

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 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  
17 use of carbon monoxide.

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

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

1           (2) by using carbon dioxide.

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

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

16           (510 ILCS 70/3.09 new)

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

24           (1) Render a written opinion for each companion animal  
25 including:

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

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

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

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

18           (510 ILCS 70/8) (from Ch. 8, par. 708)

19           Sec. 8. Rulemaking.

20           The Department shall administer this Act and shall  
21           promulgate such rules and regulations as are necessary to  
22           effectuate the purposes of this Act. Such rules and regulations  
23           are subject to the approval of the Advisory Board of Livestock  
24           Commissioners. No later than 6 months after the effective date  
25           of this amendatory Act of the 96th General Assembly, the

1 Department shall adopt rules defining the "recognized methods  
2 for the humane euthanasia of companion animals" referred to in  
3 subsection (a) of Section 3.02 of this Act.

4 The Director may, in formulating rules and regulations  
5 pursuant to this Act, seek the advice and recommendations of  
6 humane societies in this State.

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

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

11 (510 ILCS 72/35)

12 Sec. 35. Technician certification; duties.

13 (a) An applicant for certification as a euthanasia  
14 technician shall file an application with the Department and  
15 shall:

16 (1) Be 18 years of age.

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

22 (3) Each applicant for certification as a euthanasia  
23 technician shall have his or her fingerprints submitted to  
24 the Department of State Police in an electronic format that

1 complies with the form and manner for requesting and  
2 furnishing criminal history record information as  
3 prescribed by the Department of State Police. These  
4 fingerprints shall be checked against the Department of  
5 State Police and Federal Bureau of Investigation criminal  
6 history record databases now and hereafter filed. The  
7 Department of State Police shall charge applicants a fee  
8 for conducting the criminal history records check, which  
9 shall be deposited in the State Police Services Fund and  
10 shall not exceed the actual cost of the records check. The  
11 Department of State Police shall furnish, pursuant to  
12 positive identification, records of Illinois convictions  
13 to the Department.

14 (4) Hold a license or certification from the American  
15 Humane Association, the National Animal Control  
16 Association, the Illinois Federation of Humane Societies,  
17 or the Humane Society of the United States issued within 3  
18 years preceding the date of application. Every 5 years a  
19 certified euthanasia technician must renew his or her  
20 certification with the Department. At the time of renewal,  
21 the technician must present proof that he or she attended a  
22 class or seminar, administered by the American Humane  
23 Association, the National Animal Control Association, the  
24 Illinois Federation of Humane Societies, or the Humane  
25 Society of the United States, that teaches techniques or  
26 guidelines, or both, for humane animal euthanasia.

1           ~~For a period of 12 months after the adoption of final~~  
2           ~~administrative rules for this Act, the Department may issue~~  
3           ~~a certification to an applicant who holds a license or~~  
4           ~~certification from the American Humane Association, the~~  
5           ~~National Animal Control Association, the Illinois~~  
6           ~~Federation of Humane Societies, or the Humane Society of~~  
7           ~~the United States issued after January 1, 1997.~~

8           (5) Pay the required fee.

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

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

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

15           (3) ordering supplies;

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

18           (5) humanely euthanizing animals via intravenous  
19          injection by hypodermic needle, intraperitoneal injection  
20          by hypodermic needle, solutions or powder added to food or  
21          by mouth, intracardiac injection only on comatose animals  
22          by hypodermic needle, ~~or carbon monoxide in a commercially~~  
23          ~~manufactured chamber;~~ and

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

26          (c) A euthanasia technician employed by a euthanasia agency

1 may perform euthanasia by the administration of a Schedule II  
2 or Schedule III nonnarcotic controlled substance. A euthanasia  
3 technician may not personally possess, order, or administer a  
4 controlled substance except as an agent of the euthanasia  
5 agency.

