

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2630 Session of 2012

INTRODUCED BY MAHER, PETRARCA AND FRANKEL, SEPTEMBER 21, 2012

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS AMENDED, OCTOBER 15, 2012

AN ACT

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

3 AMENDING THE ACT OF DECEMBER 22, 1983 (P.L.303, NO.83), ENTITLED ←
4 "AN ACT RELATING TO DESTRUCTION OF PET ANIMALS; PROHIBITING
5 CERTAIN METHODS OF DESTRUCTION; PROVIDING FOR A LIMITED
6 LICENSE TO DISPENSE CERTAIN DRUGS; PROVIDING FOR REGULATION
7 AND ENFORCEMENT; PROVIDING FOR USE OF CERTAIN SURPLUS FUNDS;
8 AND PROVIDING PENALTIES," ADDING DEFINITIONS; FURTHER
9 PROVIDING FOR PROHIBITED MEANS OF DESTROYING ANIMALS, FOR
10 METHODS OF DESTRUCTION OF ANIMALS, FOR ADMINISTRATION OF
11 DRUGS, FOR EXCLUSIONS, FOR USE OF CARBON MONOXIDE SYSTEMS AND
12 FOR USE OF DRUGS BY HUMANE SOCIETIES AND ANIMAL SHELTERS;
13 PROVIDING FOR DISCLOSURE; FURTHER PROVIDING FOR EXISTING
14 DEVICES, FOR SURPLUS FUNDS AND FOR PENALTIES; AND MAKING
15 EDITORIAL CHANGES.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. Short title.~~ ←

19 ~~This act shall be known and may be cited as the Animal~~
20 ~~Euthanasia Method Act.~~

21 ~~Section 2. Definitions.~~

22 ~~The following words and phrases when used in this act shall~~
23 ~~have the meanings given to them in this section unless the~~
24 ~~context clearly indicates otherwise:~~

1 ~~"Certified veterinary technician." As defined in section~~
2 ~~3(13) of the act of December 27, 1974 (P.L.995, No.326), known~~
3 ~~as the Veterinary Medicine Practice Act.~~

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

8 ~~"Normal agricultural operation." As defined in 18 Pa.C.S. §~~
9 ~~5511 (relating to cruelty to animals).~~

10 ~~"Society or association." As defined in 22 Pa.C.S. § 3702~~
11 ~~(relating to definitions).~~

12 ~~Section 3. Prohibited means of destruction of animals.~~

13 ~~No animal shall be destroyed by means of any of the~~
14 ~~following:~~

15 ~~(1) A high altitude decompression chamber or~~
16 ~~decompression device.~~

17 ~~(2) Carbon monoxide gas.~~

18 ~~(3) Drowning.~~

19 ~~(4) Chloroform, ether, halothane or fluothane for~~
20 ~~animals under seven weeks of age when administered in an~~
21 ~~airtight chamber or transparent plastic bag.~~

22 ~~Section 4. Required method of destruction.~~

23 ~~(a) Required method. The required method of animal~~
24 ~~destruction shall be by the use of a drug:~~

25 ~~(1) approved by the Food and Drug Administration for~~
26 ~~animal euthanasia;~~

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

29 ~~(3) administered by a veterinarian, certified veterinary~~
30 ~~technician or other individual under the supervision of a~~

1 ~~veterinarian.~~

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

8 ~~(c) Tranquilization. An animal may be tranquilized with a~~
9 ~~substance approved by the Food and Drug Administration before~~
10 ~~euthanasia commences.~~

11 ~~Section 5. Exclusions.~~

12 ~~(a) Normal agricultural operation activity. This act shall~~
13 ~~not apply to activity undertaken in normal agricultural~~
14 ~~operation.~~

15 ~~(b) Schools and other entities. This act shall not apply to~~
16 ~~any of the following:~~

17 ~~(1) A medical school.~~

18 ~~(2) A school of veterinary medicine.~~

19 ~~(3) A research institution affiliated with a hospital or~~
20 ~~university.~~

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

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

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

28 ~~(iii) Subject to the provisions of 21 CFR Pt. 58~~
29 ~~(relating to good laboratory practice for nonclinical~~
30 ~~laboratory studies) or its successor regulation under the~~

