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COMMITTEE REPORT

February 25, 2015

**H. 3343**

Introduced by Reps. Huggins, Toole, Long, McCoy, Knight, R.L. Brown, Pope and Collins

S. Printed 2/25/15--H.

Read the first time January 20, 2015.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3343) to amend Section 47‑3‑420, as amended, Code of Laws of South Carolina, 1976, relating to methods of euthanasia that may be used to kill animals, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 47‑3‑420 of the 1976 Code, as last amended by Act 293 of 2000, is further amended to read:

“Section 47‑3‑420. (A) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in animal shelters, and the procedure applicable to the method selected must be strictly followed:

(1) ~~Barbituric acid derivatives~~ Sodium pentobarbital or a derivative of it by means of:

(a) intravenous ~~or intracardial~~ injection by hypodermic needle of a lethal solution;

(b) intraperitoneal injection by hypodermic needle of lethal solution as a last resort only when location of an injection into the vein is difficult or impossible;

(c) ~~oral ingestion of powdered barbituric acid derivatives in capsules mixed with food or by manual administration of a solution~~ intracardial injection by hypodermic needle if the dog or cat is unconscious;

(d) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;

(e) ~~intracardial injection of these solutions must only be administered if the animal has been tranquilized with an approved, humane substance and the animal, at the time of the intracardial injection, is anesthetized or comatose~~ an animal may be sedated with an approved and humane substance before euthanasia is performed;

(f) the solutions may not be administered via ~~intraperitoneal,~~ intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;

(g) administration of injections must be done only by a licensed veterinarian or by a euthanasia technician or Department of Natural Resources employee, trained and certified for this purpose in a euthanasia training class taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners, which must include training in tranquilizing animals. A person certified pursuant to this subitem must continue to maintain his proficiency by successfully completing a training course taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners every five years;

(h) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal;

(i) an animal shelter, governmental animal control agency, or the Department of Natural Resources (department) may obtain ~~a barbituric acid~~ sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter, governmental animal control agency, or department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Health and Environmental Control (DHEC). If an animal shelter, governmental animal control agency, or the department is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter, governmental animal control agency director or his designee, and the department’s applicant are responsible, for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter, governmental animal control agency and its certified euthanasia technician, and the department and its certified employees are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article;

(j) oral administration of sodium pentobarbital is permitted for the purpose of anesthetizing animals, provided a lethal dose of sodium pentobarbital is administered to euthanize the animal; and

(k) carbon monoxide gas, carbon dioxide gas, or other non‑anesthetic inhalants may not be used to perform euthanasia.

(2) ~~Carbon monoxide gas:~~

~~(a)~~ ~~dogs and cats, except animals under sixteen weeks of age, may be killed by bottled carbon monoxide gas administered in a tightly enclosed chamber. The chamber must be equipped with:~~

~~(i)~~ ~~internal lighting and a window providing direct visual surveillance of the collapse and death of any animal within the chamber;~~

~~(ii)~~ ~~the gas concentration process must be adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least six percent within five minutes after any animal is placed in the chamber. The chamber must have a functioning gas concentration gauge attached to the chamber and a strong airtight seal must be maintained around the door;~~

~~(iii)~~ ~~the unit shall include an exhaust fan connected by a gas‑tight duct to the outdoors capable of completely evacuating the gas from the chamber before it is opened after each use, except that this provision does not apply to chambers located out‑of‑doors;~~

~~(iv)~~ ~~animals must be left in the chamber for a period of no less than fifteen minutes from the time the gas concentration throughout the chamber reaches six percent.~~

~~(b)~~ ~~no person may euthanize an animal by gas emitted from any engine exhaust system.~~

~~(c)~~ ~~in all instances where a carbon monoxide chamber is used:~~

~~(i)~~ ~~no incompatible or hostile animals, or animals of different species, may be placed in any chamber simultaneously;~~

~~(ii)~~ ~~every chamber must be thoroughly cleaned after the completion of each full cycle. No live animals may be placed in the chamber with dead animals;~~

~~(iii) all animals must be examined by a veterinarian or certified euthanasia technician to ensure they are dead upon removal from the chamber;~~

~~(iv)~~ ~~all chambers must be inspected quarterly by an independent, qualified technician who is thoroughly knowledgeable with the operation and maintenance of the particular euthanasia chamber being used;~~

~~(v)~~ ~~an operational guide and maintenance instructions must be displayed in the room with the euthanasia chamber.~~ A substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats, but succinylcholine chloride, curate, curariform mixtures, carbon monoxide gas, carbon dioxide gas, or any substance which acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes.

(3) ~~Shooting:~~ Shooting may be used in a location other than a shelter as a means of euthanasia only in an emergency situation to prevent extreme suffering or in which the safety of people or other animal life is threatened or where it is considered necessary by the South Carolina Department of Natural Resources to eliminate or control the population of feral animals.

(4) In cases of extraordinary circumstance where a dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, the person is allowed the use of any other substance or procedure that is humane to perform euthanasia on a dangerous dog or cat.

(B) In any of the previously listed methods, an animal may not be left unattended between the time euthanasia procedures have commenced and the time death occurs, and the animal’s body may not be disposed of until death is confirmed by a certified euthanasia technician.

(C) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The agencies contacted and the local governments that responded to our survey indicate that this bill would have no impact on the general fund, federal funds, or other funds because they either do not perform euthanasia or they already follow the bill’s prescribed method. Any expenditure impact would be borne by any local governments that do not already employ the methods prescribed in the bill.

**Explanation of Fiscal Impact**

**State Expenditure**

House Bill 3343 amends Section 47-3-420 of the SC Code of Laws dealing with animal euthanasia and tranquilization of quarantined or impounded animals. The bill prohibits the use of barbituric acid derivatives and carbon monoxide, and prescribes the humane usage of pentobarbital derivatives. The bill provides guidelines for humane killing and specifies conditions under which alternative methods would be allowed.

