

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1329 Session of 2011

INTRODUCED BY DINNIMAN, ALLOWAY, ARGALL, BAKER, BLAKE, BOSCOLA, BREWSTER, EICHELBERGER, ERICKSON, FARNESE, FERLO, WOZNIAK, YUDICHAK, GREENLEAF, PILEGGI, ORIE, SMUCKER, FONTANA, HUGHES, KASUNIC, KITCHEN, McILHINNEY, PICCOLA, RAFFERTY, SOLOBAY, STACK, SCHWANK, TARTAGLIONE, TOMLINSON, WARD, WASHINGTON, M. WHITE, WILLIAMS, MENSCH, LEACH AND BROWNE, NOVEMBER 9, 2011

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, DECEMBER 14, 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," ADDING DEFINITIONS; further ←
7 providing for prohibited means of destroying animals, for
8 methods of destruction of animals, for exclusions, for use of
9 carbon monoxide systems and for use of drugs by humane ←
10 societies and animal shelters; providing for enforcement; and ←
11 further providing for penalties; AND MAKING EDITORIAL ←
12 CHANGES.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. ~~Section 1 of the act of December 22, 1983~~ ←
16 ~~(P.L.303, No.83), referred to as the Animal Destruction Method~~
17 ~~Authorization Law, is amended to read:~~

18 Section 1. ~~Prohibited means of destruction of animals and~~
19 ~~exclusive method for dogs and cats.~~

20 ~~(a) General rule. No animal shall be destroyed by means of~~

1 ~~[a] the following:~~

2 ~~(1) A high altitude decompression chamber or~~
3 ~~decompression device.~~

4 ~~(2) Carbon monoxide gas from any source.~~

5 ~~(3) Chloroform, ether, halothane, fluothane or any~~
6 ~~similar substance, when administered in an airtight chamber~~
7 ~~or plastic bag.~~

8 ~~(b) Dogs and cats. The use of sodium pentobarbital or a~~
9 ~~derivative of it shall be the exclusive method for euthanasia of~~
10 ~~dogs and cats.~~

11 ~~Section 2. Section 2 of the act is amended by adding a~~
12 ~~subsection to read:~~

13 ~~Section 2. Methods of destruction of animals.~~

14 ~~* * *~~

15 ~~(c) Exception for dangerous dogs or cats.~~

16 ~~(1) Notwithstanding subsection (a) and section 1(b), in~~
17 ~~cases of extraordinary circumstances where a dog or cat under~~
18 ~~the care and control of an animal shelter or a humane society~~
19 ~~organization poses an extreme risk or danger to a~~
20 ~~veterinarian or euthanasia technician performing euthanasia,~~
21 ~~such veterinarian or euthanasia technician may use any other~~
22 ~~humane substance or procedure to perform euthanasia on the~~
23 ~~dangerous dog or cat.~~

24 ~~(2) All humane substances or procedures utilized by a~~
25 ~~facility to euthanize a dog or cat that poses an extreme risk~~
26 ~~or danger to a veterinarian or euthanasia technician shall be~~
27 ~~publicly posted in the facility.~~

28 ~~(3) The following persons, who in the performance of~~
29 ~~their duties of employment have the responsibility for the~~
30 ~~care and control of dogs and cats and for the collection of~~

~~stray dogs and cats, are subject to this subsection:~~

~~(i) Veterinarians.~~

~~(ii) Euthanasia technicians.~~

~~(iii) Personnel of a humane society organization.~~

~~(iv) Personnel of an animal control organization.~~

~~(v) Personnel of an animal shelter.~~

~~(vi) Operators and employees of a commercial kennel,
as defined in the act of December 7, 1982 (P.L.784,
No.225), known as the Dog Law.~~

~~(vii) Animal control officers.~~

~~(4) For purposes of this subsection, "humane substance
or procedure" means any substance or procedure officially
recognized by the most recent standards of the American
Veterinary Medical Association as an acceptable substance or
procedure for the euthanasia of an animal. The term does not
include the following:~~

~~(i) Any substance or procedure officially
recognized by the most recent standards of the
American Veterinary Medical Association as either a
"conditional" or a "not acceptable" substance or
procedure for the euthanasia of an animal.~~