~~Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or the Public Health Service Act.~~

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

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

~~Section 6. Penalties.~~

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

~~(b) Other provisions. Except as set forth in subsection (a):~~

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

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

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

~~Section 7. Use of drugs.~~

~~A society or association may apply to the State Board of Pharmacy for registration pursuant to the applicable law for the sole purpose of being authorized to purchase, possess and~~

1 ~~administer drugs in accordance with section 4 to destroy~~
2 ~~injured, sick, homeless or unwanted pet animals. A limited~~
3 ~~license may be issued by the board to eligible applicants. A~~
4 ~~society or association so registered shall administer drugs in~~
5 ~~accordance with section 4.~~

6 ~~Section 8. Use of methods of destruction on humans.~~

7 ~~Nothing in this act shall be construed to permit the~~
8 ~~performance of any methods of destruction provided for under~~
9 ~~this act on any human.~~

10 ~~Section 9. Repeal.~~

11 ~~(a) Declaration. The General Assembly finds and declares~~
12 ~~that the repeal under subsection (b) is necessary to effectuate~~
13 ~~this act.~~

14 ~~(b) Action. The act of December 22, 1983 (P.L.303, No.83),~~
15 ~~referred to as the Animal Destruction Method Authorization Law,~~
16 ~~is repealed.~~

17 ~~Section 10. Effective date.~~

18 ~~This act shall take effect in 90 days.~~

19 SECTION 1. THE ACT OF DECEMBER 22, 1983 (P.L.303, NO.83),
20 REFERRED TO AS THE ANIMAL DESTRUCTION METHOD AUTHORIZATION LAW,
21 IS AMENDED BY ADDING A CHAPTER TO READ:

22 CHAPTER 1

23 PRELIMINARY PROVISIONS

24 SECTION 101. SHORT TITLE.

25 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE ANIMAL
26 DESTRUCTION METHOD AUTHORIZATION LAW.

27 SECTION 102. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
29 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "ANIMAL PROTECTION ORGANIZATION." ANY OF THE FOLLOWING:

2 (1) A NONPROFIT SOCIETY OR ASSOCIATION INCORPORATED
3 UNDER 15 PA.C.S. CH. 53 SUBCH. A (RELATING TO INCORPORATION
4 GENERALLY) FOR THE PURPOSE OF THE PREVENTION OF CRUELTY TO
5 ANIMALS.

6 (2) A MUNICIPALITY WHICH OPERATES AN ANIMAL SHELTER.
7 "BOARD." THE STATE BOARD OF VETERINARY MEDICINE.

8 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE
9 COMMONWEALTH.

10 "SMALL DOMESTIC ANIMALS." AS FOLLOWS:

11 (1) ANY OF THE FOLLOWING WHOSE GENERAL INTENDED PURPOSE
12 IS TO BE KEPT AND CARED FOR AS HOUSEHOLD PETS:

13 (I) RABBITS.

14 (II) MICE.

15 (III) RATS.

16 (IV) HAMSTERS.

17 (V) GUINEA PIGS.

18 (VI) FERRETS.

19 (VII) BIRDS.

20 (VIII) REPTILES.

21 (IX) AMPHIBIANS.

22 (2) ALL CATS AND DOGS.

23 SECTION 2. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO
24 READ:

25 CHAPTER 3

26 METHODOLOGY

27 SECTION 3. SECTIONS 1 AND 2 OF THE ACT ARE RENUMBERED AND
28 AMENDED TO READ:

29 SECTION [1] 301. PROHIBITED MEANS OF DESTRUCTION OF ANIMALS.

30 NO ANIMAL SHALL BE DESTROYED BY MEANS OF [A] THE FOLLOWING:

1 (1) A HIGH ALTITUDE DECOMPRESSION CHAMBER OR
2 DECOMPRESSION DEVICE.

3 (2) UNACCEPTABLE AGENTS AND METHODS PUBLISHED IN THE
4 MOST CURRENT VERSION OF THE AMERICAN VETERINARY MEDICAL
5 ASSOCIATION'S GUIDELINES ON EUTHANASIA.

