

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 969 Session of 2011

INTRODUCED BY DINNIMAN, FONTANA, ALLOWAY, BREWSTER, ERICKSON AND LEACH, APRIL 15, 2011

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 15, 2011

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.

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

13 Section 1. Sections 1 and 4 of the act of December 22, 1983
 14 (P.L.303, No.83), referred to as the Animal Destruction Method
 15 Authorization Law, are amended to read:

16 Section 1. Prohibited means of destruction of animals.

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

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

20 (2) Carbon monoxide gas from any source.

21 (3) Chloroform, ether, halothane, fluothane or any
 22 similar substance, when administered in an airtight chamber

1 or plastic bag.

2 Section 4. Exclusions.

3 Sections 2 and 3 of this act shall not apply to:

4 (1) a medical school [or];

5 (2) a school of veterinary medicine [or];

6 (3) a research institution affiliated with a hospital or
7 university[.]; or

8 (4) a research facility registered and inspected under
9 the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et
10 seq.).

11 Section 2. Section 5 of the act is repealed:

12 [Section 5. Use of carbon monoxide systems.

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

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

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

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

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

28 (iii) A gas generation capable of achieving a
29 concentration of carbon monoxide gas of at least 5%
30 throughout the cabinet.

1 (iv) A gauge or gas concentration indicator or
2 recording device.

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

6 (vi) A means of fully removing the carbon monoxide
7 gas from the cabinet upon completion of the destruction
8 process.

9 (vii) If an internal combustion engine is used, a
10 means of cooling the gas to a temperature not to exceed
11 115 degrees Fahrenheit at the point of entry into the
12 cabinet and not to exceed 90 degrees Fahrenheit at any
13 point in the cabinet as determined by temperature gauges
14 permanently installed at point of entry and inside the
15 cabinet.

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

20 (ix) If an internal combustion engine is used, a
21 means of substantially deadening the sound and vibration
22 transmission from the engine to the cabinet, by placing
23 them in separate rooms or soundproof compartments
24 connecting them with flexible tubing or pipe at least 24
25 inches in length, so that the noise level within the
26 cabinet shall not exceed 70 decibels.

27 (x) If an internal combustion engine is used, a
28 means for exhausting the internal combustion engine gas
29 during the period of engine warmup.

30 (4) Upon completion of the destruction process, animals

1 shall not be removed from the cabinet until the carbon
2 monoxide gas has been fully removed from the cabinet.]

3 Section 2.1. Section 6 of the act is amended to read:

4 Section 6. Humane societies' and animal shelters' use of drugs.

5 (a) Limited license.--[On and after the effective date of
6 this act, a]

7 (1) A humane society organization or an animal control
8 organization may apply to the [Pennsylvania] State Board of
9 Pharmacy for [registration] a limited license pursuant to the
10 applicable law for the sole purpose of being authorized to
11 purchase, possess and administer [sodium pentobarbital] drugs
12 approved for euthanasia under subsection (c) to destroy
13 injured, sick, homeless or unwanted domestic [pet] animals. A
14 limited license may be issued by the [board] State Board of
15 Pharmacy to [eligible] applicants that meet the eligibility
16 criteria set by the State Board of Pharmacy. [Any agency so
17 registered]

18 (2) An organization licensed under paragraph (1) shall
19 not permit a person to administer [sodium pentobarbital]
20 drugs approved for euthanasia under subsection (c) unless
21 [such person has demonstrated adequate knowledge of the
22 potential hazards and proper techniques to be used in
23 administering this drug.] that person holds a current
24 euthanasia technician license under subsection (d).

25 (3) Notwithstanding any other provision of this act, if
26 the Department of Agriculture suspends or revokes an
27 organization's kennel license under the act of December 7,
28 1982 (P.L.784, No.225), known as the Dog Law, the
29 organization's limited license to purchase, possess and
30 administer drugs approved for euthanasia under this section

1 shall be deemed revoked.