~~(ii) Any of the following:~~

~~(A) Carbon dioxide gas from any source.~~

~~(B) Electrocutation.~~

~~(C) Nitrogen gas.~~

~~(D) Argon gas.~~

~~Section 3. Section 4 of the act is amended to read:~~

~~Section 4. Exclusions.~~

~~(a) General rule. This act shall not apply to activity
undertaken in a normal agricultural operation.~~

1 ~~(b) Specific entities. Sections 2 and 3 of this act shall~~
2 ~~not apply to:~~

3 ~~(1) a medical school [or];~~

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

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

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

10 ~~(c) Definition. As used in this section, the term "normal~~
11 ~~agricultural operation" has the same meaning given in section 2~~
12 ~~of the act of June 10, 1982 (P.L.454, No.133), entitled "An act~~
13 ~~protecting agricultural operations from nuisance suits and~~
14 ~~ordinances under certain circumstances." This term does not~~
15 ~~include a commercial kennel as defined in section 102 of the act~~
16 ~~of December 7, 1982 (P.L.784, No.225), known as the Dog Law.~~

17 ~~Section 4. Section 5 of the act is repealed:~~

18 ~~{Section 5. Use of carbon monoxide systems.~~

19 ~~(1) Carbon monoxide gas may be used to destroy animals~~
20 ~~seven weeks of age or older.~~

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

28 ~~(3) Carbon monoxide gas systems shall consist of and be~~
29 ~~equipped with:~~

30 ~~(i) A tightly enclosed cabinet for the purpose of~~

1 ~~containing the animals during the destruction process.~~

2 ~~(ii) Internal lighting and a window for direct~~
3 ~~visual observation in the cabinet at all times.~~

4 ~~(iii) A gas generation capable of achieving a~~
5 ~~concentration of carbon monoxide gas of at least 5%~~
6 ~~throughout the cabinet.~~

7 ~~(iv) A gauge or gas concentration indicator or~~
8 ~~recording device.~~

9 ~~(v) A means of separating animals from each other~~
10 ~~within the cabinet, if the cabinet is of sufficient size~~
11 ~~to facilitate more than one animal.~~

12 ~~(vi) A means of fully removing the carbon monoxide~~
13 ~~gas from the cabinet upon completion of the destruction~~
14 ~~process.~~

15 ~~(vii) If an internal combustion engine is used, a~~
16 ~~means of cooling the gas to a temperature not to exceed~~
17 ~~115 degrees Fahrenheit at the point of entry into the~~
18 ~~cabinet and not to exceed 90 degrees Fahrenheit at any~~
19 ~~point in the cabinet as determined by temperature gauges~~
20 ~~permanently installed at point of entry and inside the~~
21 ~~cabinet.~~

22 ~~(viii) If the gas is generated by an internal~~
23 ~~combustion engine, a means of removing or filtering out~~
24 ~~all noxious fumes, irritating acids and carbon particles~~
25 ~~from the gas before it enters the cabinet.~~

26 ~~(ix) If an internal combustion engine is used, a~~
27 ~~means of substantially deadening the sound and vibration~~
28 ~~transmission from the engine to the cabinet, by placing~~
29 ~~them in separate rooms or soundproof compartments~~
30 ~~connecting them with flexible tubing or pipe at least 24~~

1 inches in length, so that the noise level within the
2 cabinet shall not exceed 70 decibels.

3 ~~(x) If an internal combustion engine is used, a~~
4 ~~means for exhausting the internal combustion engine gas~~
5 ~~during the period of engine warmup.~~

6 ~~(4) Upon completion of the destruction process, animals~~
7 ~~shall not be removed from the cabinet until the carbon-~~
8 ~~monoxide gas has been fully removed from the cabinet.]~~

9 Section 5. Section 6 of the act is amended to read:

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

11 ~~(a) Limited license. [On and after the effective date of~~
12 ~~this act, a]~~

13 ~~(1) A humane society organization or an animal control~~
14 ~~organization may apply to the [Pennsylvania] State Board of~~
15 ~~Pharmacy for [registration] a limited license pursuant to the~~
16 ~~applicable law for the sole purpose of being authorized to~~
17 ~~purchase, possess and administer sodium pentobarbital or a~~
18 ~~derivative of it to destroy injured, sick, homeless or~~
19 ~~unwanted domestic [pet] animals. A limited license may be~~
20 ~~issued by the [board] State Board of Pharmacy to [eligible]~~
21 ~~applicants that meet the eligibility criteria set by the~~
22 ~~State Board of Pharmacy. [Any agency so registered]~~

