

BILL ANALYSIS

Senate Research Center

S.B. 360
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Pet overpopulation is a serious problem in Texas that results in over 100,000 shelter animals being euthanized each year. Thousands of these animals are euthanized by carbon monoxide in approximately 30 different shelters throughout the state. Carbon monoxide has long been recognized as a cruel, expensive, and unsafe method of euthanasia. S.B. 360 prohibits the use of carbon monoxide gas chambers in Texas shelters.

Prior to the Texas Euthanasia Act of 2003, Texas shelters were killing dogs and cats by drowning, shooting, clubbing, strangling, and by carbon monoxide poisoning from truck and car exhaust systems hooked up to makeshift plywood boxes. The 2003 law prohibited most of these methods, limiting shelters to two methods: carbon monoxide gassing or sodium pentobarbital (euthanasia by injection/EBI).

The use of carbon monoxide gas is now outdated and should be eliminated. There has been a recent nationwide trend to eliminate this method of euthanasia. Virtually every national sheltering agency and veterinarian association agrees that euthanasia by injection is the preferred and humane method for shelter euthanasia. Pennsylvania banned gas chambers in October, 2012, and Louisiana did the same in January, 2013. In fact, over 30 cities in Texas have stopped the use of carbon monoxide euthanasia within the last five years, ranging from larger cities like Sherman (2012) to small cities like Terrell (2011). This switch from carbon monoxide to sodium pentobarbital within Texas cities demonstrates the overwhelming change in attitude towards shelter euthanasia.

Several national, state, and local stakeholder associations accept euthanasia by injection as the most humane method to euthanize shelter animals. These associations include the American Veterinary Medical Association, the Association of Shelter Veterinarians, the National Animal Control Association, the Texas Veterinary Medical Association, the Texas Humane Legislation Network, the Humane Society of the United States, the American Humane Association, the American Society for the Prevention of Cruelty to Animals, and the Texas Animal Control Association.

S.B. 360 amends current law relating to methods used by an animal shelter to euthanize a dog or cat.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health is transferred to the executive commissioner of the Health and Human Services Commission (executive commissioner) and modified in SECTION 3 (Section 821.054, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 821.051, Health and Safety Code, by amending Subdivisions (3) and (4) to redefine "board" and "department," and adding Subdivision (5) to define "executive commissioner."

SECTION 2. Amends Section 821.052(a), Health and Safety Code, to authorize a person to euthanize a dog or cat in the custody of an animal shelter only by administering sodium pentobarbital, rather than by administering sodium pentobarbital or commercially compressed carbon monoxide.

SECTION 3. Amends Section 821.054, Health and Safety Code, as follows:

Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY COMPRESSED CARBON MONOXIDE. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the Texas Board of Health, by rule, to establish:

(1) standards for a carbon monoxide chamber used to euthanize an animal to which Section 821.052(b) (relating to authorizing a person to euthanize all other animals in the custody of an animal shelter, other than a dog or cat) applies, rather than to euthanize an animal in the custody of an animal shelter; and

(2) requirements and procedures for administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies, rather than to euthanize an animal in the custody of an animal shelter.

(b) Provides that a person administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies, rather than to euthanize an animal in the custody of an animal shelter:

(1) is authorized to use only a carbon monoxide chamber that meets the standards established by Department of State Health Services (DSHS) rule, rather than Texas Board of Health (board) rule; and

(2) is authorized to administer the commercially compressed carbon monoxide only in accordance with the requirements and procedures established by DSHS rule, rather than board rule.

SECTION 4. Requires the executive commissioner, not later than December 1, 2013, to adopt rules necessary to conform to Sections 821.052(a) and 821.054, Health and Safety Code, as amended by this Act.

SECTION 5. Provides that a person subject to Section 821.052(a), Health and Safety Code, as amended by this Act, is not required to comply with that subsection or any rules adopted under that subsection until January 1, 2014.

SECTION 6. Effective date: upon passage or September 1, 2013.