

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 672 Session of 2009

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

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 20, 2009

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 use of carbon monoxide
 8 systems and for penalties; and providing for local law
 9 enforcement.

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

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

15 Section 1. Prohibited means of destruction of animals.

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

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

19 (2) Carbon monoxide gas from any source.

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

1 or plastic bag.

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 Section 5 of the act is repealed:

3 [Section 5. Use of carbon monoxide systems.

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

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

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

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

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

19 (iii) A gas generation capable of achieving a
20 concentration of carbon monoxide gas of at least 5%
21 throughout the cabinet.

22 (iv) A gauge or gas concentration indicator or
23 recording device.

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

27 (vi) A means of fully removing the carbon monoxide
28 gas from the cabinet upon completion of the destruction
29 process.

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

1 means of cooling the gas to a temperature not to exceed
2 115 degrees Fahrenheit at the point of entry into the
3 cabinet and not to exceed 90 degrees Fahrenheit at any
4 point in the cabinet as determined by temperature gauges
5 permanently installed at point of entry and inside the
6 cabinet.

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

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

18 (x) If an internal combustion engine is used, a
19 means for exhausting the internal combustion engine gas
20 during the period of engine warmup.

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

24 Section 3. The act is amended by adding a section to read:

25 Section 8.1. Local law enforcement agencies.

26 A local law enforcement agency is authorized to conduct
27 investigations and to enforce sections 1, 2, 3, 4 and 7.

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

29 Section 9. Penalty.

30 (1) Any person or organization found guilty of violating

1 [the provisions] section 1 of this act shall be fined not to
2 exceed [\$250] \$500 per violation day. Any person or
3 organization found guilty of violating section 1 of this act
4 for the second or subsequent occurrence shall be fined not to
5 exceed \$1,000 per violation day.

6 (2) Any person or organization found guilty of violating
7 the balance of this act shall be fined not to exceed \$350 per
8 violation day. Any person or organization found guilty of
9 violating the balance of this act for the second or
10 subsequent occurrence shall be fined not to exceed \$700 per
11 violation day.

12 Section 5. This act shall take effect in 60 days.