

SUBJECT: Euthanasia of animals by an animal shelter

COMMITTEE: Public Health — favorable, without amendment

VOTE: 7 ayes — Capelo, Laubenberg, Truitt, Dawson, McReynolds, Naishtat,  
Zedler

0 nays

2 absent — Coleman, Taylor

WITNESSES: For — Lou Guyton, The Humane Society of the United States; Patricia Nordyke, Texas Federation of Human Societies; Laural Powell, Texas Animal Control Association; Skip Trimble, Texas Human Legislation Network; *(Registered, but did not testify:)* Cile Holloway, Texas Humane Legislation Network; Ann Collier

Against — None

On — Ron Allen, Texas State Board of Veterinary Medical Examiners; Chris Copeland, Texas Veterinary Medical Association; Jane Mahlow, Texas Department of Health

BACKGROUND: Sec. 823.006 of the Health and Safety Code prohibits certain methods of euthanasia of animals in the custody of animal shelters. The prohibited methods include clubbing, use of a decompression chamber, and shooting, except in emergency field conditions. Also prohibited are administration of unfiltered or uncooled carbon monoxide, curariform drugs used alone, magnesium salts alone, chloral hydrate, nicotine, or strychnine. Use of a prohibited method is a class C misdemeanor (maximum fine of \$500).

Carbon monoxide is a hypoxic gas. Curariform drugs, magnesium salts, nicotine, and strychnine are neuromuscular blocking agents. Chloral hydrate is a respiratory depressant.

These prohibitions do not apply to animal shelters in counties with populations of less than 75,000, veterinary clinics, or a livestock commission facilities.

**DIGEST:** HB 1115 would repeal the current statute governing the euthanasia of animals in an animal shelter and create new requirements by adding subchapter C to Health and Safety Code, Ch. 821.

A dog or cat in an animal shelter could be euthanized only by administering sodium pentobarbital or commercially compressed carbon monoxide. Euthanasia of all other animals would have to be in accordance with the 2000 Report of the American Veterinary Medical Association Panel on Euthanasia or a subsequent report by that panel approved by the Texas Board of Health. Administration of sodium pentobarbital would be permitted only in accordance with the requirements and procedures set by the board. The board also would establish requirements and procedures for euthanasia by commercially compressed carbon monoxide and standards for the chamber.

The bill would prohibit a person from euthanizing an animal unless that person had successfully completed a training course in the proper techniques and procedures of euthanasia within the past three years. This would not apply to veterinarians. The training course would cover pharmacology and administration of euthanasia solutions, laws regulating the storage and accountability of the solutions, stress management, animal restraint and handling, administration of commercially compressed carbon monoxide, techniques for verifying animal death, and proper disposal of a euthanized animal. The Texas Department of Health would approve the sponsors and curriculum of the training course.

Violation of these requirements would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000), and a court could prohibit a violation of the requirements by injunction.

The bill would take effect September 1, 2003, but the repealed current law still would apply to offenses committed before the effective date. The Texas Department of Health would adopt rules regarding the administration of sodium pentobarbital and commercially compressed carbon monoxide and the training program by June 1, 2004. The rules would take effect January 1, 2005.

**SUPPORTERS  
SAY:**

Texas should prevent animal shelters from performing euthanasia by inhumane methods. Current law is not specific enough about which methods to use, but rather lists those that are prohibited. It does not prevent a shelter from gassing animals by attaching a hose to an old police cruiser.

Sodium pentobarbital is the most humane way to euthanize an animal. It is a barbiturate that depresses the central nervous system, progressing to anesthesia, and then cardiac arrest — the animal goes to sleep and then dies. It is fast acting, with minimal discomfort, and inexpensive.

Commercially compressed carbon monoxide is an acceptable method of euthanasia. It is a colorless, odorless gas that causes hypoxia leading to a painless and rapid death. It can be used to euthanize more than one animal at a time. Carbon monoxide from other sources, such as an idling car, is not acceptable because it might produce other gasses that could be harmful to the handlers or cause unnecessary pain to the animal. In addition, such a method can take time to reach an adequate concentration of carbon monoxide, unnecessarily prolonging the animal's progression toward death.

The law should be prescriptive to direct animal shelters to perform humane euthanasia, rather than restrictive to prevent inhumane treatment. The way the current law is written, it must be updated if new inhumane methods are being performed. This bill would ensure that the law permits only humane methods, excluding all others. It also is flexible for euthanasia of animals other than cats and dogs. The American Veterinary Medical Association Panel on Euthanasia is a well established and highly regarded professional group that monitors animal health and welfare issues and updates its report when needed.

This bill would not require the Texas Department of Health to create a new program to train technicians. There are commercially available programs across the state that the department could designate by rule. Already in Texas, there are over 150 certified animal euthanasia technicians.

**OPPONENTS  
SAY:**

This bill would prevent small counties from running safe and humane animal shelters. Under current law, counties with fewer than 75,000 residents are exempt from animal shelter regulations. Including those counties in the new regulations would force them to use scarce resources to train personnel and purchase more costly euthanasia tools. Those resources would be better spent

on food for the animals, maintenance of the shelter, and spaying and neutering programs.

Sodium pentobarbital is difficult to administer and more expensive than some methods currently used. The drug must be injected and is a Schedule II barbiturate, which means it is a federally controlled substance and only can be purchased using a Drug Enforcement Administration registration and order form and is subject to federal security and record-keeping requirements. On average, the drug and syringe cost \$1.30 per animal, and the shelter would have additional administrative costs for the record-keeping requirements.

Animals that are euthanized using methods available under current law do not suffer. Small animal shelters may use an idling car, which ensures that the carbon monoxide is filtered and, by using a hose, cooled. This conveys the same benefits as using commercially compressed carbon monoxide, but without the cost associated with tanks and a special chamber. By some estimates, a chamber can cost between \$750, if made by a welder, to \$7,000 for one that is commercially manufactured.

The training requirements would make it difficult for smaller shelters to afford the technicians to perform euthanasia. Commercially available courses span two days and cost around \$150. Many animal shelters do not have the resources to send their technicians to the course; otherwise, they would have done so already.

**NOTES:**

The Senate passed the identical companion bill, SB 572 by Harris, on the Local and Uncontested Calendar on March 20. The House Public Health Committee reported SB 572 favorably, without amendment on April 8, making it eligible to be considered in lieu of HB 1115.