23 ~~(2) An organization licensed under paragraph (1) shall~~
24 ~~not permit a person to administer sodium pentobarbital or a~~
25 ~~derivative of it unless [such person has demonstrated~~
26 ~~adequate knowledge of the potential hazards and proper~~
27 ~~techniques to be used in administering this drug.] that~~
28 ~~person holds a current euthanasia technician license under~~
29 ~~subsection (d).~~

30 ~~(3) Notwithstanding any other provision of this act, if~~

~~the Department of Agriculture suspends or revokes an organization's kennel license under the act of December 7, 1982 (P.L. 784, No. 225), known as the Dog Law, the organization's limited license to purchase, possess and administer sodium pentobarbital or a derivative of it shall be deemed revoked.~~

~~(b) Regulation and enforcement.~~

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

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

~~(i) issue a statement of policy within 90 days of the effective date of this paragraph; and~~

~~(ii) promulgate regulations within one year of the effective date of this paragraph.~~

~~(c) Euthanasia technicians.~~

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

~~(i) issuing a statement of policy within 90 days of the effective date of this subsection; and~~

~~(ii) promulgating regulations within one year of the effective date of this subsection.~~

~~(2) The State Board of Veterinary Medicine may issue a euthanasia technician license to an applicant who satisfies all of the following subparagraphs:~~

~~(i) Meets the eligibility criteria established by the board, which criteria shall include knowledge of the~~

1 ~~Commonwealth's law and regulations relating to~~
2 ~~eutanasia.~~

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

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

10 ~~(I) the National Animal Control Association;~~

11 ~~(II) the American Humane Association; or~~

12 ~~(III) the Humane Society of the United~~
13 ~~States.~~

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

22 ~~(C) Meets other requirements established by the~~
23 ~~State Board of Veterinary Medicine, which~~
24 ~~requirements shall include knowledge of the~~
25 ~~Commonwealth's law and regulations relating to~~
26 ~~eutanasia.~~

27 ~~(3) The State Board of Veterinary Medicine shall~~
28 ~~regulate and enforce the provisions of this subsection.~~

29 ~~(d) Cooperation. For purposes of administration and~~
30 ~~enforcement of subsection (a), the State Board of Pharmacy and~~

~~1 the State Board of Veterinary Medicine may, by agreement with
2 the department, designate the department to act as their
3 authorized agent for the limited purposes of inspecting and
4 monitoring humane society organizations and animal control
5 organizations, and persons who euthanize animals on behalf of
6 these organizations, for compliance with the applicable
7 requirements and any implementing regulations.~~

8 Section 6. The act is amended by adding a section to read:
9 ~~Section 8.1. Enforcement agencies.~~

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

12 Section 7. Section 9 of the act is amended to read:
13 Section 9. Penalty.

14 ~~(a) Destruction of animals. Any person or organization
15 found guilty of violating [the provisions] section 1 or 2(c)(1)
16 of this act shall be fined not to exceed [\$250] \$500 per
17 violation day. Any person or organization found guilty of
18 violating section 1 or 2(c)(1) of this act for the second or
19 subsequent occurrence shall be fined not to exceed \$1,000 per
20 violation day.~~

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

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

29 Section 8. This act shall take effect in 180 days.

30 SECTION 1. THE ACT OF DECEMBER 22, 1983 (P.L.303, NO.83),



1 REFERRED TO AS THE ANIMAL DESTRUCTION METHOD AUTHORIZATION LAW,
2 IS AMENDED BY ADDING A CHAPTER TO READ:

3 CHAPTER 1

4 PRELIMINARY PROVISIONS

5 SECTION 101. SHORT TITLE.

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

8 SECTION 102. 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 "ACCEPTABLE AGENTS AND METHODS OF EUTHANASIA." THE
13 CHEMICALS, AGENTS AND METHODS PUBLISHED AS ACCEPTABLE IN THE
14 MOST CURRENT VERSION OF THE AMERICAN VETERINARY MEDICAL
15 ASSOCIATION'S GUIDELINES ON EUTHANASIA. THE TERM DOES NOT
16 INCLUDE CONDITIONALLY ACCEPTABLE OR UNACCEPTABLE CHEMICALS,
17 AGENTS AND METHODS OF EUTHANASIA AS PUBLISHED IN THE MOST
18 CURRENT VERSION OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION'S
19 GUIDELINES ON EUTHANASIA.

