

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2353

By: Corn

AS INTRODUCED

An Act relating to animals; amending 4 O.S. 1991, Sections 501, 502, 503 and 504, which relate to the disposal of animals held in shelter; modifying authorized methods of euthanasia for certain animals; specifying method to confirm death; allowing certified animal euthanasia specialist to administer denatured sodium pentobarbital; allowing certain animal shelters to purchase and possess certain drugs for euthanasia of animals; clarifying method of administering carbon monoxide; modifying requirements for carbon monoxide chambers used in the euthanasia of animals; amending 59 O.S. 1991, Section 698.7, as last amended by Section 8, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Section 698.7), which relates to powers and duties of the State Board of Veterinary Medical Examiners; requiring the State Board of Veterinary Medical Examiners to promulgate certain rules; repealing 4 O.S. 1991, Section 505, which relates to use of chloroform as a form of euthanasia for puppies and kittens; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 1991, Section 501, is amended to read as follows:

Section 501. A. Any dog, cat or any other animal which is kept for pleasure rather than utility in or about a household, held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner, may be disposed of only by adoption as a pet in a suitable home, by delivery to a licensed educational or research institution in accordance with the provisions of Sections 391 through 402 of ~~Title 4 of the Oklahoma Statutes~~ this title, or euthanized by only one of the following methods:

1. By administration of denatured sodium pentobarbital;

2. By the use of a carbon monoxide chamber, using ~~either~~ commercially compressed cylinder gas ~~or exhaust gas from a~~ ~~permanently installed gasoline engine~~; provided that kittens and puppies under ~~six (6)~~ sixteen (16) weeks of age ~~whose eyes are not opened~~ shall not be euthanized with carbon monoxide but with injections of denatured sodium pentobarbital ~~or with chloroform by a means approved in writing by a licensed veterinarian after inspecting the equipment and method~~; or

3. By any other method approved by the Veterinary Animal Industries Services Division of the State Department of Agriculture which shall include current acceptable euthanasia recommendations from the American Veterinary Medical Association, with the exception of curariform derivative drugs and provided that the following requirements are met to insure the euthanasia agent is humane:

- a. The method should be as painless as possible to the animal as determined by the best available medical and scientific knowledge and technology.
- b. The animal should be kept as free from anxiety and fear as possible.
- c. The technique should be simple enough to be used by relatively unskilled personnel and be legally available to all animal shelters and humane societies. It should be as mechanically simple and maintenance free as possible within reasonable cost.
- d. It should be physically safe for personnel using it.

B. Death should be confirmed by cessation of vital signs.

Professional judgment should be used in consideration of the animal species and method of euthanasia to determine the means of confirming death.

SECTION 2. AMENDATORY 4 O.S. 1991, Section 502, is amended to read as follows:

Section 502. A. Denatured sodium pentobarbital shall be administered by any one of the following methods:

1. Intravenous or intracardial injection of a lethal dose in dogs and cats;

2. Oral ingestion by wild or intractable dogs of powdered denatured sodium pentobarbital in capsules mixed with food, with the dog remaining in its individual cage until dead; or

3. Intraperitoneal or intracardial injection in cats, kittens and puppies when location of and injection into the vein is difficult or impossible.

B. Denatured sodium pentobarbital shall be administered under the following conditions:

1. A sharp and undamaged hypodermic needle shall be used for each animal and be of a size suitable for the size and species of animal, and method of injection; and

2. Administration shall be by a licensed veterinarian or by a person trained for this purpose and approved and supervised by a licensed veterinarian, or a person certified as an animal euthanasia specialist by the Oklahoma State Board of Veterinary Medical Examiners.

C. A licensed veterinarian may certify the purchase of denatured sodium pentobarbital for any bona fide animal shelter.

D. An animal shelter, with required federal and state permits, that employs a certified animal euthanasia specialist may designate an officer, member of its board of trustees, owner, operator, or manager as its authorized agent to purchase and possess denatured sodium pentobarbital or other drugs that the Board of Veterinary Medical Examiners approves for euthanasia of animals. Denatured sodium pentobarbital and other drugs approved by the Board of Veterinary Medical Examiners shall be the only drugs used for the euthanasia of animals in an animal shelter.

