



Sen. Heather Steans

Filed: 2/17/2009

09600SB0038sam001

LRB096 11017 JDS 21304 a

1 AMENDMENT TO SENATE BILL 38

2 AMENDMENT NO. _____. Amend Senate Bill 38 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended by
5 changing Sections 3.02 and 8 and by adding Section 3.09 as
6 follows:

7 (510 ILCS 70/3.02)

8 Sec. 3.02. Aggravated cruelty.

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

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

1 use of carbon monoxide.

2 (c) No individual may knowingly or intentionally euthanize
3 or authorize the euthanasia of a companion animal by any of the
4 following means:

5 (1) by placing the companion animal in a decompression
6 chamber and lowering the pressure of the oxygen content in
7 the air surrounding the animal; or

8 (2) by using carbon dioxide.

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

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

23 (510 ILCS 70/3.09 new)

24 Sec. 3.09. Carbon monoxide euthanasia by a licensed
25 veterinarian. A licensed veterinarian may euthanize a

1 companion animal in a commercially manufactured chamber by use
2 of compressed carbon monoxide. The veterinarian must be
3 physically present during the euthanasia process until death is
4 confirmed. The veterinarian must take all of the following
5 steps when using a gas chamber:

6 (1) Render a written opinion for each companion animal
7 including:

8 (A) a description of the animal including species,
9 color, age, sex, and microchip number if present; and

10 (B) a signed and dated statement that the use of
11 compressed carbon monoxide is the most humane method of
12 euthanasia for this companion animal.

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

23 (3) Only one companion animal may be euthanized at a
24 time.

1 Sec. 8. Rulemaking.

2 The Department shall administer this Act and shall
3 promulgate such rules and regulations as are necessary to
4 effectuate the purposes of this Act. Such rules and regulations
5 are subject to the approval of the Advisory Board of Livestock
6 Commissioners. No later than 6 months after the effective Date
7 of this amendatory Act of the 96th General Assembly, the
8 Department shall adopt rules defining the "recognized methods
9 for the humane euthanasia of companion animals" referred to in
10 subsection (a) of Section 3.02 of this Act.

11 The Director may, in formulating rules and regulations
12 pursuant to this Act, seek the advice and recommendations of
13 humane societies in this State.

14 (Source: P.A. 78-905.)

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

18 (510 ILCS 72/35)

19 Sec. 35. Technician certification; duties.

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

23 (1) Be 18 years of age.

24 (2) Be of good moral character. In determining moral

1 character under this Section, the Department may take into
2 consideration whether the applicant has engaged in conduct
3 or activities that would constitute grounds for discipline
4 under this Act.

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

21 (4) Hold a license or certification from the American
22 Humane Association, the National Animal Control
23 Association, the Illinois Federation of Humane Societies,
24 or the Humane Society of the United States issued within 3
25 years preceding the date of application. Every 5 years a
26 certified euthanasia technician must renew his or her

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

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

15 (5) Pay the required fee.

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

18 (1) preparing animals for euthanasia and scanning each
19 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, intracardiac injection only on comatose animals
3 by hypodermic needle, ~~or carbon monoxide in a commercially~~
4 ~~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 72/36 new)

22 Sec. 36. Certificate issuance restrictions. The Department
23 shall not issue a certificate to any individual convicted in
24 Illinois of a forcible felony, a felony violation of the Humane
25 Care for Animals Act, a felony violation of Article 24 of the

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

8 (510 ILCS 72/57)

9 Sec. 57. Procedures for euthanasia.

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

20 (b) (Blank). ~~Commercially compressed carbon monoxide may~~
21 ~~be used as a permitted method of euthanasia provided that it is~~
22 ~~performed in a commercially manufactured chamber pursuant to~~
23 ~~the guidelines set forth in the most recent report of the AVMA~~
24 ~~Panel on Euthanasia. A chamber that is designed to euthanize~~
25 ~~more than one animal at a time must be equipped with~~

1 ~~independent sections or cages to separate incompatible~~
2 ~~animals. The interior of the chamber must be well lit and~~
3 ~~equipped with view ports, a regulator, and a flow meter.~~
4 ~~Monitoring equipment must be used at all times during the~~
5 ~~operation. Animals that are under 4 months of age, old,~~
6 ~~injured, or sick may not be euthanized by carbon monoxide.~~
7 ~~Animals shall remain in the chamber and be exposed for a~~
8 ~~minimum of 20 minutes. Staff members shall be fully notified of~~
9 ~~potential health risks.~~

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

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

15 (510 ILCS 72/65)

16 Sec. 65. Refused issuance, suspension, or revocation of
17 certification. The Department shall refuse to renew or shall
18 revoke a euthanasia technician certification and may impose a
19 fine not to exceed \$1,000 for a certified euthanasia technician
20 for any one or combination of the following reasons, each of
21 which is a violation of the Act:

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

24 (A) scanning for microchips or other identification
25 prior to euthanasia;

1 (B) maintaining the security of all controlled
2 substances and drugs;

3 (C) humanely euthanizing animals by intravenous
4 injection by hypodermic needle, intraperitoneal injection
5 by hypodermic needle, solutions or powder added to food or
6 by mouth, or intracardiac injection only on comatose
7 animals by hypodermic needle; or

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

10 (2) Abusing the use of any controlled or illegal chemical
11 substance.