2 (b) Regulation and enforcement.--

3 (1) The [Pennsylvania Department of Agriculture] State
4 Board of Pharmacy, in consultation with the department, shall
5 regulate and enforce the provisions of [this section]
6 subsection (a).

7 (2) To implement this subsection, the department and the
8 State Board of Pharmacy shall each:

9 (i) issue a statement of policy within 120 days of
10 the effective date of this paragraph; and

11 (ii) promulgate regulations within two years of the
12 effective date of this paragraph.

13 (c) Approval.--The State Board of Veterinary Medicine shall
14 approve drugs to be used for euthanasia. The State Board of
15 Veterinary Medicine shall regulate and enforce the provisions of
16 this subsection by:

17 (1) issuing a statement of policy within 120 days of the
18 effective date of this subsection; and

19 (2) promulgating regulations within two years of the
20 effective date of this subsection.

21 (d) Euthanasia technicians.--

22 (1) The State Board of Veterinary Medicine shall
23 determine the regulation and discipline of euthanasia
24 technicians by:

25 (i) issuing a statement of policy within 120 days of
26 the effective date of this subsection; and

27 (ii) promulgating regulations within two years of
28 the effective date of this subsection.

29 (2) The State Board of Veterinary Medicine may issue a
30 euthanasia technician license to an applicant who satisfies

1 all of the following subparagraphs:

2 (i) Meets the eligibility criteria set forth by the
3 board.

4 (ii) Demonstrates adequate knowledge of the
5 potential hazards and proper techniques to be used in
6 administration of euthanasia drugs by satisfying one of
7 the following clauses:

8 (A) Successfully completes a euthanasia
9 technician certification course, including at least
10 14 hours of instruction, which is approved by:

11 (I) the National Animal Control Association;

12 (II) the American Humane Association; or

13 (III) the Humane Society of the United
14 States.

15 (B) Is a euthanasia technician registered or
16 licensed under the laws of another state or territory
17 of the United States which has requirements
18 substantially similar to the requirements of this
19 section and presents satisfactory proof to the board
20 of being engaged in the practice of euthanasia for a
21 period of at least one year out of the past five
22 years.

23 (C) Meets other requirements established by the
24 State Board of Veterinary Medicine.

25 (3) The State Board of Veterinary Medicine shall
26 regulate and enforce the provisions of this subsection.

27 (e) Cooperation.--For purposes of administration and
28 enforcement of subsections (a) and (c), the State Board of
29 Pharmacy and the State Board of Veterinary Medicine may, by
30 agreement with the department, designate the department to act

1 as their authorized agent for the limited purposes of inspecting
2 and monitoring humane society organizations and animal control
3 organizations, and persons who euthanize animals on behalf of
4 these organizations, for compliance with the applicable
5 requirements of those subsections and their implementing
6 regulations.

7 Section 3. The act is amended by adding a section to read:
8 Section 8.1. Enforcement agencies.

9 The Department of Agriculture is authorized to conduct
10 investigations and to enforce sections 1, 2, 3, 4 and 7.

11 Section 4. Section 9 of the act is amended to read:
12 Section 9. Penalty.

13 (a) Destruction of animals.--Any person or organization
14 found guilty of violating [the provisions] section 1 of this act
15 shall be fined not to exceed [\$250] \$500 per violation day. Any
16 person or organization found guilty of violating section 1 of
17 this act for the second or subsequent occurrence shall be fined
18 not to exceed \$1,000 per violation day.

19 (b) Other provisions.--Any person or organization found
20 guilty of violating the balance of this act shall be fined not
21 to exceed \$350 per violation day. Any person or organization
22 found guilty of violating the balance of this act for the second
23 or subsequent occurrence shall be fined not to exceed \$700 per
24 violation day.

25 (c) Disposition of fines.--Fines collected under this
26 section shall be deposited into the Dog Law Restricted Account.

27 Section 5. This act shall take effect in 180 days.