

By: Lucio III, Branch, Harless, Bohac,  
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H.B. No. 858

A BILL TO BE ENTITLED

AN ACT

relating to methods used by an animal shelter to euthanize a dog or  
cat.

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

SECTION 1. Section 821.051, Health and Safety Code, is  
amended by amending Subdivisions (3) and (4) and adding Subdivision  
(5) to read as follows:

(3) "Board" means the executive commissioner [~~Texas~~  
~~Board of Health~~].

(4) "Department" means the [~~Texas~~] Department of State  
Health Services.

(5) "Executive commissioner" means the executive  
commissioner of the Health and Human Services Commission.

SECTION 2. Section 821.052(a), Health and Safety Code, is  
amended to read as follows:

(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~~].

SECTION 3. Section 821.054, Health and Safety Code, is  
amended to read as follows:

Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY  
COMPRESSED CARBON MONOXIDE. (a) The executive commissioner  
[~~board~~] by rule shall establish:

(1) standards for a carbon monoxide chamber used to

1 euthanize an animal to which Section 821.052(b) applies [~~in the~~  
2 ~~custody of an animal shelter~~]; and

3 (2) requirements and procedures for administering  
4 commercially compressed carbon monoxide to euthanize an animal to  
5 which Section 821.052(b) applies [~~in the custody of an animal~~  
6 ~~shelter~~].

7 (b) A person administering commercially compressed carbon  
8 monoxide to euthanize an animal to which Section 821.052(b) applies  
9 [~~in the custody of an animal shelter~~]:

10 (1) may use only a carbon monoxide chamber that meets  
11 the standards established by department [~~board~~] rule; and

12 (2) may administer the commercially compressed carbon  
13 monoxide only in accordance with the requirements and procedures  
14 established by department [~~board~~] rule.

15 SECTION 4. Not later than December 1, 2013, the executive  
16 commissioner of the Health and Human Services Commission shall  
17 adopt rules necessary to conform to Sections 821.052(a) and  
18 821.054, Health and Safety Code, as amended by this Act.

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

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.