20 "BOARD." THE STATE BOARD OF VETERINARY MEDICINE.

21 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE
22 COMMONWEALTH.

23 "NORMAL AGRICULTURAL OPERATION." AS DEFINED UNDER SECTION 2
24 OF THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), REFERRED TO AS
25 THE RIGHT-TO-FARM LAW.

26 "SMALL DOMESTIC ANIMALS." CATS, DOGS, RABBITS, MICE, RATS,
27 HAMSTERS, FERRETS, BIRDS, REPTILES AND AMPHIBIANS.

28 SECTION 2. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING TO
29 READ:

30 CHAPTER 3

METHODOLOGY

SECTION 3. SECTIONS 1, 2, 3 AND 4 OF THE ACT ARE RENUMBERED AND AMENDED TO READ:

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

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

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

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

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

(A) REQUIRED METHOD.--THE REQUIRED METHOD OF DESTRUCTION SHALL BE BY THE ADMINISTRATION OF AN OVERDOSE OF A BARBITURATE, BARBITURATE COMBINATIONS, DRUG OR DRUG COMBINATIONS APPROVED FOR THIS PURPOSE BY THE FEDERAL DRUG ADMINISTRATION AND IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE [PENNSYLVANIA DEPARTMENT OF AGRICULTURE] DEPARTMENT.

(B) AUTHORIZED METHOD.--NOTHING IN THIS ACT SHALL PREVENT A PERSON OR HUMANE SOCIETY ORGANIZATION FROM DESTROYING A PET ANIMAL BY MEANS OF FIREARMS.

(C) SMALL DOMESTIC ANIMALS.--THE USE OF SODIUM PENTOBARBITAL OR A DERIVATIVE OF IT SHALL BE THE EXCLUSIVE METHOD FOR EUTHANASIA OF SMALL DOMESTIC ANIMALS. IN THE EVENT SODIUM PENTOBARBITAL OR A DERIVATIVE OF IT BECOMES UNAVAILABLE DO TO LACK OF MANUFACTURER SUPPLY, THE BOARD MAY ISSUE A WAIVER OF THE REQUIREMENTS OF THIS SECTION WHICH WOULD PERMIT THE USE OF ANY OTHER ACCEPTABLE INJECTABLE AGENTS OR METHOD OF EUTHANASIA.

(D) EXCEPTION FOR DANGEROUS SMALL DOMESTIC ANIMALS.-- NOTWITHSTANDING SUBSECTIONS (A) AND (C), THE FOLLOWING APPLY IN

1 SITUATIONS WITH A DANGEROUS SMALL DOMESTIC ANIMAL:

2 (1) IN CASES WHERE A SMALL DOMESTIC ANIMAL UNDER THE
3 CARE AND CONTROL OF AN ANIMAL SHELTER OR A HUMANE SOCIETY
4 ORGANIZATION POSES A RISK OR DANGER TO A VETERINARIAN OR
5 EUTHANASIA TECHNICIAN PERFORMING EUTHANASIA OR TO PERSONNEL
6 OF THE ANIMAL SHELTER OR HUMANE SOCIETY ORGANIZATION, SUCH
7 VETERINARIAN OR EUTHANASIA TECHNICIAN MAY USE ANY OTHER
8 ACCEPTABLE AGENTS AND METHODS OF EUTHANASIA, EXCEPT CARBON
9 MONOXIDE FROM ANY SOURCE.

10 (2) THE FOLLOWING PERSONS, WHO IN THE PERFORMANCE OF
11 THEIR DUTIES OF EMPLOYMENT HAVE THE RESPONSIBILITY FOR THE
12 CARE AND CONTROL OF SMALL DOMESTIC ANIMALS, ARE SUBJECT TO
13 THIS SUBSECTION:

14 (I) VETERINARIANS.

15 (II) EUTHANASIA TECHNICIANS.

16 (III) PERSONNEL OF A HUMANE SOCIETY ORGANIZATION.

17 (IV) PERSONNEL OF AN ANIMAL CONTROL ORGANIZATION.

18 (V) PERSONNEL OF AN ANIMAL SHELTER.

