## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## **HOUSE BILL**

No. 613

Session of 2009

INTRODUCED BY KORTZ, SCAVELLO, BEYER, BRENNAN, CASORIO, D. COSTA, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GOODMAN, HARHAI, HENNESSEY, HORNAMAN, KILLION, KIRKLAND, MELIO, MILLARD, MURT, M. O'BRIEN, O'NEILL, PALLONE, SIPTROTH, SWANGER, WALKO, WHITE AND YOUNGBLOOD, FEBRUARY 24, 2009

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 24, 2009

## AN ACT

- Amending the act of December 22, 1983 (P.L.303, No.83), entitled
  "An act relating to destruction of pet animals; prohibiting
  certain methods of destruction; providing for a limited
  license to dispense certain drugs; providing for regulation
  and enforcement; providing for use of certain surplus funds;
  and providing penalties," further providing for prohibited
  means of destruction of animals, for methods of destruction
  of animals and for exclusions; and repealing provisions
  relating to use of carbon monoxide systems.
- 10 The General Assembly of the Commonwealth of Pennsylvania
- 11 hereby enacts as follows:
- 12 Section 1. Sections 1, 2 and 4 of the act of December 22,
- 13 1983 (P.L.303, No.83), referred to as the Animal Destruction
- 14 Method Authorization Law, are amended to read:
- 15 Section 1. Prohibited means of destruction of animals.
- 16 (a) General rule. -- No animal shall be destroyed by means of
- 17 a high altitude decompression chamber or decompression device[.]
- 18 or a carbon monoxide gas system.
- 19 (b) Firearms. -- No pet animal shall be destroyed by means of

- 1 a firearm.
- 2 Section 2. [Methods] Required method of destruction of animals.
- 3 [(a) Required method.--] The required method of destruction
- 4 shall be by the administration of an overdose of a barbiturate,
- 5 barbiturate combinations, drug or drug combinations approved for
- 6 this purpose by the Federal Drug Administration and in
- 7 accordance with guidelines established by the Pennsylvania
- 8 Department of Agriculture.
- 9 [(b) Authorized method.--Nothing in this act shall prevent a
- 10 person or humane society organization from destroying a pet
- 11 animal by means of firearms.]
- 12 Section 4. Exclusions.
- 13 (a) Dangerous pet animals. -- Section 1(b) of this act shall
- 14 not apply to a pet animal:
- 15 (1) running at large and unaccompanied by its owner or
- 16 <u>keeper on the public streets or highways of this Commonwealth</u>
- or on the property of a person other than the owner of such
- 18 pet animal; or
- 19 (2) located in a kennel or shelter setting;
- 20 if the pet animal poses a clear and present danger to a person,
- 21 property or another pet animal.
- 22 <u>(b) Certain educational and research institutions.--</u>Sections
- 23 2 and 3 of this act shall not apply to a medical school or
- 24 school of veterinary medicine or a research institution
- 25 affiliated with a hospital or university.
- 26 Section 2. Section 5 of the act is repealed:
- 27 [Section 5. Use of carbon monoxide systems.
- 28 (1) Carbon monoxide gas may be used to destroy animals
- seven weeks of age or older.
- 30 (2) Chloroform, ether, halothane or fluothane may be

- 1 used to destroy animals under seven weeks of age when
- 2 administered in an airtight chamber or transparent plastic
- 3 bag providing for segregation of animals by size and age
- 4 which is capable of permitting unobstructed visual
- 5 observation and which does not permit direct contact with any
- 6 device containing chloroform.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

- 7 (3) Carbon monoxide gas systems shall consist of and be equipped with:
  - (i) A tightly enclosed cabinet for the purpose of containing the animals during the destruction process.
    - (ii) Internal lighting and a window for direct visual observation in the cabinet at all times.
    - (iii) A gas generation capable of achieving a concentration of carbon monoxide gas of at least 5% throughout the cabinet.
    - (iv) A gauge or gas concentration indicator or recording device.
    - (v) A means of separating animals from each other within the cabinet, if the cabinet is of sufficient size to facilitate more than one animal.
    - (vi) A means of fully removing the carbon monoxide gas from the cabinet upon completion of the destruction process.
    - (vii) If an internal combustion engine is used, a means of cooling the gas to a temperature not to exceed 115 degrees Fahrenheit at the point of entry into the cabinet and not to exceed 90 degrees Fahrenheit at any point in the cabinet as determined by temperature gauges permanently installed at point of entry and inside the cabinet.

- (viii) If the gas is generated by an internal combustion engine, a means of removing or filtering out all noxious fumes, irritating acids and carbon particles from the gas before it enters the cabinet.
  - (ix) If an internal combustion engine is used, a means of substantially deadening the sound and vibration transmission from the engine to the cabinet, by placing them in separate rooms or soundproof compartments connecting them with flexible tubing or pipe at least 24 inches in length, so that the noise level within the cabinet shall not exceed 70 decibels.
  - (x) If an internal combustion engine is used, a means for exhausting the internal combustion engine gas during the period of engine warmup.
- (4) Upon completion of the destruction process, animals shall not be removed from the cabinet until the carbon monoxide gas has been fully removed from the cabinet.]

  Section 3. This act shall take effect in 60 days.