

# HB3767



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3767

by Rep. Daniel J. Burke

### SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.02

510 ILCS 70/8

from Ch. 8, par. 708

510 ILCS 70/3.09 rep.

510 ILCS 72/5

510 ILCS 72/35

510 ILCS 72/57

Amends the Humane Care for Animals Act and the Humane Euthanasia in Animal Shelters Act. Prohibits the use of carbon monoxide as a euthanasia agent for companion animals. Provides that euthanasia of a companion animal shall only be performed using established injectable euthanasia agents. Provides that the use of other euthanasia agents on companion animals is aggravated cruelty.

LRB098 14794 MGM 49730 b

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 Sections 3.02 and 8 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).

13 (b) No person ~~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. Euthanasia of a companion animal shall  
17 only be performed using established injectable euthanasia  
18 agents.

19 (c) A person convicted of violating Section 3.02 is guilty  
20 of a Class 4 felony. A second or subsequent violation is a  
21 Class 3 felony. In addition to any other penalty provided by  
22 law, upon conviction for violating this Section, the court may  
23 order the convicted person to undergo a psychological or

1 psychiatric evaluation and to undergo any treatment at the  
2 convicted person's expense that the court determines to be  
3 appropriate after due consideration of the evaluation. If the  
4 convicted person is a juvenile or a companion animal hoarder,  
5 the court must order the convicted person to undergo a  
6 psychological or psychiatric evaluation and to undergo  
7 treatment that the court determines to be appropriate after due  
8 consideration of the evaluation.

9 (Source: P.A. 96-780, eff. 8-28-09.)

10 (510 ILCS 70/8) (from Ch. 8, par. 708)

11 Sec. 8. Rulemaking.

12 The Department shall administer this Act and shall adopt  
13 ~~promulgate~~ such rules ~~and regulations~~ as are necessary to  
14 effectuate the purposes of this Act. These ~~Such~~ rules ~~and~~  
15 ~~regulations~~ are subject to the approval of the Advisory Board  
16 of Livestock Commissioners. No later than 6 months after the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly, the Department shall adopt rules defining the  
19 "recognized methods for the humane euthanasia of companion  
20 animals" referred to in subsection (a) of Section 3.02 of this  
21 Act. No later than 6 months after the effective date of this  
22 amendatory Act of the 98th General Assembly, the Department  
23 shall adopt rules defining "established injectable euthanasia  
24 agents" as used in this Act subject to the approval of the  
25 Advisory Board of Livestock Commissioners.

1           The Director may, in formulating rules under ~~and~~  
2 ~~regulations pursuant to~~ this Act, seek the advice and  
3 recommendations of humane societies in this State.

4           (Source: P.A. 96-780, eff. 8-28-09.)

5           (510 ILCS 70/3.09 rep.)

6           Section 10. The Humane Care for Animals Act is amended by  
7 repealing Section 3.09.

8           Section 15. The Humane Euthanasia in Animal Shelters Act is  
9 amended by changing Sections 5, 35, and 57 as follows:

10           (510 ILCS 72/5)

11           Sec. 5. Definitions. The following terms have the meanings  
12 indicated, unless the context requires otherwise:

13           "Animal" means any bird, fish, reptile, or mammal other  
14 than man.

15           "DEA" means the United States Department of Justice Drug  
16 Enforcement Administration.

17           "Department" means the Department of Professional  
18 Regulation.

19           "Director" means the Director of the Department of  
20 Professional Regulation.

21           "Euthanasia agency" means an entity certified by the  
22 Department for the purpose of animal euthanasia that holds an  
23 animal control facility or animal shelter license under the

1 Animal Welfare Act and that permits only euthanasia technicians  
2 or veterinarians to perform the euthanasia of animals.

3 "Euthanasia drugs" means Schedule II or Schedule III  
4 substances (nonnarcotic controlled substances) as set forth in  
5 the Illinois Controlled Substances Act that are used by a  
6 euthanasia agency for the purpose of animal euthanasia.  
7 "Euthanasia drugs" include only established injectable  
8 euthanasia agents.

9 "Euthanasia technician" or "technician" means a person  
10 employed by a euthanasia agency or working under the direct  
11 supervision of a veterinarian and who is certified by the  
12 Department to administer euthanasia drugs to euthanize  
13 animals.

14 "Veterinarian" means a person holding the degree of Doctor  
15 of Veterinary Medicine who is licensed under the Veterinary  
16 Medicine and Surgery Practice Act of 2004.

17 (Source: P.A. 96-780, eff. 8-28-09.)

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  
25 character under this Section, the Department may take into

1 consideration whether the applicant has engaged in conduct  
2 or activities that would constitute grounds for discipline  
3 under this Act.

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

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

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

7 (5) Pay the required fee.

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

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

12 (2) accurately recording the dosages administered and  
13 the amount of drugs wasted;

14 (3) ordering supplies;

15 (4) maintaining the security of all controlled  
16 substances and drugs;

17 (5) humanely euthanizing animals via intravenous  
18 injection by hypodermic needle, intraperitoneal injection  
19 by hypodermic needle, or intracardiac injection only on  
20 comatose animals by hypodermic needle; and

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

23 (c) A euthanasia technician employed by a euthanasia agency  
24 may perform euthanasia by the administration of a Schedule II  
25 or Schedule III nonnarcotic controlled substance. A euthanasia  
26 technician may not personally possess, order, or administer a

1 controlled substance except as an agent of the euthanasia  
2 agency. When performing euthanasia, a euthanasia technician  
3 shall only use established injectable euthanasia agents.

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

7 (e) A certified euthanasia technician or an instructor in  
8 an approved course does not engage in the practice of  
9 veterinary medicine when performing duties set forth in this  
10 Act.

11 (Source: P.A. 96-780, eff. 8-28-09.)

12 (510 ILCS 72/57)

13 Sec. 57. Procedures for euthanasia.

14 (a) Only euthanasia drugs shall be used for the purpose of  
15 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 a certified euthanasia technician shall be conducted only  
23 within the physical premises of an animal shelter licensed  
24 under the Animal Welfare Act or an animal control facility  
25 licensed under the Animal Welfare Act, except that a certified



1 euthanasia technician employed by an animal control facility  
2 licensed under the Animal Welfare Act may euthanize animals in  
3 the field in emergency situations.

4 (b) (Blank).

5 (c) Animals cannot be transported beyond State lines for  
6 the sole purpose of euthanasia unless the euthanasia is  
7 performed by a licensed veterinarian in a manner that is  
8 consistent with subsection (a) of this Section.

9 (Source: P.A. 96-780, eff. 8-28-09.)