6 (3) DROWNING.

7 (4) CHLOROFORM, ETHER, HALOTHANE OR FLUOTHANE.

8 (5) CARBON MONOXIDE GAS FROM ANY SOURCE.

9 SECTION [2] 302. METHODS OF DESTRUCTION OF ANIMALS AND
10 EXCLUSIVE METHOD FOR SMALL DOMESTIC ANIMALS.

11 (A) REQUIRED METHOD.--THE REQUIRED METHOD OF DESTRUCTION
12 SHALL BE [BY THE ADMINISTRATION OF AN OVERDOSE OF A BARBITURATE,
13 BARBITURATE COMBINATIONS, DRUG OR DRUG COMBINATIONS APPROVED FOR
14 THIS PURPOSE BY THE FEDERAL DRUG ADMINISTRATION AND IN
15 ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE PENNSYLVANIA
16 DEPARTMENT OF AGRICULTURE] THE USE OF A METHOD THAT IS APPROVED
17 FOR THAT PURPOSE BY THE MOST CURRENT VERSION OF THE AMERICAN
18 VETERINARY MEDICAL ASSOCIATION'S GUIDELINES ON EUTHANASIA WITH
19 THE EXCEPTION OF THOSE AGENTS AND METHODS PROHIBITED BY SECTION
20 301.

21 (B) AUTHORIZED METHOD.--NOTHING IN THIS ACT SHALL PREVENT A
22 PERSON OR [HUMANE SOCIETY] ANIMAL PROTECTION ORGANIZATION FROM
23 DESTROYING [A PET] AN ANIMAL BY MEANS OF FIREARMS.

24 (C) SMALL DOMESTIC ANIMALS.--

25 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE USE OF
26 COMMERCIALY AVAILABLE INJECTABLE EUTHANASIA SOLUTION
27 APPROVED BY THE FOOD AND DRUG ADMINISTRATION FOR THAT PURPOSE
28 SHALL BE THE EXCLUSIVE METHOD FOR EUTHANASIA OF SMALL
29 DOMESTIC ANIMALS.

30 (2) IF EUTHANASIA SOLUTION BECOMES UNAVAILABLE, THE

1 BOARD MAY ISSUE A WAIVER OF THE REQUIREMENTS OF THIS SECTION
2 WHICH WOULD PERMIT THE USE OF ANY METHOD OF EUTHANASIA THAT
3 IS CONSISTENT WITH BOTH THE STANDARD OF CARE AS DEFINED BY
4 THE BOARD AND THE MOST CURRENT VERSION OF THE AMERICAN
5 VETERINARY MEDICAL ASSOCIATION'S GUIDELINES ON EUTHANASIA.

6 (D) EXCEPTION FOR DANGEROUS SMALL DOMESTIC ANIMALS.--IN
7 CASES WHERE A SMALL DOMESTIC ANIMAL UNDER THE CARE AND CONTROL
8 OF ANY PERSON OR ANIMAL PROTECTION ORGANIZATION POSES AN
9 IMMINENT THREAT TO HUMAN OR ANIMAL LIFE, AN ALTERNATIVE METHOD
10 OF EUTHANASIA MAY BE USED IF IT IS IN ACCORDANCE WITH SECTION
11 301 OF THIS ACT.

12 (E) TRANQUILIZATION.--AN ANIMAL MAY BE TRANQUILIZED WITH A
13 SUBSTANCE APPROVED BY THE FOOD AND DRUG ADMINISTRATION BEFORE
14 EUTHANASIA COMMENCES.

15 SECTION 3.1. SECTION 3 OF THE ACT IS REPEALED:

16 [SECTION 3. ADMINISTRATION OF DRUGS.

17 THE BARBITURATES, BARBITURATE COMBINATIONS OR OTHER FEDERAL
18 DRUG ADMINISTRATION APPROVED DRUGS OR DRUG COMBINATIONS SHALL BE
19 ADMINISTERED BY INTRAVENOUS, INTRAPERITONEAL OR INTRACARDIAC
20 INJECTIONS OR ORALLY BY A LICENSED VETERINARIAN OR AS SET FORTH
21 IN SECTION 6.]