19 (VI) OPERATORS AND EMPLOYEES OF A COMMERCIAL KENNEL,

20 AS DEFINED IN THE ACT OF DECEMBER 7, 1982 (P.L.784,

21 NO.225), KNOWN AS THE DOG LAW.

22 (VII) ANIMAL CONTROL OFFICERS.

23 SECTION [3] 303. ADMINISTRATION OF DRUGS.

24 THE BARBITURATES, BARBITURATE COMBINATIONS OR OTHER FEDERAL
25 DRUG ADMINISTRATION APPROVED DRUGS OR DRUG COMBINATIONS SHALL BE
26 ADMINISTERED BY INTRAVENOUS, INTRAPERITONEAL OR INTRACARDIAC
27 INJECTIONS OR ORALLY BY A LICENSED VETERINARIAN OR AS SET FORTH
28 IN SECTION [6] 305.

29 SECTION [4] 304. EXCLUSIONS.

30 (A) GENERAL RULE.--THIS ACT SHALL NOT APPLY TO ACTIVITY

1 UNDERTAKEN IN A NORMAL AGRICULTURAL OPERATION.

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

3 (1) SECTIONS [2 AND 3 OF THIS ACT] 302 AND 303 SHALL NOT
4 APPLY TO:

5 (I) A MEDICAL SCHOOL [OR];

6 (II) A SCHOOL OF VETERINARY MEDICINE [OR];

7 (III) A RESEARCH INSTITUTION AFFILIATED WITH A
8 HOSPITAL OR UNIVERSITY[.]; OR

9 (IV) A RESEARCH FACILITY REGISTERED AND INSPECTED
10 UNDER THE ANIMAL WELFARE ACT (PUBLIC LAW 89-544, 7 U.S.C.
11 § 2131 ET SEQ.).

12 (2) NOTWITHSTANDING SECTIONS 302 AND 303, A VETERINARIAN
13 IN A PRIVATE CLINICAL PRACTICE MAY USE ANY ACCEPTABLE AGENT
14 AND METHOD OF EUTHANASIA, EXCEPT CARBON MONOXIDE FROM ANY
15 SOURCE.

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

17 [SECTION 5. USE OF CARBON MONOXIDE SYSTEMS.

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

20 (2) CHLOROFORM, ETHER, HALOTHANE OR FLUOTHANE MAY BE
21 USED TO DESTROY ANIMALS UNDER SEVEN WEEKS OF AGE WHEN
22 ADMINISTERED IN AN AIRTIGHT CHAMBER OR TRANSPARENT PLASTIC
23 BAG PROVIDING FOR SEGREGATION OF ANIMALS BY SIZE AND AGE
24 WHICH IS CAPABLE OF PERMITTING UNOBSTRUCTED VISUAL
25 OBSERVATION AND WHICH DOES NOT PERMIT DIRECT CONTACT WITH ANY
26 DEVICE CONTAINING CHLOROFORM.

27 (3) CARBON MONOXIDE GAS SYSTEMS SHALL CONSIST OF AND BE
28 EQUIPPED WITH:

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

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

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

6 (IV) A GAUGE OR GAS CONCENTRATION INDICATOR OR
7 RECORDING DEVICE.

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

11 (VI) A MEANS OF FULLY REMOVING THE CARBON MONOXIDE
12 GAS FROM THE CABINET UPON COMPLETION OF THE DESTRUCTION
13 PROCESS.

14 (VII) IF AN INTERNAL COMBUSTION ENGINE IS USED, A
15 MEANS OF COOLING THE GAS TO A TEMPERATURE NOT TO EXCEED
16 115 DEGREES FAHRENHEIT AT THE POINT OF ENTRY INTO THE
17 CABINET AND NOT TO EXCEED 90 DEGREES FAHRENHEIT AT ANY
18 POINT IN THE CABINET AS DETERMINED BY TEMPERATURE GAUGES
19 PERMANENTLY INSTALLED AT POINT OF ENTRY AND INSIDE THE
20 CABINET.

