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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2630 Session of  
2012

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INTRODUCED BY MAHER, SEPTEMBER 21, 2012

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
SEPTEMBER 21, 2012

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AN ACT

1 Regulating animal euthanasia; imposing penalties; and making a  
2 related repeal.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Animal  
7 Euthanasia Method Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Certified veterinary technician." As defined in section  
13 3(13) of the act of December 27, 1974 (P.L.995, No.326), known  
14 as the Veterinary Medicine Practice Act.

15 "Licensed doctor of veterinary medicine" or "veterinarian."  
16 A person who is currently licensed pursuant to the act of  
17 December 27, 1974 (P.L.995, No.326), known as the Veterinary  
18 Medicine Practice Act.

1 "Normal agricultural operation." As defined in 18 Pa.C.S. §  
2 5511 (relating to cruelty to animals).

3 "Society or association." As defined in 22 Pa.C.S. § 3702  
4 (relating to definitions).

5 Section 3. Prohibited means of destruction of animals.

6 No animal shall be destroyed by means of any of the  
7 following:

8 (1) A high altitude decompression chamber or  
9 decompression device.

10 (2) Carbon monoxide gas.

11 (3) Drowning.

12 (4) Chloroform, ether, halothane or fluothane for  
13 animals under seven weeks of age when administered in an  
14 airtight chamber or transparent plastic bag.

15 Section 4. Required method of destruction.

16 (a) Required method.--The required method of animal  
17 destruction shall be by the use of a drug:

18 (1) approved by the Food and Drug Administration for  
19 animal euthanasia;

20 (2) used as directed under the veterinary prescription  
21 legend to result in a humane and painless death; and

22 (3) administered by a veterinarian, certified veterinary  
23 technician or other individual under the supervision of a  
24 veterinarian.

25 (b) Veterinarian.--Except as prohibited under section 3, a  
26 licensed doctor of veterinary medicine in clinical practice may  
27 directly administer any method of euthanasia that is consistent  
28 with both the standard of care as defined by the State Board of  
29 Veterinary Medicine and the most current version of the American  
30 Veterinary Medical Association's Guidelines on Euthanasia.

1 (c) Tranquilization.--An animal may be tranquilized with a  
2 substance approved by the Food and Drug Administration before  
3 euthanasia commences.

4 Section 5. Exclusions.

5 (a) Normal agricultural operation activity.--This act shall  
6 not apply to activity undertaken in normal agricultural  
7 operation.

8 (b) Schools and other entities.--This act shall not apply to  
9 any of the following:

10 (1) A medical school.

11 (2) A school of veterinary medicine.

12 (3) A research institution affiliated with a hospital or  
13 university.

14 (4) A research facility that is one of the following:

15 (i) Registered and inspected under the Animal  
16 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.).

17 (ii) Subject to the public health service policy on  
18 the humane care and use of laboratory animals under the  
19 Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201  
20 et seq.).

21 (iii) Subject to the provisions of 21 CFR Pt. 58  
22 (relating to good laboratory practice for nonclinical  
23 laboratory studies) or its successor regulation under the  
24 Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21  
25 U.S.C. § 301 et seq.) or the Public Health Service Act.

26 (c) Method.--Nothing in this act shall prevent a person or  
27 society or association from destroying a pet animal by means of  
28 firearms. This subsection shall not apply to dogs in commercial  
29 kennels, as that term is defined in the act of December 7, 1982  
30 (P.L.784, No.225), known as the Dog Law.

1 (d) Feral animals.--This act shall not apply to feral  
2 animals or animals deemed dangerous. Under no circumstance shall  
3 this exclusion apply to any cat or dog.

4 Section 6. Penalties.

5 (a) Destruction of animals.--A person or society or  
6 association that violates section 3 shall be subject to a fine  
7 not to exceed \$500 per violation day. A person or organization  
8 that commits a second or subsequent violation of section 3 shall  
9 be subject to a fine not to exceed \$1,000 per violation day.

10 (b) Other provisions.--Except as set forth in subsection  
11 (a):

12 (1) A person or society or association that violates  
13 this act shall be subject to a fine not to exceed \$350 per  
14 violation day.

15 (2) A person or society or association that commits a  
16 second or subsequent violation of this act shall be subject  
17 to a fine not to exceed \$700 per violation day.

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

20 Section 7. Use of drugs.

21 A society or association may apply to the State Board of  
22 Pharmacy for registration pursuant to the applicable law for the  
23 sole purpose of being authorized to purchase, possess and  
24 administer sodium pentobarbital to destroy injured, sick,  
25 homeless or unwanted pet animals. A limited license may be  
26 issued by the board to eligible applicants. A society or  
27 association so registered shall not permit a person to  
28 administer sodium pentobarbital unless the person has  
29 demonstrated adequate knowledge of the potential hazards and  
30 proper techniques to be used in administering this drug.

1 Section 8. Use of methods of destruction on humans.

2 Nothing in this act shall be construed to permit the  
3 performance of any methods of destruction provided for under  
4 this act on any human.

5 Section 9. Repeal.

6 (a) Declaration.--The General Assembly finds and declares  
7 that the repeal under subsection (b) is necessary to effectuate  
8 this act.

9 (b) Action.--The act of December 22, 1983 (P.L.303, No.83),  
10 referred to as the Animal Destruction Method Authorization Law,  
11 is repealed.

12 Section 10. Effective date.

13 This act shall take effect in 90 days.