

House Bill 1060

By: Representatives Watson of the 91st, Lindsey of the 54th, Hembree of the 67th, Williams of the 165th, Stephenson of the 92nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to animal protection, so as to define a certain term; to
3 provide for methods for euthanasia of animals; to provide for training and certification of
4 certain persons authorized to euthanize animals; to provide for the reporting of certain
5 information; to provide for enforcement; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
9 general provisions relative to animal protection, is amended by adding a new paragraph to
10 Code Section 4-11-2, relating to definitions, to read as follows:

11 "(7.1) 'Public shelter agency' means any facility operated by or under contract with the
12 state or any political subdivision of the state for the purpose of impounding or harboring
13 seized, stray, homeless, abandoned, or unwanted animals. Such term shall include any
14 veterinarian or veterinary clinic which operates for such purpose in addition to its
15 customary practice."

16 **SECTION 2.**

17 Said article is further amended by revising Code Section 4-11-5.1, relating to euthanasia for
18 dogs and cats by animal shelters or facilities operated for the collection of stray, neglected,
19 abandoned, or unwanted animals, as follows:

20 "4-11-5.1.

21 (a) ~~The~~ Except as provided in subsection (b) of this Code section, the use of sodium
22 pentobarbital or a derivative of it shall be the exclusive method for euthanasia of dogs and
23 cats by animal shelters or other facilities which are operated for the collection and care of
24 stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used as
25 follows:

1 (1) The preferred method of injection of all animals shall be by intravenous injection by
 2 hypodermic needle using venipuncture of a superficial vein. The cephalic or lateral
 3 saphenous vein should be used wherever possible. Such method shall be used on all dogs
 4 and cats except animals too small to allow the effective performance of a venipuncture,
 5 animals in which superficial venous pressure is insufficient for effective venipuncture,
 6 and intractable or dangerous animals;

7 (2) If the method described in paragraph (1) of this subsection cannot be used, injection
 8 may be intraperitoneal injection by hypodermic needle, injecting not less than three times
 9 the recommended intravenous dosage into the abdominal cavity through the
 10 mid-abdominal region. This method may be used upon dogs and cats only in animals
 11 too small to allow the effective performance of a venipuncture, animals in which
 12 superficial venous pressure is insufficient for effective venipuncture, and intractable or
 13 dangerous animals; and

14 (3) Intracardial injection by hypodermic needle; provided, however, that intracardial
 15 injection by thoracic cavity penetration shall only be used on unconscious or comatose
 16 animals.

17 (b) Notwithstanding subsection (a) of this Code section:

18 ~~(1) A chamber using commercially bottled carbon monoxide gas which was used on July~~
 19 ~~1, 1990, for euthanasia of dogs and cats by any animal shelter or other facility may~~
 20 ~~continue to be used for such purposes by such animal shelter or facility if such animal~~
 21 ~~shelter or facility notifies the Commissioner of Agriculture, in writing, on or before~~
 22 ~~August 1, 1990, that such a chamber was in use by such animal shelter or facility on July~~
 23 ~~1, 1990. However, a chamber which causes a change in body oxygen by means of altering~~
 24 ~~atmospheric pressure or which is connected to an internal combustion engine and uses~~
 25 ~~the engine exhaust for euthanasia purposes shall not be permitted under any~~
 26 ~~circumstances; and~~

27 (1)(2) Any substance which is clinically proven to be as humane as sodium pentobarbital
 28 and which has been officially recognized as such by the American Veterinary Medical
 29 Association may be used in lieu of sodium pentobarbital to perform euthanasia by
 30 injection on dogs and cats, but succinylcholine chloride, curare, curariform mixtures, or
 31 any substance which acts as a neuromuscular blocking agent may not be used on a dog
 32 or cat in lieu of sodium pentobarbital for euthanasia purposes; and

33 (2) A chamber using commercially bottled carbon monoxide gas or a chamber which
 34 causes a change in body oxygen by means of altering atmospheric pressure or which is
 35 connected to an internal combustion engine and uses the engine exhaust for euthanasia
 36 purposes shall not be permitted under any condition.

1 ~~(c) In addition to the exceptions provided for in subsection (b) of this Code section, in~~
2 ~~cases of extraordinary circumstance where the dog or cat poses an extreme risk or danger~~
3 ~~to the veterinarian, physician, or lay person performing euthanasia, such person shall be~~
4 ~~allowed the use of any other substance or procedure that is humane to perform euthanasia~~
5 ~~on such dangerous dog or cat.~~

6 ~~(d)~~ A dog or cat may be tranquilized with an approved and humane substance before
7 euthanasia is performed.

