

1-1 By: Harris S.B. No. 572
1-2 (In the Senate - Filed February 19, 2003; February 24, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 17, 2003, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; March 17, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the euthanasia of an animal by an animal shelter;
1-9 providing criminal penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 821, Health and Safety Code, is amended
1-12 by adding Subchapter C to read as follows:

1-13 SUBCHAPTER C. EUTHANASIA OF ANIMALS

1-14 Sec. 821.051. DEFINITIONS. In this subchapter:

1-15 (1) "Animal" has the meaning assigned by Section
1-16 821.001.

1-17 (2) "Animal shelter" means a facility that collects,
1-18 impounds, or keeps stray, homeless, abandoned, or unwanted animals.

1-19 (3) "Board" means the Texas Board of Health.

1-20 (4) "Department" means the Texas Department of Health.

1-21 Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may
1-22 euthanize a dog or cat in the custody of an animal shelter only by
1-23 administering sodium pentobarbital or commercially compressed
1-24 carbon monoxide.

1-25 (b) A person may euthanize all other animals in the custody
1-26 of an animal shelter, including birds and reptiles, only in
1-27 accordance with the applicable methods, recommendations, and
1-28 procedures set forth in the 2000 Report of the American Veterinary
1-29 Medical Association Panel on Euthanasia as modified or superseded
1-30 by a subsequent report of the American Veterinary Medical
1-31 Association Panel on Euthanasia that is approved by the board.

1-32 Sec. 821.053. REQUIREMENTS FOR USE OF SODIUM PENTOBARBITAL.

1-33 (a) The board by rule shall establish the requirements and
1-34 procedures for administering sodium pentobarbital to euthanize an
1-35 animal in the custody of an animal shelter.

1-36 (b) A person may administer sodium pentobarbital to
1-37 euthanize an animal in the custody of an animal shelter only in
1-38 accordance with the requirements and procedures established by
1-39 board rule.

1-40 Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY
1-41 COMPRESSED CARBON MONOXIDE. (a) The board by rule shall
1-42 establish:

1-43 (1) standards for a carbon monoxide chamber used to
1-44 euthanize an animal in the custody of an animal shelter; and

1-45 (2) requirements and procedures for administering
1-46 commercially compressed carbon monoxide to euthanize an animal in
1-47 the custody of an animal shelter.

1-48 (b) A person administering commercially compressed carbon
1-49 monoxide to euthanize an animal in the custody of an animal shelter:

1-50 (1) may use only a carbon monoxide chamber that meets
1-51 the standards established by board rule; and

1-52 (2) may administer the commercially compressed carbon
1-53 monoxide only in accordance with the requirements and procedures
1-54 established by board rule.

1-55 Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS. (a) A
1-56 person may not euthanize an animal in the custody of an animal
1-57 shelter unless the person has successfully completed, not more than
1-58 three years before the date the person euthanizes the animal, a
1-59 training course in the proper methods and techniques for
1-60 euthanizing animals. The training course curriculum must include:

1-61 (1) the pharmacology, proper administration, and
1-62 storage of euthanasia solutions;

1-63 (2) federal and state law regulating the storage and
1-64 accountability of euthanasia solutions;

- (3) euthanasia technician stress management;
- (4) proper restraint and handling of an animal during euthanasia;
- (5) the procedures for administering commercially compressed carbon monoxide to an animal;
- (6) techniques for verifying an animal's death; and
- (7) the proper disposal of a euthanized animal.

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

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

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

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

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

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

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

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

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

(b) An offense committed under Section 823.006, Health and Safety Code, before the repeal of that section by this Act is covered by the law in effect when the offense was committed, 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, Health and Safety Code, as added by this Act, take effect January 1, 2005.

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