



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3887

Introduced 2/26/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

See Index

Amends the Humane Care for Animals Act. Provides that euthanasia by carbon monoxide is prohibited unless performed by a licensed veterinarian and that use of a decompression chamber or carbon dioxide is prohibited. Provides criminal penalties for violations. Sets forth requirements for a veterinarian to be eligible for the exemption, including the requirement that only one companion animal may be euthanized at a time. Amends the Humane Euthanasia in Animal Shelters Act. Contains provisions concerning renewal of a euthanasia technician certificate and continuing education; restrictions on issuing certificates because of felony convictions; euthanasia methods; refusal to renew and revocation of euthanasia technician and euthanasia agency certification; exemptions from certification; and criminal penalties. Provides that a licensed veterinarian may euthanize companion animals in an animal shelter or animal control facility by the use of carbon monoxide if the veterinarian complies with the requirements set forth in the Humane Care for Animals Act for euthanasia by that method. Repeals a provision that provided for different criminal penalties.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Section 3.02 and by adding Section 3.09 as follows:

6 (510 ILCS 70/3.02)

7 Sec. 3.02. Aggravated cruelty.

8 (a) No person may intentionally commit an act that causes a
9 companion animal to suffer serious injury or death. Aggravated
10 cruelty does not include euthanasia of a companion animal
11 through recognized methods approved by the Department of
12 Agriculture unless prohibited under subsection (b) or (c).

13 (b) No individual, except a licensed veterinarian as
14 exempted under Section 3.09, may knowingly or intentionally
15 euthanize or authorize the euthanasia of a companion animal by
16 use of carbon monoxide.

17 (c) No individual may knowingly or intentionally euthanize
18 or authorize the euthanasia of a companion animal by any of the
19 following means:

20 (1) by means of placing the companion animal in a
21 decompression chamber and lowering the pressure of the
22 oxygen content in the air surrounding the animal; or

23 (2) by use of carbon dioxide.

1 (d) A person convicted of violating Section 3.02 is guilty
2 of a Class 4 felony. A second or subsequent violation is a
3 Class 3 felony. In addition to any other penalty provided by
4 law, upon conviction for violating this Section, the court may
5 order the convicted person to undergo a psychological or
6 psychiatric evaluation and to undergo any treatment at the
7 convicted person's expense that the court determines to be
8 appropriate after due consideration of the evaluation. If the
9 convicted person is a juvenile or a companion animal hoarder,
10 the court must order the convicted person to undergo a
11 psychological or psychiatric evaluation and to undergo
12 treatment that the court determines to be appropriate after due
13 consideration of the evaluation.

14 (Source: P.A. 92-650, eff. 7-11-02.)

15 (510 ILCS 70/3.09 new)

16 Sec. 3.09. Carbon monoxide euthanasia by a licensed
17 veterinarian. A licensed veterinarian may euthanize a
18 companion animal in a commercially manufactured chamber by use
19 of compressed carbon monoxide. The veterinarian must be
20 physically present during the euthanasia process until death is
21 confirmed. The veterinarian must take the following steps when
22 using a gas chamber:

23 (1) Render a written opinion for each companion animal
24 including the following:

25 (A) A description of the animal including species,

1 color, age, sex, and microchip number if present.

2 (B) A signed and dated statement that the use of
3 compressed carbon monoxide is the most humane method of
4 euthanasia for this companion animal.

5 (2) Use a commercially manufactured chamber pursuant
6 to the guidelines set forth in the most recent report of
7 the AVMA Panel on Euthanasia. The interior of the chamber
8 must be well lit and equipped with view-ports, a regulator,
9 and a flow meter. Monitoring equipment must be used at all
10 times during the operation. Animals that are under 4 months
11 of age, old, injured, or sick may not be euthanized by
12 carbon monoxide. Animals shall remain in the chamber and be
13 exposed for a minimum of 20 minutes. Staff members shall be
14 fully notified of potential health risks.

15 (3) Only one companion animal may be euthanized at a
16 time.

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

20 (510 ILCS 72/35)

21 Sec. 35. Technician certification; duties.

22 (a) An applicant for certification as a euthanasia
23 technician shall file an application with the Department and
24 shall:

1 (1) Be 18 years of age.