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

25 (IX) IF AN INTERNAL COMBUSTION ENGINE IS USED, A
26 MEANS OF SUBSTANTIALLY DEADENING THE SOUND AND VIBRATION
27 TRANSMISSION FROM THE ENGINE TO THE CABINET, BY PLACING
28 THEM IN SEPARATE ROOMS OR SOUNDPROOF COMPARTMENTS
29 CONNECTING THEM WITH FLEXIBLE TUBING OR PIPE AT LEAST 24
30 INCHES IN LENGTH, SO THAT THE NOISE LEVEL WITHIN THE

1 CABINET SHALL NOT EXCEED 70 DECIBELS.

2 (X) IF AN INTERNAL COMBUSTION ENGINE IS USED, A
3 MEANS FOR EXHAUSTING THE INTERNAL COMBUSTION ENGINE GAS
4 DURING THE PERIOD OF ENGINE WARMUP.

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

8 SECTION 5. SECTION 6 OF THE ACT IS RENUMBERED AND AMENDED TO
9 READ:

10 SECTION [6] 305. HUMANE SOCIETIES' AND ANIMAL SHELTERS' USE OF
11 DRUGS.

12 (A) LIMITED LICENSE.--[ON AND AFTER THE EFFECTIVE DATE OF
13 THIS ACT, A] THE FOLLOWING APPLY TO HUMANE SOCIETIES AND ANIMAL
14 SHELTERS:

15 (1) A HUMANE SOCIETY ORGANIZATION OR [AN ANIMAL CONTROL
16 ORGANIZATION] ANIMAL SHELTER MAY APPLY TO THE [PENNSYLVANIA
17 STATE BOARD OF PHARMACY FOR REGISTRATION PURSUANT TO THE
18 APPLICABLE LAW FOR THE SOLE PURPOSE OF BEING AUTHORIZED TO
19 PURCHASE, POSSESS AND ADMINISTER SODIUM PENTOBARBITAL TO
20 DESTROY INJURED, SICK, HOMELESS OR UNWANTED DOMESTIC PET
21 ANIMALS. A LIMITED LICENSE MAY BE ISSUED BY THE BOARD TO
22 ELIGIBLE APPLICANTS. ANY AGENCY SO REGISTERED SHALL NOT
23 PERMIT A PERSON TO ADMINISTER SODIUM PENTOBARBITAL UNLESS
24 SUCH PERSON HAS DEMONSTRATED ADEQUATE KNOWLEDGE OF THE
25 POTENTIAL HAZARDS AND PROPER TECHNIQUES TO BE USED IN
26 ADMINISTERING THIS DRUG.] STATE BOARD OF VETERINARY MEDICINE
27 FOR A LIMITED LICENSE PURSUANT TO THE APPLICABLE LAW FOR THE
28 SOLE PURPOSE OF BEING AUTHORIZED TO PURCHASE, POSSESS AND
29 ADMINISTER DRUGS APPROVED FOR EUTHANASIA UNDER SUBSECTION (C)
30 TO DESTROY INJURED, SICK, HOMELESS OR UNWANTED SMALL DOMESTIC

1 ANIMALS. A LIMITED LICENSE MAY BE ISSUED BY THE STATE BOARD
2 OF PHARMACY TO APPLICANTS THAT MEET THE ELIGIBILITY CRITERIA
3 SET BY THE STATE BOARD OF VETERINARY MEDICINE.

4 (2) AN ORGANIZATION LICENSED UNDER PARAGRAPH (1) SHALL
5 NOT PERMIT A PERSON TO ADMINISTER DRUGS APPROVED FOR
6 EUTHANASIA UNLESS THAT PERSON HOLDS A CURRENT EUTHANASIA
7 TECHNICIAN LICENSE UNDER SUBSECTION (C).

8 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF
9 THE DEPARTMENT SUSPENDS OR REVOKES AN ORGANIZATION'S KENNEL
10 LICENSE UNDER THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225),
11 KNOWN AS THE DOG LAW, THE ORGANIZATION'S LIMITED LICENSE TO
12 PURCHASE, POSSESS AND ADMINISTER SODIUM PENTOBARBITAL OR A
13 DERIVATIVE OF IT SHALL BE DEEMED REVOKED.

14 (B) REGULATION AND ENFORCEMENT.--THE FOLLOWING REGULATION
15 AND ENFORCEMENT PROVISIONS SHALL APPLY:

16 (1) THE [PENNSYLVANIA DEPARTMENT OF AGRICULTURE] BOARD
17 SHALL REGULATE AND ENFORCE THE PROVISIONS OF [THIS SECTION]
18 SUBSECTION (A).