12 (3) Selling, stealing, or giving controlled or illegal
13 chemical substances away.

14 (4) Abetting anyone in the activities listed in this
15 Section.

16 (5) Violating any provision of the Illinois Animal Welfare
17 Act, the Illinois Humane Care for Animals Act, or the Illinois
18 Controlled Substances Act.

19 (6) Acting as a euthanasia technician outside of the scope
20 of his or her employment with a certified euthanasia agency or
21 while not employed by a certified euthanasia agency. The
22 Department may refuse to issue, renew, or restore a
23 certification or may revoke or suspend a certification, or
24 place on probation, reprimand, impose a fine not to exceed
25 \$1,000 for each violation, or take other disciplinary action as
26 the Department may deem proper with regard to a certified

1 ~~euthanasia agency or a certified euthanasia technician for any~~
2 ~~one or combination of the following reasons:~~

3 ~~(1) failing to carry out the duties of a euthanasia~~
4 ~~technician;~~

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

6 ~~(3) selling, stealing, or giving chemical substances~~
7 ~~away;~~

8 ~~(4) abetting anyone in the activities listed in this~~
9 ~~subsection; or~~

10 ~~(5) violating any provision of this Act, the Illinois~~
11 ~~Controlled Substances Act, the rules adopted under these~~
12 ~~Acts or any rules adopted by the Department of Professional~~
13 ~~Regulation concerning the euthanizing of animals.~~

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

15 (510 ILCS 72/66 new)

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

21 (1) Knowingly or willfully allowing a euthanasia
22 technician to perform any of the actions described in Section
23 65 of this Act.

24 (2) Failing to the maintain the security of all controlled
25 substances and drugs.

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

4 (4) Failing to comply with the requirements of the Illinois
5 Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic
6 Act; federal Controlled Substances Act; or the Illinois
7 Controlled Substances Act.

8 (510 ILCS 72/90)

9 Sec. 90. Uncertified practice; civil penalty.

10 (a) A person who practices, offers to practice, attempts to
11 practice, or holds himself or herself out as a certified
12 euthanasia technician or a certified euthanasia agency without
13 being certified under this Act shall, in addition to any other
14 penalty provided by law, pay a civil penalty to the Department
15 in an amount not to exceed \$5,000 for each offense as
16 determined by the Department. The civil penalty shall be
17 assessed by the Department after a hearing is held in
18 accordance with the provisions set forth in this Act regarding
19 the provision of a hearing for the discipline of a certified
20 euthanasia technician or a certified euthanasia agency. The
21 civil penalty must be paid within 60 days after the effective
22 date of the order imposing the civil penalty. The order shall
23 constitute a judgment and may be filed and executed in the same
24 manner as any judgment from any court of record.

25 (b) The Department may investigate any uncertified

1 activity.

2 (c) Instructors or licensed veterinarians teaching humane
3 euthanasia techniques are exempt from the certification
4 process so long as they are currently licensed by another state
5 as a euthanasia technician or as a veterinarian.

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

7 (510 ILCS 72/91 new)

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

12 (1) Euthanasia technician. Any violation of Section
13 65.

14 (2) Euthanasia agency. An administrator, a director, a
15 manager, or a supervisor of a euthanasia agency who
16 knowingly or willfully violates Section 66.

17 (3) Personal. Any person who practices, offers to
18 practice, attempts to practice, or holds himself, herself,
19 or itself out as a certified euthanasia technician or a
20 certified euthanasia agency without being certified under
21 this Act.

22 On conviction of a second or subsequent offense, the
23 violator is guilty of a Class 4 felony. The Department shall
24 refer any alleged violation of these provision for the purpose
25 of criminal investigation and prosecution to local law

1 enforcement or the Illinois State Police and to the State's
2 Attorney in the county within which the violation occurred.

3 The Department shall also refer any information it receives
4 that appears to violate the Humane Care for Animals Act for
5 criminal investigation and prosecution to the Illinois State
6 Police and to the State's Attorney of the county within which
7 the violation occurred.

8 (510 ILCS 72/165 rep.)

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".