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

7 (3) Each applicant for certification as a euthanasia
8 technician shall have his or her fingerprints submitted to
9 the Department of State Police in an electronic format that
10 complies with the form and manner for requesting and
11 furnishing criminal history record information as
12 prescribed by the Department of State Police. These
13 fingerprints shall be checked against the Department of
14 State Police and Federal Bureau of Investigation criminal
15 history record databases now and hereafter filed. The
16 Department of State Police shall charge applicants a fee
17 for conducting the criminal history records check, which
18 shall be deposited in the State Police Services Fund and
19 shall not exceed the actual cost of the records check. The
20 Department of State Police shall furnish, pursuant to
21 positive identification, records of Illinois convictions
22 to the Department.

23 (4) Hold a license or certification from the American
24 Humane Association, the National Animal Control
25 Association, the Illinois Federation of Humane Societies,
26 or the Humane Society of the United States issued within 3

1 years preceding the date of application. Every 5 years a
2 certified euthanasia technician must renew his or her
3 certification with the Department. At the time of renewal,
4 the technician must present proof that he or she attended a
5 class or seminar that teaches techniques or guidelines, or
6 both, for humane animal euthanasia administered by the
7 American Humane Association, the National Animal Control
8 Association, the Illinois Federation of Humane Societies,
9 or the Humane Society of the United States.

10 ~~For a period of 12 months after the adoption of final~~
11 ~~administrative rules for this Act, the Department may issue~~
12 ~~a certification to an applicant who holds a license or~~
13 ~~certification from the American Humane Association, the~~
14 ~~National Animal Control Association, the Illinois~~
15 ~~Federation of Humane Societies, or the Humane Society of~~
16 ~~the United States issued after January 1, 1997.~~

17 (5) Pay the required fee.

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

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

22 (2) accurately recording the dosages administered and
23 the amount of drugs wasted;

24 (3) ordering supplies;

25 (4) maintaining the security of all controlled
26 substances and drugs;

1 (5) humanely euthanizing animals via intravenous
2 injection by hypodermic needle, intraperitoneal injection
3 by hypodermic needle, solutions or powder added to food or
4 by mouth, or intracardiac injection only on comatose
5 animals by hypodermic needle, ~~or carbon monoxide in a~~
6 ~~commercially manufactured chamber~~; and

7 (6) properly disposing of euthanized animals after
8 verification of death.

9 (c) A euthanasia technician employed by a euthanasia agency
10 may perform euthanasia by the administration of a Schedule II
11 or Schedule III nonnarcotic controlled substance. A euthanasia
12 technician may not personally possess, order, or administer a
13 controlled substance except as an agent of the euthanasia
14 agency.

15 (d) Upon termination from a euthanasia agency, a euthanasia
16 technician shall not perform animal euthanasia until he or she
17 is employed by another certified euthanasia agency.

18 (e) A certified euthanasia technician or an instructor in
19 an approved course does not engage in the practice of
20 veterinary medicine when performing duties set forth in this
21 Act.

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

23 (510 ILCS 72/36 new)

24 Sec. 36. Certificate issuance restrictions. The Department
25 shall not issue a certificate to any individual convicted in

1 Illinois of a forcible felony, a felony violation of the Humane
2 Care for Animals Act, a felony violation of Article 24 of the
3 Criminal Code of 1961, a felony violation of Class 3 or higher
4 of the Cannabis Control Act, a felony violation of Class 2 or
5 higher of the Methamphetamine Control and Community Prevention
6 Act, or any violation of Section 12-35 or 26-5 of the Criminal
7 Code of 1961, or convicted in another jurisdiction of the
8 United States of an offense substantially similar to any of the
9 specified Illinois offenses.

10 (510 ILCS 72/57)

11 Sec. 57. Procedures for euthanasia.

12 (a) Only euthanasia drugs ~~and commercially compressed~~
13 ~~carbon monoxide, subject to the limitations imposed under~~
14 ~~subsection (b) of this Section,~~ shall be used for the purpose
15 of humanely euthanizing injured, sick, homeless, or unwanted
16 companion animals in an animal shelter or an animal control
17 facility licensed under the Illinois Animal Welfare Act, except
18 that a licensed veterinarian may euthanize companion animals in
19 such a shelter or facility by the use of carbon monoxide if the
20 veterinarian complies with the requirements set forth in
21 Section 3.09 of the Humane Care for Animals Act. Euthanasia by
22 certified euthanasia technicians shall be conducted only in an
23 animal shelter licensed under the Animal Welfare Act or an
24 animal control facility licensed under the Animal Welfare Act.

