



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB0038

Introduced 1/30/2009, by Sen. Heather Steans

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Humane Care for Animals Act. Provides that the euthanasia of companion animals through recognized methods "set forth by the most current American Veterinary Medical Association guidelines on euthanasia" (now, "as approved by the Department of Agriculture") is generally not animal cruelty. Prohibits the euthanasia of companion animals by certain means. Amends the Humane Euthanasia in Animal Shelters Act. Requires the Department to forward information regarding certain alleged violations to (i) the State's Attorney of the county where the violation occurred and (ii) a local law enforcement office or the Illinois State Police. Requires euthanasia technicians to meet an additional requirement before being certified and to perform an additional duty once certified. Prohibits persons who have been convicted of or have pled guilty or no contest to certain offenses from being issued a certificate to euthanize animals. Provides that only euthanasia drugs shall be used for the purpose of humanely euthanizing injured, sick, homeless, or unwanted companion animals in an animal shelter or an animal control facility licensed under the Illinois Animal Welfare Act (now, those animals may be euthanized by other means, including compressed carbon monoxide). Authorizes the Department to refuse to issue, renew, or restore a certification; revoke or suspend a certification; place on probation; reprimand; or impose a \$10,000 fine (now \$1,000 fine) for listed activities. Adds certain activities to that list. Creates criminal penalties for certain violations. Repeals a Section concerning criminal penalties.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 as follows:

6 (510 ILCS 70/3.02)

7 Sec. 3.02. Aggravated cruelty. ~~A No~~ person must not may  
8 intentionally commit an act that causes a companion animal to  
9 suffer serious injury or death. Aggravated cruelty generally  
10 does not include euthanasia of a companion animal through  
11 recognized methods set forth in the most current American  
12 Veterinary Medical Association guidelines on euthanasia;  
13 however, a person who, by unauthorized methods, either  
14 knowingly euthanizes a companion animal or knowingly  
15 authorizes the euthanasia of a companion animal violates this  
16 Section 3.02. For the purposes of this Section 3.02,  
17 unauthorized methods include any one or more of the following  
18 methods: electrocution, decapitation, pithing, thoracic  
19 compression, exsanguination, microwave irradiation,  
20 incapacitation with a penetrating captive bolt, cervical  
21 dislocation, or asphyxiation with carbon dioxide, carbon  
22 monoxide, nitrogen, or argon. approved by the Department of  
23 Agriculture.

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

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

15           Section 10. The Humane Euthanasia in Animal Shelters Act is  
16 amended by changing Sections 15, 35, 57, 65, and 90 and by  
17 adding Sections 42 and 93 as follows:

18           (510 ILCS 72/15)

19           Sec. 15. Powers and duties of the Department.

20           (a) The Department shall exercise the powers and duties  
21 prescribed by the Civil Administrative Code of Illinois for the  
22 administration of licensure Acts and shall exercise other  
23 powers and duties necessary for effectuating the purposes of  
24 this Act.

1 (b) The Department may adopt rules to administer and  
2 enforce this Act including, but not limited to, setting fees  
3 for original certification and renewal and restoration of  
4 certification and any other administrative fees, and may  
5 prescribe forms to be issued to implement this Act. At a  
6 minimum, the rules adopted by the Department shall include  
7 standards and criteria for certification and for professional  
8 conduct and discipline.

9 (c) The Department shall, for the purpose of criminal  
10 investigation and prosecution, forward any information  
11 regarding an alleged violation of this Act or the Humane Care  
12 for Animals Act to (i) the State's Attorney of the county where  
13 the alleged violation occurred and (ii) to a local law  
14 enforcement office or the Illinois State Police.

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

16 (510 ILCS 72/35)

17 Sec. 35. Technician certification; duties.

18 (a) An applicant for certification as a euthanasia  
19 technician shall file an application with the Department and  
20 shall:

21 (1) Be 18 years of age.

22 (2) Be of good moral character. In determining moral  
23 character under this Section, the Department may take into  
24 consideration whether the applicant has engaged in conduct  
25 or activities that would constitute grounds for discipline

1 under this Act.