8 (d)(e) Euthanasia shall be performed by a licensed veterinarian or physician or a lay person
9 who is properly trained in the proper and humane use of a method of euthanasia; provided,
10 however, that any such lay person has successfully completed a euthanasia technician
11 certification course in accordance with subsection (g) of this Code section. Such lay person
12 shall perform euthanasia under supervision of a licensed veterinarian or physician. This
13 shall not be construed so as to require that a veterinarian or physician be present at the time
14 euthanasia is performed.

15 (e)(f) No dog or cat may be left unattended between the time euthanasia procedures are
16 first begun and the time death occurs, nor may its body be disposed of until death is
17 confirmed by a qualified person.

18 (f)(g) The supervising veterinarian or physician shall be subject to all record-keeping
19 requirements and inspection requirements of the State Board of Pharmacy pertaining to
20 sodium pentobarbital and other drugs authorized under subsection (b) of this Code section
21 and may limit the quantity of possession of sodium pentobarbital and other drugs
22 authorized to ensure compliance with the provisions of this Code section.

23 (g)(h) ~~This Code section shall not apply to any animal shelter or other facility located in~~
24 ~~a county having a population of 25,000 or less according to the most recent United States~~
25 ~~decennial census.~~ The Department of Agriculture shall develop and implement a
26 euthanasia technician certification course for lay persons who perform euthanasia as
27 provided in subsection (d) of this Code section. Such course of training shall include,
28 without limitation, knowledge of animal anatomy, behavior, and physiology; animal
29 restraint and handling as it pertains to euthanasia; the pharmacology, proper dosages,
30 administration techniques of euthanasia solution, verification of death techniques, laws
31 regulating the storage, security, and accountability of euthanasia solutions; euthanasia
32 technician stress management; and the proper disposal of euthanized animals.

33 (h) A lay person performing euthanasia as provided in subsection (d) of this Code section
34 prior to July 1, 2008, who previously passed an approved euthanasia technician
35 certification course will be accepted as qualified under this article to perform euthanasia
36 on nonlivestock animals. Any other lay person seeking to perform euthanasia as provided

1 in subsection (d) of this Code section on or after July 1, 2008, must obtain certification
 2 prior to performing any such euthanasia."

3 **SECTION 3.**

4 Said article is further amended by adding a new Code section to read as follows:

5 "4-11-5.2.

6 (a) All public sheltering agencies shall not later than the tenth day of each month report
 7 to the Department of Agriculture and shall publish on the agency website, on the county
 8 website, or in the county organ, and shall maintain at the agency and make freely available
 9 to the public during normal operating hours, the following information, by species type, for
 10 the preceding calendar month:

11 (1) The total number of animals impounded;

12 (2) The number of animals acquired by the agency as stray animals;

13 (3) The number of animals acquired by the agency as surrendered animals;

14 (4) The number of impounded animals sterilized by the agency or by an outside
 15 veterinarian pursuant to contract or agreement with the agency;

16 (5) The number of animals euthanized by the agency or by an outside veterinarian
 17 pursuant to contract or agreement with the agency;

18 (6) The number of animals which died, were lost, or were stolen while in the direct or
 19 constructive custody of the agency;

20 (7) The number of animals returned to or reclaimed by their owners;

21 (8) The number of animals adopted;

22 (9) The number of animals transferred to another organization for adoption; and

23 (10) The number of animals transferred or sold to another organization or individual for
 24 purposes other than adoption and the name of the receiving organization.

25 (b) All animal shelters or other facilities or organizations which are operated for the
 26 collection and care or placement for adoption of stray, neglected, abandoned, or unwanted
 27 animals shall not later than the tenth day of January of each year report to the Department
 28 of Agriculture and shall publish on the shelter, facility, or organization website, or the
 29 county website, or in the county organ, and shall maintain and make freely available to the
 30 public during normal operating hours a summary of the information specified in subsection
 31 (a) of this Code section for the preceding calendar year."

32 **SECTION 4.**

33 Said article is further amended by adding a new Code section to read as follows:

1 "4-11-19.

2 Any resident of the county in which the animal shelter is located may compel a public
3 sheltering agency to follow the mandates of this article through a lawsuit asking a court of
4 competent jurisdiction to grant declaratory and injunctive relief, including, but not limited
5 to, restraining orders, preliminary injunctions, injunctions, writs of mandamus and
6 prohibition, and other appropriate remedies at law which will compel compliance with this
7 article."

8 **SECTION 5.**

9 All laws and parts of laws in conflict with this Act are repealed.