

No. 1983-83

AN ACT

HB 350

Relating to destruction of pet animals; prohibiting certain methods of destruction; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; providing for use of certain surplus funds; and providing penalties.

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

Section 1. Prohibited means of destruction of animals.

No animal shall be destroyed by means of a high altitude decompression chamber or decompression device.

Section 2. Methods of destruction of 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.

(b) **Authorized method.**—Nothing in this act shall prevent a person or humane society organization from destroying a pet animal by means of firearms.

Section 3. Administration of drugs.

The barbiturates, barbiturate combinations or other Federal Drug Administration approved drugs or drug combinations shall be administered by intravenous, intraperitoneal or intracardiac injections or orally by a licensed veterinarian or as set forth in section 6.

Section 4. Exclusions.

Sections 2 and 3 of this act shall not apply to a medical school or school of veterinary medicine or a research institution affiliated with a hospital or university.

Section 5. Use of carbon monoxide systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Limited license.—On and after the effective date of this act, a humane society organization or an animal control organization may apply to the Pennsylvania State Board of Pharmacy for registration pursuant to the applicable law for the sole purpose of being authorized to purchase, possess and administer sodium pentobarbital to destroy injured, sick, homeless or unwanted domestic pet animals. A limited license may be issued by the board to eligible applicants. Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug.

(b) Regulation and enforcement.—The Pennsylvania Department of Agriculture shall regulate and enforce the provisions of this section.

Section 7. Existing devices.

Any humane society organization or any other similar organization which, on the effective date of this act, has in its possession a chamber or device, the use of which is prohibited by this act, shall, within 30 days of the effective date of this act, dismantle and render inoperative the chamber or device.

Section 8. Surplus funds.

Whenever the Secretary of Agriculture declares that there is a surplus of money in the Dog Law Restricted Account, he may provide payment to those persons who qualify under rules and regulations of the Department of Agriculture for reimbursement of losses sustained as a result of compliance with the provisions of this act.

Section 9. Penalty.

Any person or organization found guilty of violating the provisions of this act shall be fined not to exceed \$250 per violation day.

Section 10. Use of methods of destruction on humans.

Nothing in this act shall be construed to permit the performance of any methods of destruction provided for herein on any human person.

Section 11. Effective date.

This act shall take effect in six months.

APPROVED—The 22nd day of December, A. D. 1983.

DICK THORNBURGH