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

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

22 (II) PROMULGATE REGULATIONS WITHIN ONE YEAR OF THE
23 EFFECTIVE DATE OF THIS PARAGRAPH.

24 (C) EUTHANASIA TECHNICIANS.--THE FOLLOWING SHALL APPLY TO
25 EUTHANASIA TECHNICIANS:

26 (1) THE BOARD SHALL DETERMINE THE REGULATION AND
27 DISCIPLINE OF EUTHANASIA TECHNICIANS BY:

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

30 (II) PROMULGATING REGULATIONS WITHIN ONE YEAR OF THE

1 EFFECTIVE DATE OF THIS SUBSECTION.

2 (2) THE BOARD MAY ISSUE A EUTHANASIA TECHNICIAN LICENSE
3 TO AN APPLICANT WHO SATISFIES ALL OF THE FOLLOWING:

4 (I) MEETS THE ELIGIBILITY CRITERIA ESTABLISHED BY
5 THE BOARD, WHICH CRITERIA SHALL INCLUDE KNOWLEDGE OF THE
6 COMMONWEALTH'S LAW AND REGULATIONS RELATING TO
7 EUTHANASIA.

8 (II) DEMONSTRATES ADEQUATE KNOWLEDGE OF THE
9 POTENTIAL HAZARDS AND PROPER TECHNIQUES TO BE USED IN
10 ADMINISTRATION OF EUTHANASIA DRUGS BY SATISFYING ALL
11 REQUIREMENTS OF THE BOARD AND AT LEAST ONE OF THE
12 FOLLOWING:

13 (A) SUCCESSFULLY COMPLETES A EUTHANASIA
14 TECHNICIAN CERTIFICATION COURSE, INCLUDING AT LEAST
15 14 HOURS OF INSTRUCTION, WHICH IS APPROVED BY THE
16 BOARD AND ADMINISTERED BY ANY OF THE FOLLOWING
17 PROVIDERS:

18 (I) THE NATIONAL ANIMAL CONTROL ASSOCIATION;

19 (II) THE AMERICAN HUMANE ASSOCIATION;

20 (III) THE HUMANE SOCIETY OF THE UNITED
21 STATES;

22 (IV) THE PENNSYLVANIA VETERINARY MEDICAL
23 ASSOCIATION;

24 (V) THE UNIVERSITY OF PENNSYLVANIA SCHOOL OF
25 VETERINARY MEDICINE; OR

26 (VI) FEDERATED HUMANE SOCIETIES OF
27 PENNSYLVANIA.

28 (B) IS A EUTHANASIA TECHNICIAN REGISTERED OR
29 LICENSED UNDER THE LAWS OF ANOTHER STATE OR TERRITORY
30 OF THE UNITED STATES WHICH HAS REQUIREMENTS

1 SUBSTANTIALLY SIMILAR TO THE REQUIREMENTS OF THIS
2 SECTION AND PRESENTS SATISFACTORY PROOF TO THE BOARD
3 OF BEING ENGAGED IN THE PRACTICE OF EUTHANASIA FOR A
4 PERIOD OF AT LEAST ONE YEAR OUT OF THE PAST FIVE
5 YEARS.

6 (C) MEETS OTHER REQUIREMENTS ESTABLISHED BY THE
7 BOARD.

8 (3) THE BOARD SHALL REGULATE AND ENFORCE THE PROVISIONS
9 OF THIS SUBSECTION.

10 (D) COOPERATION.--FOR PURPOSES OF ADMINISTRATION AND
11 ENFORCEMENT OF SUBSECTION (A), THE BOARD MAY, BY AGREEMENT WITH
12 THE DEPARTMENT, DESIGNATE THE DEPARTMENT TO ACT AS ITS
13 AUTHORIZED AGENT FOR THE LIMITED PURPOSES OF INSPECTING AND
14 MONITORING HUMANE SOCIETY ORGANIZATIONS AND ANIMAL CONTROL
15 ORGANIZATIONS, AND PERSONS WHO EUTHANIZE ANIMALS ON BEHALF OF
16 THESE ORGANIZATIONS, FOR COMPLIANCE WITH THE APPLICABLE
17 REQUIREMENTS AND ANY IMPLEMENTING REGULATIONS.