The Department of Natural Resources and the Department of Health & Environmental Control indicate that this bill is not expected to have any expenditure impact on the general fund, federal funds, or other funds. The statutes regulating how euthanasia is to be performed primarily impact local animal shelters.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted the Municipal Association of SC and twelve county governments. We received one municipal response and two county responses. The City of Greenville indicates this bill will have no impact as the city does not perform euthanasia. Florence County previously changed its method of euthanasia and uses the method introduced in this bill. Richland County does not perform euthanasia. Therefore, both counties indicate this bill will have no impact on county governments. Additional county and municipal responses are pending.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 47‑3‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF EUTHANASIA THAT MAY BE USED TO KILL ANIMALS IMPOUNDED OR QUARANTINED IN ANIMAL SHELTERS, SO AS TO PROVIDE THAT THE USE OF BARBITURIC ACID DERIVATIVES, AND CARBON MONOXIDE GAS ARE NOT ALLOWABLE METHODS OF EUTHANASIA AND TO PROVIDE THAT THE USE OF SODIUM PENTOBARBITAL AND OTHER SUBSTANCES OR PROCEDURES THAT ARE HUMANE MAY BE USED TO PERFORM EUTHANASIA.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 47‑3‑420 of the 1976 Code, as last amended by Act 293 of 2000, is further amended to read:

“Section 47‑3‑420. (A) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in animal shelters, and the procedure applicable to the method selected must be strictly followed:

(1) ~~Barbituric acid derivatives~~ Sodium pentobarbital or a derivative of it:

(a) intravenous ~~or intracardial~~ injection by hypodermic needle of a lethal solution;

(b) intraperitoneal injection by hypodermic needle of lethal solution when location of an injection into the vein is difficult or impossible;

(c) ~~oral ingestion of powdered barbituric acid derivatives in capsules mixed with food or by manual administration of a solution~~ intracardial injection by hypodermic needle if the dog or cat is unconscious;

(d) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;

(e) ~~intracardial injection of these solutions must only be administered if the animal has been tranquilized with an approved, humane substance and the animal, at the time of the intracardial injection, is anesthetized or comatose~~ an animal may be tranquilized with an approved and humane substance before euthanasia is performed;

(f) the solutions may not be administered via intraperitoneal, intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;

(g) administration of injections must be done only by a licensed veterinarian or by a euthanasia technician or Department of Natural Resources employee, trained and certified for this purpose in a euthanasia training class taught by a licensed South Carolina veterinarian, which must include training in tranquilizing animals. A person certified pursuant to this subitem must continue to maintain his proficiency by successfully completing a training course taught by a licensed South Carolina veterinarian every five years;

(h) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal;

(i) an animal shelter, governmental animal control agency, or the Department of Natural Resources (department) may obtain a ~~barbituric acid~~ pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter, governmental animal control agency, or department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Health and Environmental Control (DHEC). If an animal shelter, governmental animal control agency, or the department is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter, governmental animal control agency director or his designee, and the department’s applicant are responsible, for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter, governmental animal control agency and its certified euthanasia technician, and the department and its certified employees are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article.

(2) ~~Carbon monoxide gas:~~

~~(a) dogs and cats, except animals under sixteen weeks of age, may be killed by bottled carbon monoxide gas administered in a tightly enclosed chamber. The chamber must be equipped with:~~

~~(i) internal lighting and a window providing direct visual surveillance of the collapse and death of any animal within the chamber;~~

~~(ii) the gas concentration process must be adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least six percent within five minutes after any animal is placed in the chamber. The chamber must have a functioning gas concentration gauge attached to the chamber and a strong airtight seal must be maintained around the door;~~

~~(iii) the unit shall include an exhaust fan connected by a gas‑tight duct to the outdoors capable of completely evacuating the gas from the chamber before it is opened after each use, except that this provision does not apply to chambers located out‑of‑doors;~~

~~(iv) animals must be left in the chamber for a period of no less than fifteen minutes from the time the gas concentration throughout the chamber reaches six percent.~~

~~(b) no person may euthanize an animal by gas emitted from any engine exhaust system.~~

~~(c) in all instances where a carbon monoxide chamber is used:~~

~~(i) no incompatible or hostile animals, or animals of different species, may be placed in any chamber simultaneously;~~

~~(ii) every chamber must be thoroughly cleaned after the completion of each full cycle. No live animals may be placed in the chamber with dead animals;~~

~~(iii) all animals must be examined by a veterinarian or certified euthanasia technician to ensure they are dead upon removal from the chamber;~~

~~(iv) all chambers must be inspected quarterly by an independent, qualified technician who is thoroughly knowledgeable with the operation and maintenance of the particular euthanasia chamber being used;~~

~~(v) an operational guide and maintenance instructions must be displayed in the room with the euthanasia chamber.~~ A substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats, but succinylcholine chloride, curate, curariform mixtures, or any substance which acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes.

(3) ~~Shooting:~~ Shooting may be used as a means of euthanasia only in an emergency situation to prevent extreme suffering or in which the safety of people or other animal life is threatened or where it is considered necessary by the South Carolina Department of Natural Resources to eliminate or control the population of feral animals.

(4) In cases of extraordinary circumstance where a dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, the person is allowed the use of any other substance or procedure that is humane to perform euthanasia on a dangerous dog or cat.

(B) In any of the previously listed methods, an animal may not be left unattended between the time euthanasia procedures have commenced and the time death occurs, and the animal’s body may not be disposed of until death is confirmed by a certified euthanasia technician.

(C) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.”

SECTION 2. This act takes effect upon approval by the Governor.

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