SECTION 3. AMENDATORY 4 O.S. 1991, Section 503, is amended to read as follows:

Section 503. Personnel shall be thoroughly instructed and be adequately trained in the operation and use of the carbon monoxide chamber. Carbon monoxide shall be administered in the following manner:

~~1. Adult animals, over sixteen (16) weeks of age,~~ to be euthanized shall be left in the chamber for a minimum of twenty (20) minutes after the carbon monoxide is administered, and no animal shall be removed until five (5) minutes after cessation of respiratory movements. ~~After the animal is removed, it shall be checked for heartbeat.~~ The animal's body shall not be disposed of until ~~the onset of rigor mortis~~ death has been confirmed; and

~~2. Puppies and kittens six (6) weeks to ten (10) weeks of age shall be left in the chamber thirty (30) minutes or more after the carbon monoxide is administered and retained in the gas for at least five (5) minutes following cessation of respiratory movements. After the animal is removed, it shall be checked for heartbeat. The animal's body shall not be disposed of until the onset of rigor mortis.~~

SECTION 4. AMENDATORY 4 O.S. 1991, Section 504, is amended to read as follows:

Section 504. Carbon monoxide chambers shall be equipped with:

1. Internal lighting and a viewport providing direct visual observation of any animal within the chamber;

2. ~~Cylinder~~ Compressed cylinder gas of commercial grade adequate to achieve a uniform carbon monoxide gas concentration throughout the chamber ~~of at least five percent (5%)~~ that induces unconsciousness within five (5) minutes after any animal is placed in the chamber;

3. A suitable gauge or gas concentration indicator or recording device making possible easy and instantaneous visual determination of the carbon monoxide concentration in the chamber;

4. A means of keeping the animals in the chamber in separate compartments, ~~except that puppies or kittens between six (6) and twelve (12) weeks of age, from the same litter, may be placed in a single compartment;~~

5. 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, for protection of personnel. There shall also be a gas analyzer located in the room ~~with a warning bell in the room and front office. Such bell shall ring in the event of a gas leak into the room~~ that is capable of warning personnel of hazardous concentrations while the chamber is being used. Small carbon monoxide chambers without exhaust fan or warning bell may be placed outdoors, provided they are placed under a shelter with a roof for protection of equipment and personnel, but open at the sides for ventilation;

~~6. If the method of carbon monoxide generation is by combustion of gasoline from a permanently installed engine, the following shall be additional requirements:~~

~~a. The engine shall be carefully tuned and maintained in good operating condition. The engine must be operated only at idling speed with the richest fuel-air mixture the carburetor will permit.~~

~~b. The chamber shall be equipped with accurate temperature gauges monitored by attendants to assure that the temperature does not exceed one hundred fifteen degrees (115°) Fahrenheit at point of entry into the chamber and ninety degrees (90°) at any point within the chamber.~~

~~c. Prior to its entry into the lethal chamber the exhaust gas shall first be bubbled through a minimum forty (40) gallon vertical water tank of cool, clean water to cool the gas. Gas shall enter tank through a center interior pipe containing small holes. The tank is to contain washed gravel. When in use, cool water shall enter the tank at the top and flow continually through the tank and gravel and drain at the bottom. The tank shall be three-fourths (3/4) full with gravel and water. The gas pipe to the chamber shall be from the top of the tank. Carbon monoxide gas shall not be introduced into the euthanasia chamber until the engine choke is fully off.~~

~~d. The equipment shall include a means of substantially deadening the sound and vibration transmission from the engine to the chamber, by placing them in separate rooms or soundproof compartments and connecting them with a flexible tubing or pipe at least twenty-four (24) inches in length, so that the noise level within the chamber shall not exceed seventy (70) decibels.~~

SECTION 5. AMENDATORY 59 O.S. 1991, Section 698.7, as last amended by Section 8, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 1999, Section 698.7), is amended to read as follows:

Section 698.7 The State Board of Veterinary Medical Examiners shall have the powers and it shall also be its duty to regulate the practice of veterinary medicine. In addition to any other powers placed on it by the Oklahoma Veterinary Practice Act or as otherwise provided by law, the Board shall have the power and duty to:

1. a. set standards for licensure or certification by examination and develop such examinations as will provide assurance of competency to practice, and

- b. employ or enter into agreements with organizations or agencies to provide examinations acceptable to the Board or employ or enter into agreements with organizations or agencies to provide administration, preparation or scoring of examinations;
2. Set fees;
3. Prescribe the time, place, method, manner, scope and subjects of examination for licensure;
4. Prepare or select, conduct or direct the conduct of, set minimum requirements for, and assure security of licensing and other required examinations;
5.
  - a. issue or deny licenses and certificates and renewals thereof,
  - b. acquire information about and evaluate the professional education and training of applicants for licensure or certification; and accept or deny applications for licensure, certification or renewal of either licensure or certification based on the evaluation of information relating to applicant fitness, performance or competency to practice,
  - c. determine which professional schools, colleges, universities, training institutions and educational programs are acceptable in connection with licensure pursuant to the Oklahoma Veterinary Practice Act, and accept the approval of such facilities and programs by American-Veterinary-Medical-Association-accredited institutions in the United States and Canada,
  - d. require supporting documentation or other acceptable verifying evidence for any information provided the Board by an applicant for licensure or certification, and

