

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 methods of destruction of
8 animals, for exclusions, for use of carbon monoxide systems
9 and for use of drugs by humane societies and animal shelters;
10 providing for enforcement; and further providing for
11 penalties.

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

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

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

19 (a) General rule.--No animal shall be destroyed by means of
20 [a] the following:

21 (1) A high altitude decompression chamber or
22 decompression device.

1 (2) Carbon monoxide gas from any source.

2 (3) Chloroform, ether, halothane, fluothane or any
3 similar substance, when administered in an airtight chamber
4 or plastic bag.

5 (b) Dogs and cats.--The use of sodium pentobarbital or a
6 derivative of it shall be the exclusive method for euthanasia of
7 dogs and cats.

8 Section 2. Section 2 of the act is amended by adding a
9 subsection to read:

10 Section 2. Methods of destruction of animals.

11 * * *

12 (c) Exception for dangerous dogs or cats.--

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

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

25 (3) The following persons, who in the performance of
26 their duties of employment have the responsibility for the
27 care and control of dogs and cats and for the collection of
28 stray dogs and cats, are subject to this subsection:

29 (i) Veterinarians.

30 (ii) Euthanasia technicians.

1 (iii) Personnel of a humane society organization.

2 (iv) Personnel of an animal control organization.

3 (v) Personnel of an animal shelter.

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

7 (vii) Animal control officers.

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

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

19 (ii) Any of the following:

20 (A) Carbon dioxide gas from any source.

21 (B) Electrocution.

22 (C) Nitrogen gas.

23 (D) Argon gas.

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

25 Section 4. Exclusions.

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

28 (b) Specific entities.--Sections 2 and 3 of this act shall
29 not apply to:

30 (1) a medical school [or];

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

2 (3) a research institution affiliated with a hospital or
3 university[.]; or

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

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

14 Section 4. Section 5 of the act is repealed:

15 [Section 5. Use of carbon monoxide systems.

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

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

25 (3) Carbon monoxide gas systems shall consist of and be
26 equipped with:

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

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

1 (iii) A gas generation capable of achieving a
2 concentration of carbon monoxide gas of at least 5%
3 throughout the cabinet.

4 (iv) A gauge or gas concentration indicator or
5 recording device.

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

9 (vi) A means of fully removing the carbon monoxide
10 gas from the cabinet upon completion of the destruction
11 process.

12 (vii) If an internal combustion engine is used, a
13 means of cooling the gas to a temperature not to exceed
14 115 degrees Fahrenheit at the point of entry into the
15 cabinet and not to exceed 90 degrees Fahrenheit at any
16 point in the cabinet as determined by temperature gauges
17 permanently installed at point of entry and inside the
18 cabinet.

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

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

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

1 means for exhausting the internal combustion engine gas
2 during the period of engine warmup.

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

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

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

8 (a) Limited license.-- [On and after the effective date of
9 this act, a]

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

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

27 (3) Notwithstanding any other provision of this act, if
28 the Department of Agriculture suspends or revokes an
29 organization's kennel license under the act of December 7,
30 1982 (P.L.784, No.225), known as the Dog Law, the

1 organization's limited license to purchase, possess and
2 administer sodium pentobarbital or a derivative of it shall
3 be deemed revoked.

4 (b) Regulation and enforcement.--

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

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

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

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

15 (c) Euthanasia technicians.--

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

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

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

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

26 (i) Meets the eligibility criteria established by
27 the board, which criteria shall include knowledge of the
28 Commonwealth's law and regulations relating to
29 euthanasia.

30 (ii) Demonstrates adequate knowledge of the

1 potential hazards and proper techniques to be used in
2 administration of euthanasia drugs by satisfying one of
3 the following clauses:

4 (A) Successfully completes a euthanasia
5 technician certification course, including at least
6 14 hours of instruction, which is approved by:

7 (I) the National Animal Control Association;

8 (II) the American Humane Association; or

9 (III) the Humane Society of the United
10 States.

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

19 (C) Meets other requirements established by the
20 State Board of Veterinary Medicine, which
21 requirements shall include knowledge of the
22 Commonwealth's law and regulations relating to
23 euthanasia.

24 (3) The State Board of Veterinary Medicine shall
25 regulate and enforce the provisions of this subsection.

26 (d) Cooperation.--For purposes of administration and
27 enforcement of subsection (a), the State Board of Pharmacy and
28 the State Board of Veterinary Medicine may, by agreement with
29 the department, designate the department to act as their
30 authorized agent for the limited purposes of inspecting and

1 monitoring humane society organizations and animal control
2 organizations, and persons who euthanize animals on behalf of
3 these organizations, for compliance with the applicable
4 requirements and any implementing regulations.

5 Section 6. The act is amended by adding a section to read:

6 Section 8.1. Enforcement agencies.

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

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

10 Section 9. Penalty.

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

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

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

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