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

18 (4) Hold a license or certification from the American  
19 Humane Association, the National Animal Control  
20 Association, the Illinois Federation of Humane Societies,  
21 or the Humane Society of the United States issued within 3  
22 years preceding the date of application.

23 ~~For a period of 12 months after the adoption of final~~  
24 ~~administrative rules for this Act, the Department may issue~~  
25 ~~a certification to an applicant who holds a license or~~  
26 ~~certification from the American Humane Association, the~~

1 ~~National Animal Control Association, the Illinois~~  
2 ~~Federation of Humane Societies, or the Humane Society of~~  
3 ~~the United States issued after January 1, 1997.~~

4 (5) Pay the required fee.

5 (6) Prove to the satisfaction of the Department that  
6 the applicant has attended within 5 years preceding the  
7 date of application a class or seminar that (i) provides  
8 students with information about humane animal euthanasia  
9 methods and practical advice about coping with compassion  
10 fatigue and (ii) is administered by the American Humane  
11 Association, the National Animal Control Association, the  
12 Illinois Federation of Humane Societies, or the Humane  
13 Society of the United States.

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

16 (1) verifying animal identification by scanning for  
17 microchips and searching for other forms of identification  
18 prior to euthanasia ~~preparing animals for euthanasia and~~  
19 ~~scanning each animal, prior to euthanasia, for microchips;~~

20 (2) accurately recording the dosages administered and  
21 the amount of drugs wasted;

22 (3) ordering supplies;

23 (4) maintaining the security of all controlled  
24 substances and drugs;

25 (5) humanely euthanizing animals via intravenous  
26 injection by hypodermic needle, intraperitoneal injection

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

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

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

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

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

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

21 (510 ILCS 72/42 new)

22 Sec. 42. Certificate issuance restrictions.

23 (a) The Department must not issue a certificate to a person  
24 who, in Illinois circuit court, has been convicted of or has  
25 pled guilty or no contest to any one or more of the following

1 offenses:

2 (1) A forcible felony under the Criminal Code of 1961.

3 (2) A felony violation of Article 24 of the Criminal  
4 Code of 1961.

5 (3) A violation of Section 12-35 of the Criminal Code  
6 of 1961.

7 (4) A violation of Section 26-5 of the Criminal Code of  
8 1961.

9 (5) A felony violation of the Humane Care for Animals  
10 Act.

11 (6) A Class 3 or greater felony violation of the  
12 Cannabis Control Act.

13 (7) A Class 2 or greater felony violation of the  
14 Methamphetamine Control and Community Prevention Act.

15 (b) The Department must not issue a certificate to a person  
16 who, under federal law or the law of any State other than  
17 Illinois, has been convicted of or pled guilty or no contest to  
18 an offense that is substantially similar to any one or more of  
19 the offenses listed in paragraphs (1) through (7) of subsection  
20 (a) of this Section 42.

21 (510 ILCS 72/57)

22 Sec. 57. Procedures for euthanasia.

23 (a) Only euthanasia drugs ~~and commercially compressed~~  
24 ~~carbon monoxide, subject to the limitations imposed under~~  
25 ~~subsection (b) of this Section,~~ shall be used for the purpose



1 of humanely euthanizing injured, sick, homeless, or unwanted  
2 companion animals in an animal shelter or an animal control  
3 facility licensed under the Illinois Animal Welfare Act.

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

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

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

25 (510 ILCS 72/65)

1           Sec. 65. Refused issuance, suspension or revocation of  
2 certification. The Department may refuse to issue, renew, or  
3 restore a certification or may revoke or suspend a  
4 certification, or place on probation, reprimand, and impose a  
5 fine not to exceed \$10,000 ~~\$1,000~~ for each violation, ~~or take~~  
6 ~~other disciplinary action~~ as the Department may deem proper  
7 with regard to a certified euthanasia agency or a certified  
8 euthanasia technician for any one or combination of the  
9 following reasons:

10           (1) in the case of a euthanasia technician, failing to  
11 carry out the duties of a euthanasia technician as set  
12 forth in this Act or by Department rule;

