

AN ACT

relating to the euthanasia of an animal by an animal shelter;
providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 821, Health and Safety Code, is amended
by adding Subchapter C to read as follows:

SUBCHAPTER C. EUTHANASIA OF ANIMALS

Sec. 821.051. DEFINITIONS. In this subchapter:

(1) "Animal" has the meaning assigned by Section
821.001.

(2) "Animal shelter" means a facility that collects,
impounds, or keeps stray, homeless, abandoned, or unwanted animals.

(3) "Board" means the Texas Board of Health.

(4) "Department" means the Texas Department of Health.

Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may
euthanize a dog or cat in the custody of an animal shelter only by
administering sodium pentobarbital or commercially compressed
carbon monoxide.

(b) A person may euthanize all other animals in the custody
of an animal shelter, including birds and reptiles, only in
accordance with the applicable methods, recommendations, and
procedures set forth in the 2000 Report of the American Veterinary
Medical Association Panel on Euthanasia as modified or superseded
by a subsequent report of the American Veterinary Medical

1 Association Panel on Euthanasia that is approved by the board.

2 Sec. 821.053. REQUIREMENTS FOR USE OF SODIUM PENTOBARBITAL.

3 (a) The board by rule shall establish the requirements and
4 procedures for administering sodium pentobarbital to euthanize an
5 animal in the custody of an animal shelter.

6 (b) A person may administer sodium pentobarbital to
7 euthanize an animal in the custody of an animal shelter only in
8 accordance with the requirements and procedures established by
9 board rule.

10 Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY
11 COMPRESSED CARBON MONOXIDE. (a) The board by rule shall
12 establish:

13 (1) standards for a carbon monoxide chamber used to
14 euthanize an animal in the custody of an animal shelter; and

15 (2) requirements and procedures for administering
16 commercially compressed carbon monoxide to euthanize an animal in
17 the custody of an animal shelter.

18 (b) A person administering commercially compressed carbon
19 monoxide to euthanize an animal in the custody of an animal shelter:

20 (1) may use only a carbon monoxide chamber that meets
21 the standards established by board rule; and

22 (2) may administer the commercially compressed carbon
23 monoxide only in accordance with the requirements and procedures
24 established by board rule.

25 Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS. (a) A
26 person may not euthanize an animal in the custody of an animal
27 shelter unless the person has successfully completed, not more than

1 three years before the date the person euthanizes the animal, a
2 training course in the proper methods and techniques for
3 euthanizing animals. The training course curriculum must include:

4 (1) the pharmacology, proper administration, and
5 storage of euthanasia solutions;

6 (2) federal and state law regulating the storage and
7 accountability of euthanasia solutions;

8 (3) euthanasia technician stress management;

9 (4) proper restraint and handling of an animal during
10 euthanasia;

11 (5) the procedures for administering commercially
12 compressed carbon monoxide to an animal;

13 (6) techniques for verifying an animal's death; and

14 (7) the proper disposal of a euthanized animal.

15 (b) The department must approve the sponsors and curriculum
16 of the training course required by this section.

17 (c) This section does not apply to a person licensed to
18 practice veterinary medicine in this state.

19 (d) Notwithstanding Subsection (a), an employee of an
20 animal shelter is not required to have successfully completed the
21 training course before the 120th day following the date of initial
22 employment.

23 Sec. 821.056. OFFENSE AND PENALTY. (a) A person commits
24 an offense if the person violates this subchapter or a board rule
25 adopted under this subchapter.

26 (b) An offense under this section is a Class B misdemeanor.

27 Sec. 821.057. INJUNCTION. A court of competent

1 jurisdiction, on the petition of any person, may prohibit by
2 injunction the substantial violation of this subchapter or a board
3 rule adopted under this subchapter.

4 SECTION 2. Section 823.006, Health and Safety Code, is
5 repealed.

6 SECTION 3. The Texas Board of Health shall adopt the rules
7 required by Sections 821.053 and 821.054, Health and Safety Code,
8 as added by this Act, not later than June 1, 2004.

9 SECTION 4. The Texas Department of Health shall develop
10 procedures to approve the sponsors and curriculum for the training
11 course required by Section 821.055, Health and Safety Code, as
12 added by this Act, not later than June 1, 2004.

13 SECTION 5. (a) The change in law made by the repeal of
14 Section 823.006, Health and Safety Code, by this Act applies only to
15 an offense committed on or after September 1, 2003. For purposes of
16 this section, an offense is committed before September 1, 2003, if
17 any element of the offense occurs before that date.

18 (b) An offense committed under Section 823.006, Health and
19 Safety Code, before the repeal of that section by this Act is
20 covered by the law in effect when the offense was committed, and the
21 former law is continued in effect for that purpose.

22 SECTION 6. This Act takes effect September 1, 2003, except
23 that Sections 821.053, 821.054, and 821.055, Health and Safety
24 Code, as added by this Act, take effect January 1, 2005.

David Newkirk

President of the Senate

Tom Caddell

Speaker of the House

I hereby certify that S.B. No. 572 passed the Senate on March 27, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on April 30, 2003, by a viva-voce vote. _____

Ratsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 572 passed the House, with amendment, on April 23, 2003, by a non-record vote. _____

Robert Haney

Chief Clerk of the House

Approved:

14 May '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:15pm O'CLOCK

Ann Shea
MAY 14 2003
Secretary of State