22 SECTION 3.2. SECTION 4 OF THE ACT IS RENUMBERED AND AMENDED
23 TO READ:

24 SECTION [4] 303. EXCLUSIONS.

25 [SECTIONS 2 AND 3 OF THIS ACT] (A) AGRICULTURAL
26 OPERATIONS.--

27 (1) THIS ACT SHALL NOT APPLY AND NOTHING IN THIS ACT
28 SHALL PREVENT THE DESTRUCTION OF AN ANIMAL BY A MEANS NOT
29 OTHERWISE PROHIBITED BY LAW PERFORMED IN THE COURSE OF NORMAL
30 AGRICULTURAL OPERATION.

1 (2) AS USED IN THIS SECTION, THE TERM "NORMAL
2 AGRICULTURAL OPERATION" HAS THE MEANING GIVEN IN SECTION 2 OF
3 THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), REFERRED TO AS
4 THE RIGHT-TO-FARM LAW, WITHOUT REGARD TO AREA UTILIZED OR
5 ANTICIPATED YEARLY INCOME TO RESULT FROM THE AGRICULTURAL
6 OPERATION.

7 (B) SPECIFIC ENTITIES.--THE FOLLOWING EXCLUSIONS APPLY:

8 (1) SECTION 302 SHALL NOT APPLY TO:

9 (I) EXCEPT AS PROHIBITED IN SECTION 301, A PERSON
10 LICENSED UNDER THE ACT OF DECEMBER 27, 1974 (P.L.995,
11 NO.326), KNOWN AS THE VETERINARY MEDICINE PRACTICE ACT;

12 (II) A MEDICAL SCHOOL [OR];

13 (III) A SCHOOL OF VETERINARY MEDICINE [OR];

14 (IV) A RESEARCH INSTITUTION AFFILIATED WITH A
15 HOSPITAL OR UNIVERSITY[.]; OR

16 (V) A RESEARCH FACILITY THAT IS ONE OF THE
17 FOLLOWING:

18 (A) REGISTERED AND INSPECTED UNDER THE ANIMAL
19 WELFARE ACT (PUBLIC LAW 89-544, 7 U.S.C. § 2131 ET
20 SEQ.).

21 (B) SUBJECT TO THE PUBLIC HEALTH SERVICE POLICY
22 ON THE HUMANE CARE AND USE OF LABORATORY ANIMALS
23 UNDER THE PUBLIC HEALTH SERVICE ACT (58 STAT. 682, 42
24 U.S.C. § 201 ET SEQ.).

25 (C) SUBJECT TO THE PROVISIONS OF 21 CFR PT. 58
26 (RELATING TO GOOD LABORATORY PRACTICE FOR NONCLINICAL
27 LABORATORY STUDIES) UNDER THE FEDERAL FOOD, DRUG AND
28 COSMETIC ACT (52 STAT. 1040, 21 U.S.C. § 301 ET SEQ.)
29 OR THE PUBLIC HEALTH SERVICE ACT.

30 (2) (RESERVED).

1 SECTION 4. SECTION 5 OF THE ACT IS REPEALED:

2 [SECTION 5. USE OF CARBON MONOXIDE SYSTEMS.

3 (1) CARBON MONOXIDE GAS MAY BE USED TO DESTROY ANIMALS
4 SEVEN WEEKS OF AGE OR OLDER.

5 (2) CHLOROFORM, ETHER, HALOTHANE OR FLUOTHANE MAY BE
6 USED TO DESTROY ANIMALS UNDER SEVEN WEEKS OF AGE WHEN
7 ADMINISTERED IN AN AIRTIGHT CHAMBER OR TRANSPARENT PLASTIC
8 BAG PROVIDING FOR SEGREGATION OF ANIMALS BY SIZE AND AGE
9 WHICH IS CAPABLE OF PERMITTING UNOBSTRUCTED VISUAL
10 OBSERVATION AND WHICH DOES NOT PERMIT DIRECT CONTACT WITH ANY
11 DEVICE CONTAINING CHLOROFORM.