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; ~~or~~ the Illinois  
19 Controlled Substances Act; the federal Controlled  
20 Substances Act; the Illinois Food, Drug, and Cosmetic Act;  
21 the federal Food, Drug, and Cosmetic Act; ~~or~~ the rules  
22 adopted under these Acts; or any rules adopted by the  
23 Department ~~of Professional Regulation~~ concerning the  
24 euthanizing of animals; ~~or~~

25           (6) in the case of a euthanasia technician, euthanizing  
26 an animal or participating in the euthanasia of an animal

1 at any time other than while (i) acting within the scope of  
2 one's employment relationship with a euthanasia agency or  
3 (ii) working under the direct supervision of a  
4 veterinarian;

5 (7) in the case of a euthanasia technician, being  
6 convicted of or pleading guilty or no contest to any crime  
7 (i) that is a misdemeanor under federal law, the law of  
8 this State, or the law of any other State and that also is  
9 either related directly to the practice of the profession  
10 or includes dishonesty as an essential element or (ii) that  
11 is a felony under federal law, the law of this State, or  
12 the law of any other State;

13 (8) in the case of a euthanasia technician, being  
14 convicted of or entering a plea of guilty or no contest to  
15 one or more of the offenses listed in Section 42 of this  
16 Act;

17 (9) in the case of a euthanasia agency, allowing a  
18 person other than a euthanasia technician, a licensed  
19 veterinarian, or an instructor of an approved euthanasia  
20 course to perform euthanasia on the premises of the  
21 euthanasia agency.

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

23 (510 ILCS 72/90)

24 Sec. 90. Uncertified practice; civil penalty.

25 (a) A person who practices, offers to practice, attempts to

1 practice, or holds himself or herself out as a certified  
2 euthanasia technician or a certified euthanasia agency without  
3 being certified under this Act shall, in addition to any other  
4 penalty provided by law, pay a civil penalty to the Department  
5 in an amount not to exceed \$5,000 for each offense as  
6 determined by the Department. The civil penalty shall be  
7 assessed by the Department after a hearing is held in  
8 accordance with the provisions set forth in this Act regarding  
9 the provision of a hearing for the discipline of a certified  
10 euthanasia technician or a certified euthanasia agency. The  
11 civil penalty must be paid within 60 days after the effective  
12 date of the order imposing the civil penalty. The order shall  
13 constitute a judgment and may be filed and executed in the same  
14 manner as any judgment from any court of record.

15 (b) The Department may investigate any uncertified  
16 activity.

17 (c) Instructors teaching humane euthanasia techniques and  
18 licensed veterinarians teaching humane euthanasia techniques  
19 are exempt from the certification process.

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

21 (510 ILCS 72/93 new)

22 Sec. 93. Criminal Penalties.

23 (a) A euthanasia technician who, at any time other than  
24 while acting within the scope of his or her employment  
25 relationship with a euthanasia agency or while working under

1 the direct supervision of a veterinarian, knowingly euthanizes  
2 an animal or knowingly participates in the euthanasia of an  
3 animal is guilty of a Class A misdemeanor.

4 (b) An administrator, manager, or supervisor of a  
5 euthanasia agency who knowingly or recklessly allows a person  
6 other than a euthanasia technician, a licensed veterinarian, or  
7 an instructor of an approved euthanasia course to perform  
8 euthanasia on the premises of the euthanasia agency is guilty  
9 of a Class A misdemeanor.

10 (c) Any person who practices, offers to practice, or holds  
11 himself, herself, or itself out as a euthanasia technician or  
12 euthanasia agency without being certified is guilty of a Class  
13 A misdemeanor.

14 (d) Any person who is convicted of a second or subsequent  
15 violation of subsection (a), (b), or (c) of this Section is  
16 guilty of a Class 4 felony.

17 (510 ILCS 72/165 rep.)

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

1 INDEX

2 Statutes amended in order of appearance

3 510 ILCS 70/3.02

4 510 ILCS 72/15

5 510 ILCS 72/35

6 510 ILCS 72/42 new

7 510 ILCS 72/57

8 510 ILCS 72/65

9 510 ILCS 72/90

10 510 ILCS 72/93 new

11 510 ILCS 72/165 rep.