



Judiciary II - Criminal Law Committee

Adopted in House Comm. on Mar 06, 2008

09500HB4844ham001

LRB095 18962 RCE 47321 a

1 AMENDMENT TO HOUSE BILL 4844

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4844 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended by  
5 adding Section 3.08 as follows:

6 (510 ILCS 70/3.08 new)

7 Sec. 3.08. Euthanasia of companion animal by prohibited  
8 method. Any individual who knowingly or intentionally  
9 euthanizes or authorizes the euthanasia of a companion animal  
10 by any of the following means is guilty of a Class A  
11 misdemeanor for the first violation and a Class 4 felony for a  
12 second or subsequent violation:

13 (1) by means of placing the companion animal in a  
14 decompression chamber and lowering the pressure of the  
15 oxygen content in the air surrounding the animal; or

16 (2) by use of carbon monoxide or carbon dioxide.

1       Section 10. The Humane Euthanasia in Animal Shelters Act is  
2       amended by changing Sections 35, 57, 65, and 90 and by adding  
3       Sections 36, 66, and 91 as follows:

4       (510 ILCS 72/35)

5       Sec. 35. Technician certification; duties.

6       (a) An applicant for certification as a euthanasia  
7       technician shall file an application with the Department and  
8       shall:

9               (1) Be 18 years of age.

10              (2) Be of good moral character. In determining moral  
11       character under this Section, the Department may take into  
12       consideration whether the applicant has engaged in conduct  
13       or activities that would constitute grounds for discipline  
14       under this Act.

15              (3) Each applicant for certification as a euthanasia  
16       technician shall have his or her fingerprints submitted to  
17       the Department of State Police in an electronic format that  
18       complies with the form and manner for requesting and  
19       furnishing criminal history record information as  
20       prescribed by the Department of State Police. These  
21       fingerprints shall be checked against the Department of  
22       State Police and Federal Bureau of Investigation criminal  
23       history record databases now and hereafter filed. The  
24       Department of State Police shall charge applicants a fee

1 for conducting the criminal history records check, which  
2 shall be deposited in the State Police Services Fund and  
3 shall not exceed the actual cost of the records check. The  
4 Department of State Police shall furnish, pursuant to  
5 positive identification, records of Illinois convictions  
6 to the Department.

7 (4) Hold a license or certification from the American  
8 Humane Association, the National Animal Control  
9 Association, the Illinois Federation of Humane Societies,  
10 or the Humane Society of the United States ~~issued within 3~~  
11 ~~years preceding the date of application.~~ Every 5 years a  
12 certified euthanasia technician must renew his or her  
13 certification with the Department. At the time of renewal,  
14 the technician must present proof that he or she attended a  
15 class or seminar that teaches techniques or guidelines, or  
16 both, for humane animal euthanasia administered by the  
17 American Humane Association, the National Animal Control  
18 Association, the Illinois Federation of Humane Societies,  
19 or the Humane Society of the United States.

20 ~~For a period of 12 months after the adoption of final~~  
21 ~~administrative rules for this Act, the Department may issue~~  
22 ~~a certification to an applicant who holds a license or~~  
23 ~~certification from the American Humane Association, the~~  
24 ~~National Animal Control Association, the Illinois~~  
25 ~~Federation of Humane Societies, or the Humane Society of~~  
26 ~~the United States issued after January 1, 1997.~~

1 (5) Pay the required fee.

2 (b) The duties of a euthanasia technician shall include but  
3 are not limited to:

4 (1) preparing animals for euthanasia and scanning each  
5 animal, prior to euthanasia, for microchips;

6 (2) accurately recording the dosages administered and  
7 the amount of drugs wasted;

8 (3) ordering supplies;

9 (4) maintaining the security of all controlled  
10 substances and drugs;

11 (5) humanely euthanizing animals via intravenous  
12 injection by hypodermic needle, intraperitoneal injection  
13 by hypodermic needle, solutions or powder added to food or  
14 by mouth, intracardiac injection only on comatose animals  
15 by hypodermic needle, ~~or carbon monoxide in a commercially~~  
16 ~~manufactured chamber~~; and

17 (6) properly disposing of euthanized animals after  
18 verification of death.

19 (c) A euthanasia technician employed by a euthanasia agency  
20 may perform euthanasia by the administration of a Schedule II  
21 or Schedule III nonnarcotic controlled substance. A euthanasia  
22 technician may not personally possess, order, or administer a  
23 controlled substance except as an agent of the euthanasia  
24 agency.