12 (3) CARBON MONOXIDE GAS SYSTEMS SHALL CONSIST OF AND BE
13 EQUIPPED WITH:

14 (I) A TIGHTLY ENCLOSED CABINET FOR THE PURPOSE OF
15 CONTAINING THE ANIMALS DURING THE DESTRUCTION PROCESS.

16 (II) INTERNAL LIGHTING AND A WINDOW FOR DIRECT
17 VISUAL OBSERVATION IN THE CABINET AT ALL TIMES.

18 (III) A GAS GENERATION CAPABLE OF ACHIEVING A
19 CONCENTRATION OF CARBON MONOXIDE GAS OF AT LEAST 5%
20 THROUGHOUT THE CABINET.

21 (IV) A GAUGE OR GAS CONCENTRATION INDICATOR OR
22 RECORDING DEVICE.

23 (V) A MEANS OF SEPARATING ANIMALS FROM EACH OTHER
24 WITHIN THE CABINET, IF THE CABINET IS OF SUFFICIENT SIZE
25 TO FACILITATE MORE THAN ONE ANIMAL.

26 (VI) A MEANS OF FULLY REMOVING THE CARBON MONOXIDE
27 GAS FROM THE CABINET UPON COMPLETION OF THE DESTRUCTION
28 PROCESS.

29 (VII) IF AN INTERNAL COMBUSTION ENGINE IS USED, A
30 MEANS OF COOLING THE GAS TO A TEMPERATURE NOT TO EXCEED

1 115 DEGREES FAHRENHEIT AT THE POINT OF ENTRY INTO THE
2 CABINET AND NOT TO EXCEED 90 DEGREES FAHRENHEIT AT ANY
3 POINT IN THE CABINET AS DETERMINED BY TEMPERATURE GAUGES
4 PERMANENTLY INSTALLED AT POINT OF ENTRY AND INSIDE THE
5 CABINET.

6 (VIII) IF THE GAS IS GENERATED BY AN INTERNAL
7 COMBUSTION ENGINE, A MEANS OF REMOVING OR FILTERING OUT
8 ALL NOXIOUS FUMES, IRRITATING ACIDS AND CARBON PARTICLES
9 FROM THE GAS BEFORE IT ENTERS THE CABINET.

10 (IX) IF AN INTERNAL COMBUSTION ENGINE IS USED, A
11 MEANS OF SUBSTANTIALLY DEADENING THE SOUND AND VIBRATION
12 TRANSMISSION FROM THE ENGINE TO THE CABINET, BY PLACING
13 THEM IN SEPARATE ROOMS OR SOUNDPROOF COMPARTMENTS
14 CONNECTING THEM WITH FLEXIBLE TUBING OR PIPE AT LEAST 24
15 INCHES IN LENGTH, SO THAT THE NOISE LEVEL WITHIN THE
16 CABINET SHALL NOT EXCEED 70 DECIBELS.

17 (X) IF AN INTERNAL COMBUSTION ENGINE IS USED, A
18 MEANS FOR EXHAUSTING THE INTERNAL COMBUSTION ENGINE GAS
19 DURING THE PERIOD OF ENGINE WARMUP.

20 (4) UPON COMPLETION OF THE DESTRUCTION PROCESS, ANIMALS
21 SHALL NOT BE REMOVED FROM THE CABINET UNTIL THE CARBON
22 MONOXIDE GAS HAS BEEN FULLY REMOVED FROM THE CABINET.]

23 SECTION 5. SECTION 6 OF THE ACT IS RENUMBERED AND AMENDED TO
24 READ:

25 SECTION [6] 304. [HUMANE SOCIETIES' AND ANIMAL SHELTERS']
26 ANNUAL PROTECTION ORGANIZATION USE OF DRUGS.

27 (A) [LIMITED LICENSE.--ON AND AFTER THE EFFECTIVE DATE OF
28 THIS ACT, A HUMANE SOCIETY ORGANIZATION OR AN ANIMAL CONTROL
29 ORGANIZATION MAY APPLY TO THE PENNSYLVANIA STATE BOARD OF
30 PHARMACY FOR REGISTRATION PURSUANT TO THE APPLICABLE LAW FOR THE