25 (b) (Blank). ~~Commercially compressed carbon monoxide may~~

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

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

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

20 (510 ILCS 72/65)

21 Sec. 65. Refused issuance, suspension, or revocation of
22 certification. The Department shall refuse to renew or shall
23 revoke a euthanasia technician certification and may impose a
24 fine not to exceed \$1,000 for a certified euthanasia technician
25 for any one or combination of the following reasons, each of

1 which is a violation of the Act:

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

4 (A) scanning for microchips or other identification
5 prior to euthanasia;

6 (B) maintaining the security of all controlled
7 substances and drugs;

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

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

15 (2) Abusing the use of any controlled or illegal chemical
16 substance.

17 (3) Selling, stealing, or giving controlled or illegal
18 chemical substances away.

19 (4) Abetting anyone in the activities listed in this
20 Section.

21 (5) Violating any provision of the Illinois Animal Welfare
22 Act, the Illinois Humane Care for Animals Act, or the Illinois
23 Controlled Substances Act.

24 (6) Acting as a euthanasia technician outside of the scope
25 of his or her employment with a certified euthanasia agency or
26 while not employed by a certified euthanasia agency. The

1 ~~Department may refuse to issue, renew, or restore a~~
2 ~~certification or may revoke or suspend a certification, or~~
3 ~~place on probation, reprimand, impose a fine not to exceed~~
4 ~~\$1,000 for each violation, or take other disciplinary action as~~
5 ~~the Department may deem proper with regard to a certified~~
6 ~~euthanasia agency or a certified euthanasia technician for any~~
7 ~~one or combination of the following reasons:~~

8 ~~(1) failing to carry out the duties of a euthanasia~~
9 ~~technician;~~

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

11 ~~(3) selling, stealing, or giving chemical substances~~
12 ~~away;~~

13 ~~(4) abetting anyone in the activities listed in this~~
14 ~~subsection; or~~

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

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

20 (510 ILCS 72/66 new)

21 Sec. 66. Refused issuance or revocation of euthanasia
22 agency certification. The Department shall refuse to renew or
23 shall revoke a euthanasia agency's certification and may impose
24 a fine not to exceed \$1,000 for any one of the following
25 reasons, each of which is a violation of the Act:

1 (1) Knowingly or willfully allowing a euthanasia
2 technician to perform any of the actions described in Section
3 65 of this Act.

4 (2) Failing to maintain the security of all controlled
5 substances and drugs.

6 (3) Allowing euthanasia to be performed by an individual
7 other than a certified euthanasia technician, a licensed
8 veterinarian, or an instructor.

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

13 (510 ILCS 72/90)

14 Sec. 90. Uncertified practice; civil penalty.

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

1 civil penalty must be paid within 60 days after the effective
2 date of the order imposing the civil penalty. The order shall
3 constitute a judgment and may be filed and executed in the same
4 manner as any judgment from any court of record.

5 (b) The Department may investigate any uncertified
6 activity.

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

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

12 (510 ILCS 72/91 new)

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

17 (1) Euthanasia technician. Any violation of Section
18 65.

19 (2) Euthanasia agency. An administrator, a director, a
20 manager, or a supervisor of a euthanasia agency who
21 knowingly or willfully violates Section 66.

22 (3) Personal. Any person who practices, offers to
23 practice, attempts to practice, or holds himself, herself,
24 or itself out as a certified euthanasia technician or a
25 certified euthanasia agency without being certified under

1 this Act.

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

8 The Department shall also refer any information it receives
9 that appears to violate the Humane Care for Animals Act for
10 criminal investigation and prosecution to the Illinois State
11 Police and to the State's Attorney in the county within which
12 the violation occurred.

13 (510 ILCS 72/165 rep.)

14 Section 15. The Humane Euthanasia in Animal Shelters Act is
15 amended by repealing Section 165.

1 INDEX

2 Statutes amended in order of appearance

3 510 ILCS 70/3.02

4 510 ILCS 70/3.09 new

5 510 ILCS 72/35

6 510 ILCS 72/36 new

7 510 ILCS 72/57

8 510 ILCS 72/65

9 510 ILCS 72/66 new

10 510 ILCS 72/90

11 510 ILCS 72/91 new

12 510 ILCS 72/165 rep.