

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 672 Session of
2009

INTRODUCED BY LOGAN, KITCHEN, BOSCOLA, FONTANA, STACK, COSTA,
ALLOWAY, RAFFERTY, WONDERLING, FERLO AND WASHINGTON,
MARCH 20, 2009

SENATOR BRUBAKER, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED,
APRIL 13, 2010

AN ACT

1 Amending the act of December 22, 1983 (P.L.303, No.83), entitled
2 "An act relating to destruction of pet animals; prohibiting
3 certain methods of destruction; providing for a limited
4 license to dispense certain drugs; providing for regulation
5 and enforcement; providing for use of certain surplus funds;
6 and providing penalties," further providing for prohibited
7 means of destroying animals, FOR EXCLUSIONS, for use of
8 carbon monoxide systems and for USE OF DRUGS BY HUMANE
9 SOCIETIES AND ANIMAL SHELTERS; PROVIDING FOR ENFORCEMENT; AND
10 FURTHER PROVIDING FOR penalties; ~~and providing for local law~~
11 ~~enforcement.~~ ←
←

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. ~~Section 1~~ SECTIONS 1 AND 4 of the act of December ←
15 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction
16 Method Authorization Law, ~~is~~ ARE amended to read: ←

17 Section 1. Prohibited means of destruction of animals.

18 No animal shall be destroyed by means of [a] the following:

19 (1) A high altitude decompression chamber or
20 decompression device.

21 (2) Carbon monoxide gas from any source.

(3) Chloroform, ether, halothane, fluothane or any similar substance, when administered in an airtight chamber or plastic bag.

SECTION 4. EXCLUSIONS.

(A) GENERAL.--THIS ACT SHALL NOT APPLY TO ACTIVITY UNDERTAKEN IN A NORMAL AGRICULTURAL OPERATION.

(B) SPECIFIC.--SECTIONS 2 AND 3 OF THIS ACT SHALL NOT APPLY TO:

- (1) A MEDICAL SCHOOL [OR];
- (2) A SCHOOL OF VETERINARY MEDICINE [OR];
- (3) A RESEARCH INSTITUTION AFFILIATED WITH A HOSPITAL OR UNIVERSITY[.]; OR
- (4) A RESEARCH FACILITY REGISTERED AND INSPECTED UNDER THE ANIMAL WELFARE ACT (PUBLIC LAW 89-544, 7 U.S.C. § 2131 ET SEQ.).

(C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "NORMAL AGRICULTURAL OPERATION" HAS THE MEANING GIVEN IN SECTION 2 OF THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), ENTITLED "AN ACT PROTECTING AGRICULTURAL OPERATIONS FROM NUISANCE SUITS AND ORDINANCES UNDER CERTAIN CIRCUMSTANCES."

Section 2. Section 5 of the act is repealed:

[Section 5. Use of carbon monoxide systems.

(1) Carbon monoxide gas may be used to destroy animals seven weeks of age or older.

(2) Chloroform, ether, halothane or fluothane may be used to destroy animals under seven weeks of age when administered in an airtight chamber or transparent plastic bag providing for segregation of animals by size and age which is capable of permitting unobstructed visual observation and which does not permit direct contact with any

1 device containing chloroform.

2 (3) Carbon monoxide gas systems shall consist of and be
3 equipped with:

4 (i) A tightly enclosed cabinet for the purpose of
5 containing the animals during the destruction process.

6 (ii) Internal lighting and a window for direct
7 visual observation in the cabinet at all times.

8 (iii) A gas generation capable of achieving a
9 concentration of carbon monoxide gas of at least 5%
10 throughout the cabinet.

11 (iv) A gauge or gas concentration indicator or
12 recording device.

13 (v) A means of separating animals from each other
14 within the cabinet, if the cabinet is of sufficient size
15 to facilitate more than one animal.

16 (vi) A means of fully removing the carbon monoxide
17 gas from the cabinet upon completion of the destruction
18 process.

19 (vii) If an internal combustion engine is used, a
20 means of cooling the gas to a temperature not to exceed
21 115 degrees Fahrenheit at the point of entry into the
22 cabinet and not to exceed 90 degrees Fahrenheit at any
23 point in the cabinet as determined by temperature gauges
24 permanently installed at point of entry and inside the
25 cabinet.

26 (viii) If the gas is generated by an internal
27 combustion engine, a means of removing or filtering out
28 all noxious fumes, irritating acids and carbon particles
29 from the gas before it enters the cabinet.

30 (ix) If an internal combustion engine is used, a

1 means of substantially deadening the sound and vibration
2 transmission from the engine to the cabinet, by placing
3 them in separate rooms or soundproof compartments
4 connecting them with flexible tubing or pipe at least 24
5 inches in length, so that the noise level within the
6 cabinet shall not exceed 70 decibels.

7 (x) If an internal combustion engine is used, a
8 means for exhausting the internal combustion engine gas
9 during the period of engine warmup.