- e. require information on an applicant's fitness, qualification and previous professional record and performance from recognized data sources including, but not limited to, other licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, animal health care institutions and law enforcement agencies;

6. Develop and use applications and other necessary forms and related procedures for purposes of the Oklahoma Veterinary Practice Act;

- 7.
  - a. review and investigate complaints and adverse information about licensees and certificate holders,
  - b. conduct hearings in accordance with the Oklahoma Veterinary Practice Act and the Administrative Procedures Act, and
  - c. adjudicate matters that come before the Board for judgment pursuant to the Oklahoma Veterinary Practice Act upon clear and convincing evidence and issue final decisions on such matters to discipline licensees and certificate holders;

- 8.
  - a. impose sanctions, deny licenses and certificates and renewals thereof, levy reimbursement costs, seek appropriate administrative, civil or criminal penalties or any combination of these against those who violate examination security, who attempt to or who do obtain licensure or certification by fraud, who knowingly assist in illegal activities, or who aid and abet the illegal practice of veterinary medicine,
  - b. review and investigate complaints and adverse information about licensees and certificate holders,
  - c. discipline licensees and certificate holders,

- d. institute proceedings in courts of competent jurisdiction to enforce Board orders and provisions of the Oklahoma Veterinary Practice Act,
- e. (1) establish mechanisms for dealing with licensees and certificate holders who abuse or are dependent on or addicted to alcohol or other chemical substances, and enter into agreements, at its discretion, with professional organizations whose relevant procedures and techniques it has evaluated and approved for their cooperation or participation in the rehabilitation of the licensee or certificate holder,  
  
(2) establish by rules cooperation with other professional organizations for the identification and monitoring of licensees and certificate holders in treatment who are chemically dependent or addicted, and
- f. issue conditional, restricted or otherwise circumscribed modifications to licensure or certification as determined to be appropriate by due process procedures and summarily suspend a license if the Board has cause to believe by clear and convincing evidence such action is required to protect public or animal health and safety or to prevent continuation of incompetent practices;

9. Promulgate rules of professional conduct and require all licensees and certificate holders to practice in accordance therewith;

10. Act to halt the unlicensed or illegal practice of veterinary medicine and seek administrative, criminal and civil penalties against those engaged in such practice;

11. Establish appropriate fees and charges to ensure active and effective pursuit of Board responsibilities;

12. Employ, direct, reimburse, evaluate and dismiss staff in accordance with state procedures;

13. Establish policies for Board operations;

14. Respond to legislative inquiry regarding those changes in, or amendments to, the Oklahoma Veterinary Practice Act;

15. Act on its own motion in disciplinary matters, administer oaths, issue notices, issue subpoenas in the name of the State of Oklahoma, including subpoenas for client and animal records, hold hearings, institute court proceedings for contempt or to compel testimony or obedience to its orders and subpoenas, take evidentiary depositions and perform such other acts as are reasonable and necessary under law to carry out its duties;

16. Use clear and convincing evidence as the standard of proof and issue final decisions when acting as trier of fact in the performance of its adjudicatory duties;

17. Determine and direct Board operating, administrative, personnel and budget policies and procedures in accordance with applicable statutes;

18. Promulgate uniform rules such as may be necessary for carrying out and enforcing the provisions of the Oklahoma Veterinary Practice Act and such as in its discretion may be necessary to protect the health, safety and welfare of the public;

19. Determine continuing education requirements;

20. Establish minimum standards for veterinary premises;

21. Establish standards for veterinary labeling and dispensing of veterinary prescription drugs and federal Food and Drug Administration-approved human drugs for animals which would conform to current applicable state and federal law and regulations; ~~and~~

22. Promulgate rules such as may be necessary for carrying out and enforcing provisions relating to certification of animal

euthanasia specialists and approval of drugs to be used for euthanasia of animals in an animal shelter pursuant to the requirements of Section 502 of Title 4 of the Oklahoma Statutes; and

23. Perform such other duties and exercise such other powers as the provisions and enforcement of the Oklahoma Veterinary Practice Act may require.

SECTION 6. REPEALER 4 O.S. 1991, Section 505, is hereby repealed.

SECTION 7. This act shall become effective November 1, 2000.

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