1 SOLE PURPOSE OF BEING AUTHORIZED TO PURCHASE, POSSESS AND
2 ADMINISTER SODIUM PENTOBARBITAL TO DESTROY INJURED, SICK,
3 HOMELESS OR UNWANTED DOMESTIC PET ANIMALS. A LIMITED LICENSE MAY
4 BE ISSUED BY THE BOARD TO ELIGIBLE APPLICANTS. ANY AGENCY SO
5 REGISTERED SHALL NOT PERMIT A PERSON TO ADMINISTER SODIUM
6 PENTOBARBITAL UNLESS SUCH PERSON HAS DEMONSTRATED ADEQUATE
7 KNOWLEDGE OF THE POTENTIAL HAZARDS AND PROPER TECHNIQUES TO BE
8 USED IN ADMINISTERING THIS DRUG.] LICENSE.--THE FOLLOWING APPLY
9 TO ANIMAL PROTECTION ORGANIZATIONS:

10 (1) AN ANIMAL PROTECTION ORGANIZATION MAY APPLY TO THE
11 BOARD FOR THE SOLE PURPOSE OF BEING AUTHORIZED TO PURCHASE,
12 POSSESS AND ADMINISTER DRUGS APPROVED FOR EUTHANASIA UNDER
13 SECTION 302 IN ACCORDANCE WITH REGULATIONS PROMULGATED UNDER
14 THIS ACT AND THE ACT OF DECEMBER 27, 1974 (P.L.995, NO.326),
15 KNOWN AS THE VETERINARY MEDICINE PRACTICE ACT.

16 (2) AN ANIMAL PROTECTION ORGANIZATION AUTHORIZED UNDER
17 PARAGRAPH (1) MAY NOT PERMIT A PERSON TO ADMINISTER DRUGS
18 APPROVED FOR EUTHANASIA UNLESS THAT PERSON HOLDS A CURRENT
19 EUTHANASIA TECHNICIAN LICENSE UNDER SUBSECTION (C).

20 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF
21 THE DEPARTMENT SUSPENDS OR REVOKES A KENNEL LICENSE OF AN
22 ANIMAL PROTECTION ORGANIZATION UNDER THE ACT OF DECEMBER 7,
23 1982 (P.L.784, NO.225), KNOWN AS THE DOG LAW, THE
24 AUTHORIZATION TO PURCHASE, POSSESS AND ADMINISTER DRUGS
25 APPROVED FOR EUTHANASIA UNDER SUBSECTION (C) SHALL BE
26 IMMEDIATELY REVOKED.

27 (B) REGULATION AND ENFORCEMENT.--THE FOLLOWING REGULATION
28 AND ENFORCEMENT PROVISIONS SHALL APPLY:

29 (1) THE [PENNSYLVANIA DEPARTMENT OF AGRICULTURE] BOARD
30 SHALL REGULATE AND ENFORCE THE PROVISIONS OF THIS [SECTION.]

1 ACT.

2 (2) TO IMPLEMENT THIS SUBSECTION, THE BOARD SHALL:

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

5 (II) PROMULGATE REGULATIONS WITHIN ONE YEAR OF THE
6 EFFECTIVE DATE OF THIS PARAGRAPH.

7 (C) EUTHANASIA TECHNICIANS.--THE FOLLOWING SHALL APPLY:

8 (1) THE BOARD MAY ISSUE A EUTHANASIA TECHNICIAN LICENSE
9 TO AN APPLICANT WHO SATISFIES ALL OF THE FOLLOWING:

10 (I) MEETS THE ELIGIBILITY CRITERIA ESTABLISHED BY
11 THE BOARD, WHICH SHALL INCLUDE KNOWLEDGE OF THE
12 COMMONWEALTH'S STATUTES AND REGULATIONS RELATING TO
13 EUTHANASIA.