10 (4) Upon completion of the destruction process, animals
11 shall not be removed from the cabinet until the carbon
12 monoxide gas has been fully removed from the cabinet.]

13 SECTION 2.1. SECTION 6 OF THE ACT IS AMENDED TO READ: ←

14 SECTION 6. HUMANE SOCIETIES' AND ANIMAL SHELTERS' USE OF DRUGS.

15 (A) LIMITED LICENSE.--[ON AND AFTER THE EFFECTIVE DATE OF
16 THIS ACT, A]

17 (1) A HUMANE SOCIETY ORGANIZATION OR AN ANIMAL CONTROL
18 ORGANIZATION MAY APPLY TO THE [PENNSYLVANIA] STATE BOARD OF
19 PHARMACY FOR [REGISTRATION] A LIMITED LICENSE PURSUANT TO THE
20 APPLICABLE LAW FOR THE SOLE PURPOSE OF BEING AUTHORIZED TO
21 PURCHASE, POSSESS AND ADMINISTER [SODIUM PENTOBARBITAL] DRUGS
22 APPROVED FOR EUTHANASIA UNDER SUBSECTION (C) TO DESTROY
23 INJURED, SICK, HOMELESS OR UNWANTED DOMESTIC [PET] ANIMALS. A
24 LIMITED LICENSE MAY BE ISSUED BY THE [BOARD] STATE BOARD OF
25 PHARMACY TO [ELIGIBLE] APPLICANTS THAT MEET THE ELIGIBILITY
26 CRITERIA SET BY THE STATE BOARD OF PHARMACY. [ANY AGENCY SO
27 REGISTERED]

28 (2) AN ORGANIZATION LICENSED UNDER PARAGRAPH (1) SHALL
29 NOT PERMIT A PERSON TO ADMINISTER [SODIUM PENTOBARBITAL]
30 DRUGS APPROVED FOR EUTHANASIA UNDER SUBSECTION (C) UNLESS

1 [SUCH PERSON HAS DEMONSTRATED ADEQUATE KNOWLEDGE OF THE
2 POTENTIAL HAZARDS AND PROPER TECHNIQUES TO BE USED IN
3 ADMINISTERING THIS DRUG.] THAT PERSON HOLDS A CURRENT
4 EUTHANASIA TECHNICIAN LICENSE UNDER SUBSECTION (D).

5 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF
6 THE DEPARTMENT OF AGRICULTURE SUSPENDS OR REVOKES AN
7 ORGANIZATION'S KENNEL LICENSE UNDER THE ACT OF DECEMBER 7,
8 1982 (P.L.784, NO.225), KNOWN AS THE DOG LAW, THE
9 ORGANIZATION'S LIMITED LICENSE TO PURCHASE, POSSESS AND
10 ADMINISTER DRUGS APPROVED FOR EUTHANASIA UNDER THIS SECTION
11 SHALL BE DEEMED REVOKED.

12 (B) REGULATION AND ENFORCEMENT.--

13 (1) THE [PENNSYLVANIA DEPARTMENT OF AGRICULTURE] STATE
14 BOARD OF PHARMACY, IN CONSULTATION WITH THE DEPARTMENT, SHALL
15 REGULATE AND ENFORCE THE PROVISIONS OF [THIS SECTION]
16 SUBSECTION (A).

17 (2) TO IMPLEMENT THIS SUBSECTION, THE DEPARTMENT AND THE
18 STATE BOARD OF PHARMACY SHALL EACH:

19 (I) ISSUE A STATEMENT OF POLICY WITHIN 120 DAYS OF
20 THE EFFECTIVE DATE OF THIS PARAGRAPH; AND

21 (II) PROMULGATE REGULATIONS WITHIN TWO YEARS OF THE
22 EFFECTIVE DATE OF THIS PARAGRAPH.

23 (C) APPROVAL.--THE STATE BOARD OF VETERINARY MEDICINE SHALL
24 APPROVE DRUGS TO BE USED FOR EUTHANASIA. THE STATE BOARD OF
25 VETERINARY MEDICINE SHALL REGULATE AND ENFORCE THE PROVISIONS OF
26 THIS SUBSECTION BY:

27 (1) ISSUING A STATEMENT OF POLICY WITHIN 120 DAYS OF THE
28 EFFECTIVE DATE OF THIS SUBSECTION; AND

29 (2) PROMULGATING REGULATIONS WITHIN TWO YEARS OF THE
30 EFFECTIVE DATE OF THIS SUBSECTION.

1 (D) EUTHANASIA TECHNICIANS.--

2 (1) THE STATE BOARD OF VETERINARY MEDICINE SHALL
3 DETERMINE THE REGULATION AND DISCIPLINE OF EUTHANASIA
4 TECHNICIANS BY:

5 (I) ISSUING A STATEMENT OF POLICY WITHIN 120 DAYS OF
6 THE EFFECTIVE DATE OF THIS SUBSECTION; AND

7 (II) PROMULGATING REGULATIONS WITHIN TWO YEARS OF
8 THE EFFECTIVE DATE OF THIS SUBSECTION.