25 (d) Upon termination from a euthanasia agency, a euthanasia  
26 technician shall not perform animal euthanasia until he or she

1 is employed by another certified euthanasia agency.

2 (e) A certified euthanasia technician or an instructor in  
3 an approved course does not engage in the practice of  
4 veterinary medicine when performing duties set forth in this  
5 Act.

6 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

7 (510 ILCS 72/36 new)

8 Sec. 36. Certificate issuance restrictions. The Department  
9 shall not issue a certificate to any individual convicted in  
10 Illinois of a forcible felony, a felony violation of the Humane  
11 Care for Animals Act, a felony violation of Article 24 of the  
12 Criminal Code of 1961, a felony violation of Class 3 or higher  
13 of the Cannabis Control Act, a felony violation of Class 2 or  
14 higher of the Methamphetamine Control and Community Prevention  
15 Act, or any violation of Section 12-35 or 26-5 of the Criminal  
16 Code of 1961, or convicted in another jurisdiction of the  
17 United States of an offense substantially similar to any of the  
18 specified Illinois offenses.

19 (510 ILCS 72/57)

20 Sec. 57. Procedures for euthanasia.

21 (a) Only euthanasia drugs ~~and commercially compressed~~  
22 ~~carbon monoxide, subject to the limitations imposed under~~  
23 ~~subsection (b) of this Section,~~ shall be used for the purpose  
24 of humanely euthanizing injured, sick, homeless, or unwanted

1 companion animals in an animal shelter or an animal control  
2 facility licensed under the Illinois Animal Welfare Act.

3 (b) (Blank). ~~Commercially compressed carbon monoxide may~~  
4 ~~be used as a permitted method of euthanasia provided that it is~~  
5 ~~performed in a commercially manufactured chamber pursuant to~~  
6 ~~the guidelines set forth in the most recent report of the AVMA~~  
7 ~~Panel on Euthanasia. A chamber that is designed to euthanize~~  
8 ~~more than one animal at a time must be equipped with~~  
9 ~~independent sections or cages to separate incompatible~~  
10 ~~animals. The interior of the chamber must be well lit and~~  
11 ~~equipped with view ports, a regulator, and a flow meter.~~  
12 ~~Monitoring equipment must be used at all times during the~~  
13 ~~operation. Animals that are under 4 months of age, old,~~  
14 ~~injured, or sick may not be euthanized by carbon monoxide.~~  
15 ~~Animals shall remain in the chamber and be exposed for a~~  
16 ~~minimum of 20 minutes. Staff members shall be fully notified of~~  
17 ~~potential health risks.~~

18 (c) Animals cannot be transported beyond State lines for  
19 the sole purpose of euthanasia ~~unless the euthanasia methods~~  
20 ~~comply with subsection (a) or (b) of this Section and the~~  
21 ~~euthanasia is performed by a certified euthanasia technician.~~

22 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

23 (510 ILCS 72/65)

24 Sec. 65. Refused issuance, suspension, or revocation of  
25 certification. The Department shall refuse to renew or shall

1 revoke a euthanasia technician certification and may impose a  
2 fine not to exceed \$1,000 for a certified euthanasia technician  
3 for any one or combination of the following reasons, each of  
4 which is a violation of the Act:

5 (1) Failing to carry out any of the following duties of a  
6 euthanasia technician:

7 (A) scanning for microchips or other identification  
8 prior to euthanasia;

9 (B) maintaining the security of all controlled  
10 substances and drugs;

11 (C) humanely euthanizing animals by intravenous  
12 injection by hypodermic needle, intraperitoneal injection  
13 by hypodermic needle, solutions or powder added to food or  
14 by mouth, intracardiac injection only on comatose animals  
15 by hypodermic needle; or

16 (D) verification of death by using a cardiac puncture  
17 or stethoscope or by recognizing the signs of rigor mortis.

18 (2) Abusing the use of any controlled or illegal chemical  
19 substance.

20 (3) Selling, stealing, or giving controlled or illegal  
21 chemical substances away.

22 (4) Abetting anyone in the activities listed in this  
23 Section.

24 (5) Violating any provision of the Illinois Animal Welfare  
25 Act, the Illinois Humane Care for Animals Act, or the Illinois  
26 Controlled Substances Act.

