

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 2630

PRINTER'S NO. 4235

AMOUNT

No Fiscal Impact
Negligible

FUND

General Fund
Professional Licensure Augmentation Account

DATE INTRODUCED

September 24, 2012

PRIME SPONSOR

Representative Maher

HISTORY OF BILL

Referred to AGRICULTURE AND RURAL AFFAIRS, Sept. 24, 2012

Corrective Reprint, Printer's No. 4029, Sept. 24, 2012

Reported as committed, Sept. 24, 2012

First consideration, Sept. 24, 2012

Laid on the table, Sept. 24, 2012

Removed from table, Oct. 1, 2012

Second consideration, with amendments, Oct. 1, 2012

Re-committed to APPROPRIATIONS, Oct. 1, 2012

(Remarks see House Journal Page), Oct. 1, 2012

Re-reported as committed, Oct. 2, 2012

Third consideration and final passage, Oct. 2, 2012 (189-6)

In the Senate

Referred to AGRICULTURE AND RURAL AFFAIRS, Oct. 10, 2012

Reported as amended, Oct. 15, 2012

First consideration, Oct. 15, 2012

Re-referred to APPROPRIATIONS, Oct. 15, 2012

Re-reported as amended, Oct. 16, 2012

Second consideration, Oct. 16, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 2630 amends the Animal Destruction Method Authorization Law (Act 83 of 1983) to further regulate the destruction of animals.

The legislation prohibits using the following means to destroy animals: (1) unacceptable agents as published in the American Veterinary Medical Association's Guidelines on Euthanasia; (2) drowning; (3) chloroform, ether, halothane or fluothane; and, (4) carbon monoxide gas.

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It requires animals to be destroyed by the use of a method approved by the American Veterinary Medical Association's guidelines, except when those means are specifically prohibited in the act as above. It also requires small domestic animals to be destroyed exclusively by the use of a commercially injectable euthanasia solution approved by the Food and Drug Administration (FDA) for such purpose, unless the solution is unavailable and a waiver has been issued by the State Board of Veterinary Medicine which would permit the use of a method consistent with the standard of care defined by the board and the American Veterinary Medical Association's guidelines. The bill defines "Small domestic animals" as cats, dogs, rabbits, mice, rats, hamsters, Guinea Pigs, ferrets, birds, reptiles and amphibians.

It maintains provisions in law that allows the destruction of an animal by means of a firearm and provides that an animal may be tranquilized with a substance approved by the FDA before euthanasia commences.

The legislation specifies that the act does not apply to agricultural operations. The provisions specifying the methods of destruction of animals and small domestic animals do not apply to the following: (1) a veterinarian or certified veterinary technician under the indirect supervision of a veterinarian; (2) destruction of dangerous small domestic animals; (3) a medical school; (4) a veterinary medical school; (5) a research institution affiliated with a hospital or university; or (6) a research facility that meets specific federal guidelines related to the humane care of animals.

It provides for animal protection organizations to apply to the board to be authorized to purchase, possess and administer drugs approved for euthanasia. An animal protection organization may not permit a person to administer drugs approved for euthanasia unless the person holds a current euthanasia technician license or is a licensed veterinarian. If the Department of Agriculture suspends or revokes the kennel license of an animal protection organization the department shall report it to the board and its authorization to purchase possess and administer euthanasia drugs shall be revoked.

The bill provides that the board may issue a euthanasia technicians license to an applicant who satisfies the following requirements: (1) meets eligibility requirements determined by the board; (2) demonstrates knowledge of potential hazards and display proper techniques; and, (3) successfully completes a euthanasia certification course approved by the board and administered by the National Animal Control Association, the American Humane Association, the Humane Society, the Pennsylvania Veterinary Medical Association, the University of Pennsylvania, or any other board approved course.

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It provides for the board to regulate and enforce to provisions of this act and for the department to report all suspected violations of this act to the board. For the purpose of administration and enforcement the board may enter into a memorandum of understanding with the Department of Agriculture to inspect and monitor organizations and persons who euthanize animals to ensure compliance with the act. Upon request, veterinarians and animal protection organizations utilizing euthanasia on small domestic animals must disclose the methods used.

The legislation provides for penalties for any person or animal protection organization not authorized or licensed and found in violation of the act to pay a fine of \$500 per violation day for the first offense and \$1,000 per violation day for the second and subsequent offense. In addition to any other civil penalty provided for under the act, the board may impose a civil penalty of up to \$10,000 on any current license holder or certificate holder who violates a provision of the act or any person who practices euthanasia without being properly licensed. Fines and civil penalties collected pursuant to this act are to be paid into the Professional Licensure Augmentation Account.

FISCAL IMPACT:

The enactment of House Bill 2630 will have no adverse fiscal impact on Commonwealth funds. It is believed the responsibilities delegated to the State Board of Veterinary Medicine to regulate and enforce the provisions of the act can be accomplished within its existing operating budget and with fees collected for licenses. The Department of Agriculture believes that its responsibilities under the act can be accomplished in concert with its current responsibilities to inspect kennels under the Dog Law and will have no adverse fiscal impact. Fines from penalties incurred under the act and deposited into the Professional Licensure Augmentation Account are estimated to be negligible.