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

19 (A) SUCCESSFULLY COMPLETES A EUTHANASIA
20 TECHNICIAN CERTIFICATION COURSE, INCLUDING AT LEAST
21 14 HOURS OF INSTRUCTION, WHICH IS APPROVED BY THE
22 BOARD AND ADMINISTERED BY:

23 (I) THE NATIONAL ANIMAL CONTROL ASSOCIATION;

24 (II) THE AMERICAN HUMANE ASSOCIATION;

25 (III) THE HUMANE SOCIETY OF THE UNITED
26 STATES;

27 (IV) THE PENNSYLVANIA VETERINARY MEDICAL
28 ASSOCIATION;

29 (V) THE UNIVERSITY OF PENNSYLVANIA SCHOOL OF
30 VETERINARY MEDICINE;

1 (VI) THE FEDERATED HUMANE SOCIETIES OF
2 PENNSYLVANIA; OR

3 (VII) ANY OTHER COURSES APPROVED BY THE
4 BOARD.

5 (B) IS A EUTHANASIA TECHNICIAN REGISTERED OR
6 LICENSED UNDER THE LAWS OF ANOTHER STATE OR TERRITORY
7 OF THE UNITED STATES WHICH HAS REQUIREMENTS
8 SUBSTANTIALLY SIMILAR TO THE REQUIREMENTS OF THIS
9 SECTION AND PRESENTS SATISFACTORY PROOF TO THE BOARD
10 OF BEING ENGAGED IN THE PRACTICE OF EUTHANASIA FOR A
11 PERIOD OF AT LEAST ONE YEAR OUT OF THE PAST FIVE
12 YEARS.

13 (C) MEETS OTHER REQUIREMENTS ESTABLISHED BY THE
14 BOARD.

15 (2) THE BOARD SHALL REGULATE, DISCIPLINE AND ENFORCE THE
16 PROVISIONS OF THIS SUBSECTION BY:

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

19 (II) PROMULGATING REGULATIONS WITHIN ONE YEAR OF THE
20 EFFECTIVE DATE OF THIS SUBSECTION.

21 (D) COOPERATION.--FOR THE PURPOSE OF ENFORCEMENT OF THIS
22 ACT, THE BOARD MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
23 THE DEPARTMENT AND DESIGNATE THE DEPARTMENT TO ACT AS ITS
24 AUTHORIZED AGENT FOR THE LIMITED PURPOSES OF INSPECTING AND
25 MONITORING ANIMAL PROTECTION ORGANIZATIONS, AND PERSONS WHO
26 EUTHANIZE ANIMALS ON BEHALF OF ANIMAL PROTECTION ORGANIZATIONS,
27 FOR COMPLIANCE WITH THE APPLICABLE REQUIREMENTS AND ANY
28 IMPLEMENTING REGULATIONS.

29 SECTION 5.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
30 SECTION 305. DISCLOSURE.

1 UPON REQUEST, ANY VETERINARIAN OR ANIMAL PROTECTION
2 ORGANIZATION UTILIZING AN EUTHANASIA METHOD FOR THE DESTRUCTION
3 OF SMALL DOMESTIC ANIMALS MUST DISCLOSE ALL METHODS THAT ARE
4 UTILIZED BY THE PERSON.

5 SECTION 6. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO
6 READ:

7 CHAPTER 5

8 ADMINISTRATION AND ENFORCEMENT

9 SECTION 7. SECTION 7 OF THE ACT IS RENUMBERED AND AMENDED TO
10 READ:

11 SECTION [7] 501. EXISTING DEVICES.

12 ANY [HUMANE SOCIETY ORGANIZATION OR ANY OTHER SIMILAR]
13 PERSON, ANIMAL PROTECTION ORGANIZATION OR OTHER ORGANIZATION
14 WHICH, ON THE EFFECTIVE DATE OF THIS ACT, HAS IN ITS POSSESSION
15 A CHAMBER OR DEVICE, THE USE OF WHICH IS PROHIBITED BY THIS ACT,
16 SHALL, WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT,
17 DISMANTLE AND RENDER INOPERATIVE THE CHAMBER OR DEVICE.

18 SECTION 8. SECTION 8 OF THE ACT IS REPEALED:

19 [SECTION 8. SURPLUS FUNDS.