18 SECTION 5.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
19 SECTION 306. DISCLOSURE.

20 UPON REQUEST, ANY VETERINARIAN, ANIMAL SHELTER OR HUMANE
21 SOCIETY ORGANIZATION UTILIZING AN EUTHANASIA METHOD FOR THE
22 DESTRUCTION OF SMALL ANIMALS MUST DISCLOSE ALL METHODS THAT ARE
23 UTILIZED BY THE ENTITY.

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

26 CHAPTER 5
27 ADMINISTRATION AND ENFORCEMENT

28 SECTION 7. SECTIONS 7 AND 8 OF THE ACT ARE RENUMBERED TO
29 READ:
30 SECTION [7] 501. EXISTING DEVICES.

1 ANY HUMANE SOCIETY ORGANIZATION OR ANY OTHER SIMILAR
2 ORGANIZATION WHICH, ON THE EFFECTIVE DATE OF THIS ACT, HAS IN
3 ITS POSSESSION A CHAMBER OR DEVICE, THE USE OF WHICH IS
4 PROHIBITED BY THIS ACT, SHALL, WITHIN 30 DAYS OF THE EFFECTIVE
5 DATE OF THIS ACT, DISMANTLE AND RENDER INOPERATIVE THE CHAMBER
6 OR DEVICE.

7 SECTION [8] 502. SURPLUS FUNDS.

8 WHENEVER THE SECRETARY OF AGRICULTURE DECLARES THAT THERE IS
9 A SURPLUS OF MONEY IN THE DOG LAW RESTRICTED ACCOUNT, HE MAY
10 PROVIDE PAYMENT TO THOSE PERSONS WHO QUALIFY UNDER RULES AND
11 REGULATIONS OF THE DEPARTMENT FOR REIMBURSEMENT OF LOSSES
12 SUSTAINED AS A RESULT OF COMPLIANCE WITH THE PROVISIONS OF THIS
13 ACT.

14 SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
15 SECTION 503. ENFORCEMENT AGENCIES.

16 THE DEPARTMENT IS AUTHORIZED TO CONDUCT INVESTIGATIONS AND TO
17 ENFORCE SECTIONS 301, 302, 304 AND 305.

18 SECTION 9. SECTION 9 OF THE ACT IS RENUMBERED AND AMENDED TO
19 READ:

20 SECTION [9] 504. PENALTY.

21 (A) DESTRUCTION OF ANIMALS.--ANY PERSON OR ORGANIZATION
22 [FOUND GUILTY OF VIOLATING THE PROVISIONS OF THIS ACT] THAT
23 VIOLATES SECTION 301 OR 302(C) SHALL BE [FINED] SUBJECT TO A
24 FINE NOT TO EXCEED [\$250] \$500 PER VIOLATION DAY. ANY PERSON OR
25 ORGANIZATION THAT COMMITS A SECOND OR SUBSEQUENT VIOLATION OF
26 SECTION 301 OR 302(C) SHALL BE SUBJECT TO A FINE NOT TO EXCEED
27 \$1,000 PER VIOLATION DAY.

28 (B) OTHER PROVISIONS.--EXCEPT AS SET FORTH IN SUBSECTION
29 (A):

30 (1) ANY PERSON OR ORGANIZATION THAT VIOLATES THIS ACT

1 SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$350 PER VIOLATION
2 DAY.

3 (2) ANY PERSON OR ORGANIZATION THAT COMMITS A SECOND OR
4 SUBSEQUENT VIOLATION OF THIS ACT SHALL BE SUBJECT TO A FINE
5 NOT TO EXCEED \$700 PER VIOLATION DAY.

6 (C) DISPOSITION OF FINES.--FINES COLLECTED UNDER THIS
7 SECTION SHALL BE DEPOSITED INTO THE DOG LAW RESTRICTED ACCOUNT.

8 SECTION 10. THE ACT IS AMENDED BY ADDING A CHAPTER HEADING
9 TO READ:

10 CHAPTER 11

11 MISCELLANEOUS PROVISIONS

12 SECTION 11. SECTIONS 10 AND 11 OF THE ACT ARE RENUMBERED TO
13 READ:

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

15 NOTHING IN THIS ACT SHALL BE CONSTRUED TO PERMIT THE
16 PERFORMANCE OF ANY METHODS OF DESTRUCTION PROVIDED FOR HEREIN ON
17 ANY HUMAN PERSON.

18 SECTION [11] 1102. EFFECTIVE DATE.

19 THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.

20 SECTION 12. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.