposes of
11 this section, an offense is committed before September 1, 2003, if
12 any element of the offense occurs before that date.

13 (b) An offense committed under Section 823.006, Health and
14 Safety Code, before the repeal of that section by this Act is
15 covered by the law in effect when the offense was committed, and the
16 former law is continued in effect for that purpose.

17 SECTION 6. This Act takes effect September 1, 2003, except
18 that Sections 821.053, 821.054, and 821.055, Health and Safety
19 Code, as added by this Act, take effect January 1, 2005.