20 WHENEVER THE SECRETARY OF AGRICULTURE DECLARES THAT THERE IS
21 A SURPLUS OF MONEY IN THE DOG LAW RESTRICTED ACCOUNT, HE MAY
22 PROVIDE PAYMENT TO THOSE PERSONS WHO QUALIFY UNDER RULES AND
23 REGULATIONS OF THE DEPARTMENT FOR REIMBURSEMENT OF LOSSES
24 SUSTAINED AS A RESULT OF COMPLIANCE WITH THE PROVISIONS OF THIS
25 ACT.]

26 SECTION 9. SECTION 9 OF THE ACT IS RENUMBERED AND AMENDED TO
27 READ:

28 SECTION [9] 502. PENALTY.

29 (A) ADDITIONAL PENALTIES.--ANY PENALTY IMPOSED BY THE BOARD
30 UNDER THIS SECTION SHALL BE IN ADDITION TO THE CIVIL AND

1 CRIMINAL PENALTIES PROVIDED FOR UNDER THE ACT OF DECEMBER 27,
2 1974 (P.L.995, NO.326), KNOWN AS THE VETERINARY MEDICINE
3 PRACTICE ACT.

4 (B) DESTRUCTION OF SMALL DOMESTIC ANIMALS.--ANY PERSON OR
5 ANIMAL PROTECTION ORGANIZATION [FOUND GUILTY OF VIOLATING THE
6 PROVISIONS OF THIS ACT] NOT AUTHORIZED OR LICENSED UNDER THIS
7 ACT THAT IS FOUND IN VIOLATION OF SECTION 301 OR 302(C) BY THE
8 BOARD OR THE STATE BOARD OF PHARMACY SHALL BE FINED NOT TO
9 EXCEED [\$250] \$500 PER VIOLATION DAY. THE BOARD OR THE STATE
10 BOARD OF PHARMACY MAY IMPOSE AN ADDITIONAL PENALTY OF \$1,000 PER
11 VIOLATION FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 301 OR
12 302(C).

13 (C) ADDITIONAL CIVIL PENALTY IMPOSED BY THE BOARD.--

14 (1) IN ADDITION TO ANY OTHER CIVIL PENALTY PROVIDED FOR
15 UNDER THIS ACT, THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO
16 \$10,000 ON ANY CURRENT LICENSEE OR CERTIFICATE HOLDER WHO
17 VIOLATES ANY PROVISION OF THIS ACT OR ANY PERSON WHO
18 PRACTICES AS A EUTHANASIA TECHNICIAN WITHOUT BEING PROPERLY
19 LICENSED UNDER THIS ACT.

20 (2) THE PENALTY UNDER PARAGRAPH (1) MAY BE IMPOSED BY
21 THE BOARD AFTER AFFORDING THE ACCUSED PARTY THE OPPORTUNITY
22 FOR A HEARING, AS PROVIDED UNDER 2 PA.C.S. (RELATING TO
23 ADMINISTRATIVE LAW AND PROCEDURE).

24 (D) DISPOSITION OF FINES.--ALL FINES AND CIVIL PENALTIES
25 IMPOSED IN ACCORDANCE WITH THIS ACT SHALL BE PAID INTO THE
26 PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT.

27 SECTION 10. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING
28 TO READ:

29 CHAPTER 11
30 MISCELLANEOUS PROVISIONS

1 SECTION 11. SECTIONS 10 AND 11 OF THE ACT ARE RENUMBERED TO
2 READ:

3 SECTION [10] 1101. USE OF METHODS OF DESTRUCTION ON HUMANS.

4 NOTHING IN THIS ACT SHALL BE CONSTRUED TO PERMIT THE
5 PERFORMANCE OF ANY METHODS OF DESTRUCTION PROVIDED FOR HEREIN ON
6 ANY HUMAN PERSON.

7 SECTION [11] 1102. EFFECTIVE DATE.

8 THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.

9 SECTION 12. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

10 (1) THE RENUMBERING AND AMENDMENT OF SECTION 1 OF THE
11 ACT SHALL TAKE EFFECT IN 90 DAYS.

12 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

13 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180
14 DAYS.