9 (2) THE STATE BOARD OF VETERINARY MEDICINE MAY ISSUE A
10 EUTHANASIA TECHNICIAN LICENSE TO AN APPLICANT WHO SATISFIES
11 ALL OF THE FOLLOWING SUBPARAGRAPHS:

12 (I) MEETS THE ELIGIBILITY CRITERIA SET FORTH BY THE
13 BOARD.

14 (II) DEMONSTRATES ADEQUATE KNOWLEDGE OF THE
15 POTENTIAL HAZARDS AND PROPER TECHNIQUES TO BE USED IN
16 ADMINISTRATION OF EUTHANASIA DRUGS BY SATISFYING ONE OF
17 THE FOLLOWING CLAUSES:

18 (A) SUCCESSFULLY COMPLETES A EUTHANASIA
19 TECHNICIAN CERTIFICATION COURSE, INCLUDING AT LEAST
20 14 HOURS OF INSTRUCTION, WHICH IS APPROVED BY:

21 (I) THE NATIONAL ANIMAL CONTROL ASSOCIATION;

22 (II) THE AMERICAN HUMANE ASSOCIATION; OR

23 (III) THE HUMANE SOCIETY OF THE UNITED
24 STATES.

25 (B) IS A EUTHANASIA TECHNICIAN REGISTERED OR
26 LICENSED UNDER THE LAWS OF ANOTHER STATE OR TERRITORY
27 OF THE UNITED STATES WHICH HAS REQUIREMENTS
28 SUBSTANTIALLY SIMILAR TO THE REQUIREMENTS OF THIS
29 SECTION AND PRESENTS SATISFACTORY PROOF TO THE BOARD
30 OF BEING ENGAGED IN THE PRACTICE OF EUTHANASIA FOR A

1 PERIOD OF AT LEAST ONE YEAR OUT OF THE PAST FIVE
2 YEARS.

3 (C) MEETS OTHER REQUIREMENTS ESTABLISHED BY THE
4 STATE BOARD OF VETERINARY MEDICINE.

5 (3) THE STATE BOARD OF VETERINARY MEDICINE SHALL
6 REGULATE AND ENFORCE THE PROVISIONS OF THIS SUBSECTION.

7 (E) COOPERATION.--FOR PURPOSES OF ADMINISTRATION AND
8 ENFORCEMENT OF SUBSECTIONS (A) AND (C), THE STATE BOARD OF
9 PHARMACY AND THE STATE BOARD OF VETERINARY MEDICINE MAY, BY
10 AGREEMENT WITH THE DEPARTMENT, DESIGNATE THE DEPARTMENT TO ACT
11 AS THEIR AUTHORIZED AGENT FOR THE LIMITED PURPOSES OF INSPECTING
12 AND MONITORING HUMANE SOCIETY ORGANIZATIONS AND ANIMAL CONTROL
13 ORGANIZATIONS, AND PERSONS WHO EUTHANIZE ANIMALS ON BEHALF OF
14 THESE ORGANIZATIONS, FOR COMPLIANCE WITH THE APPLICABLE
15 REQUIREMENTS OF THOSE SUBSECTIONS AND THEIR IMPLEMENTING
16 REGULATIONS.

17 Section 3. The act is amended by adding a section to read:
18 Section 8.1. ~~Local law enforcement~~ ENFORCEMENT agencies. ←

19 ~~A local law enforcement agency~~ THE DEPARTMENT OF AGRICULTURE ←
20 is authorized to conduct investigations and to enforce sections
21 1, 2, 3, 4 and 7.

22 Section 4. Section 9 of the act is amended to read:

23 Section 9. Penalty.

24 ~~(1) Any person or organization found guilty of violating~~ ←

25 (A) DESTRUCTION OF ANIMALS.--ANY PERSON OR ORGANIZATION ←
26 FOUND GUILTY OF VIOLATING [the provisions] section 1 of this act
27 shall be fined not to exceed [\$250] \$500 per violation day. Any
28 person or organization found guilty of violating section 1 of
29 this act for the second or subsequent occurrence shall be fined
30 not to exceed \$1,000 per violation day.

1 ~~(2) Any person or organization found guilty of violating~~ ←

2 (B) OTHER PROVISIONS.--ANY PERSON OR ORGANIZATION FOUND ←

3 GUILTY OF VIOLATING the balance of this act shall be fined not
4 to exceed \$350 per violation day. Any person or organization
5 found guilty of violating the balance of this act for the second
6 or subsequent occurrence shall be fined not to exceed \$700 per
7 violation day.

8 (C) DISPOSITION OF FINES.--FINES COLLECTED UNDER THIS ←

9 SECTION SHALL BE DEPOSITED INTO THE DOG LAW RESTRICTED ACCOUNT.

10 Section 5. This act shall take effect in ~~60~~ 180 days. ←