

BILL ANALYSIS

H.B. 858
By: Lucio III
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current procedures, the administration of sodium pentobarbital or commercially compressed carbon monoxide are the only two methods that may be used to euthanize a dog or cat in the custody of an animal shelter. Interested parties contend that the administration of commercially compressed carbon monoxide is not humane euthanasia and that shelter workers may be exposed to dangerous working conditions that stem from the use of carbon monoxide. H.B. 858 seeks to address these concerns by eliminating euthanasia of shelter animals by commercially compressed carbon monoxide.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 3 and 4 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 858 amends the Health and Safety Code to remove the authorization to euthanize a dog or cat in the custody of an animal shelter by administering commercially compressed carbon monoxide. The bill requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2013, to adopt rules relating to the use of commercially compressed carbon monoxide for euthanizing an animal in such custody, other than a dog or cat, as necessary to conform to the bill's provisions, and specifies that a person is not required to comply with the bill's provisions or with any such rules until January 1, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.