1        (6) Acting as a euthanasia technician outside of the scope  
2 of his or her employment with a certified euthanasia agency or  
3 while not employed by a certified euthanasia agency. The  
4 ~~Department may refuse to issue, renew, or restore a~~  
5 ~~certification or may revoke or suspend a certification, or~~  
6 ~~place on probation, reprimand, impose a fine not to exceed~~  
7 ~~\$1,000 for each violation, or take other disciplinary action as~~  
8 ~~the Department may deem proper with regard to a certified~~  
9 ~~euthanasia agency or a certified euthanasia technician for any~~  
10 ~~one or combination of the following reasons:~~

11            ~~(1) failing to carry out the duties of a euthanasia~~  
12 ~~technician;~~

13            ~~(2) abusing the use of any chemical substance;~~

14            ~~(3) selling, stealing, or giving chemical substances~~  
15 ~~away;~~

16            ~~(4) abetting anyone in the activities listed in this~~  
17 ~~subsection; or~~

18            ~~(5) violating any provision of this Act, the Illinois~~  
19 ~~Controlled Substances Act, the rules adopted under these~~  
20 ~~Acts or any rules adopted by the Department of Professional~~  
21 ~~Regulation concerning the euthanizing of animals.~~

22        (Source: P.A. 92-449, eff. 1-1-02.)

23        (510 ILCS 72/66 new)

24        Sec. 66. Refused issuance or revocation of euthanasia  
25 agency certification. The Department shall refuse to renew or



1 shall revoke a euthanasia agency's certification and may impose  
2 a fine not to exceed \$1,000 for any one of the following  
3 reasons, each of which is a violation of the Act:

4 (1) Knowingly or willfully allowing a euthanasia  
5 technician to perform any of the actions described in Section  
6 65 of this Act.

7 (2) Failing to the maintain the security of all controlled  
8 substances and drugs.

9 (3) Allowing euthanasia to be performed by an individual  
10 other than a certified euthanasia technician, a licensed  
11 veterinarian, or an instructor.

12 (4) Failing to comply with the requirements of the Illinois  
13 Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic  
14 Act; federal Controlled Substances Act; or the Illinois  
15 Controlled Substances Act.

16 (510 ILCS 72/90)

17 Sec. 90. Uncertified practice; civil penalty.

18 (a) A person who practices, offers to practice, attempts to  
19 practice, or holds himself or herself out as a certified  
20 euthanasia technician or a certified euthanasia agency without  
21 being certified under this Act shall, in addition to any other  
22 penalty provided by law, pay a civil penalty to the Department  
23 in an amount not to exceed \$5,000 for each offense as  
24 determined by the Department. The civil penalty shall be  
25 assessed by the Department after a hearing is held in

1 accordance with the provisions set forth in this Act regarding  
2 the provision of a hearing for the discipline of a certified  
3 euthanasia technician or a certified euthanasia agency. The  
4 civil penalty must be paid within 60 days after the effective  
5 date of the order imposing the civil penalty. The order shall  
6 constitute a judgment and may be filed and executed in the same  
7 manner as any judgment from any court of record.

8 (b) The Department may investigate any uncertified  
9 activity.

10 (c) Instructors or licensed veterinarians teaching humane  
11 euthanasia techniques are exempt from the certification  
12 process so long as they are currently licensed by another state  
13 as a euthanasia technician or as a veterinarian.

14 (Source: P.A. 92-449, eff. 1-1-02.)

15 (510 ILCS 72/91 new)

16 Sec. 91. Criminal penalties. An individual, an agency, or a  
17 technician who is found to have violated any one of the  
18 following provisions of this Act is guilty of a Class A  
19 misdemeanor:

20 (1) Euthanasia technician. Any violation of Section  
21 65.

22 (2) Euthanasia agency. An administrator, a director, a  
23 manager, or a supervisor of a euthanasia agency who  
24 knowingly or willfully violates Section 66.

25 (3) Personal. Any person who practices, offers to

1       practice, attempts to practice, or holds himself, herself,  
2       or itself out as a certified euthanasia technician or a  
3       certified euthanasia agency without being certified under  
4       this Act.

5       On conviction of a second or subsequent offense, the  
6       violation is guilty of a Class 4 felony. The Department shall  
7       refer any alleged violation of these provision for the purpose  
8       of criminal investigation and prosecution to local law  
9       enforcement or the Illinois State Police and to the State's  
10       Attorney in the county within which the violation occurred or  
11       the Illinois Attorney General's office.

12       The Department shall also refer any information it receives  
13       that appears to violate the Humane Care for Animals Act for  
14       criminal investigation and prosecution to the Illinois State  
15       Police and to the State's Attorney in the county within which  
16       the violation occurred or the Illinois Attorney General's  
17       office.

18       (510 ILCS 72/165 rep.)

19       Section 15. The Humane Euthanasia in Animal Shelters Act is  
20       amended by repealing Section 165.".