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

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

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

14 (510 ILCS 72/36 new)

15 Sec. 36. Certificate issuance restrictions. The Department  
16 shall not issue a certificate to any individual convicted in  
17 Illinois of a forcible felony, a felony violation of the Humane  
18 Care for Animals Act, a felony violation of Article 24 of the  
19 Criminal Code of 1961, a felony violation of Class 3 or higher  
20 of the Cannabis Control Act, a felony violation of Class 2 or  
21 higher of the Methamphetamine Control and Community Prevention  
22 Act, or any violation of Section 12-35 or 26-5 of the Criminal  
23 Code of 1961, or convicted in another jurisdiction of the  
24 United States of an offense substantially similar to any of the  
25 specified Illinois offenses.

1 (510 ILCS 72/57)

2 Sec. 57. Procedures for euthanasia.

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

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

1 ~~minimum of 20 minutes. Staff members shall be fully notified of~~  
2 ~~potential health risks.~~

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

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

8 (510 ILCS 72/65)

9 Sec. 65. Refused issuance, suspension, or revocation of  
10 certification. The Department shall refuse to renew or shall  
11 revoke a euthanasia technician certification and may impose a  
12 fine not to exceed \$1,000 for a certified euthanasia technician  
13 for any one or combination of the following reasons, each of  
14 which is a violation of the Act:

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

17 (A) scanning for microchips or other identification  
18 prior to euthanasia;

19 (B) maintaining the security of all controlled  
20 substances and drugs;

21 (C) humanely euthanizing animals by intravenous  
22 injection by hypodermic needle, intraperitoneal injection  
23 by hypodermic needle, solutions or powder added to food or  
24 by mouth, or intracardiac injection only on comatose  
25 animals by hypodermic needle; or

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

3           (2) Abusing the use of any controlled or illegal chemical  
4           substance.

5           (3) Selling, stealing, or giving controlled or illegal  
6           chemical substances away.

7           (4) Abetting anyone in the activities listed in this  
8           Section.

9           (5) Violating any provision of the Illinois Animal Welfare  
10          Act, the Illinois Humane Care for Animals Act, or the Illinois  
11          Controlled Substances Act.

12          (6) Acting as a euthanasia technician outside of the scope  
13          of his or her employment with a certified euthanasia agency or  
14          while not employed by a certified euthanasia agency. The  
15          Department may refuse to issue, renew, or restore a  
16          certification or may revoke or suspend a certification, or  
17          place on probation, reprimand, impose a fine not to exceed  
18          \$1,000 for each violation, or take other disciplinary action as  
19          the Department may deem proper with regard to a certified  
20          euthanasia agency or a certified euthanasia technician for any  
21          one or combination of the following reasons:

22                ~~(1) failing to carry out the duties of a euthanasia~~  
23                ~~technician;~~

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

25                ~~(3) selling, stealing, or giving chemical substances~~  
26                ~~away;~~

1           ~~(4) abetting anyone in the activities listed in this~~  
2           ~~subsection; or~~

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

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

8           (510 ILCS 72/66 new)

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

14          (1) Knowingly or willfully allowing a euthanasia  
15          technician to perform any of the actions described in Section  
16          65 of this Act.

17          (2) Failing to maintain the security of all controlled  
18          substances and drugs.

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

22          (4) Failing to comply with the requirements of the Illinois  
23          Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic  
24          Act; federal Controlled Substances Act; or the Illinois  
25          Controlled Substances Act.

1 (510 ILCS 72/90)

2 Sec. 90. Uncertified practice; civil penalty.

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

18 (b) The Department may investigate any uncertified  
19 activity.

20 (c) Instructors or licensed veterinarians teaching humane  
21 euthanasia techniques are exempt from the certification  
22 process so long as they are currently licensed by another state  
23 as a euthanasia technician or as a veterinarian.

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

1 (510 ILCS 72/91 new)

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

6 (1) Euthanasia technician. Any violation of Section  
7 65.

8 (2) Euthanasia agency. An administrator, a director, a  
9 manager, or a supervisor of a euthanasia agency who  
10 knowingly or willfully violates Section 66.

11 (3) Personal. Any person who practices, offers to  
12 practice, attempts to practice, or holds himself, herself,  
13 or itself out as a certified euthanasia technician or a  
14 certified euthanasia agency without being certified under  
15 this Act.

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

22 The Department shall also refer any information it receives  
23 that appears to violate the Humane Care for Animals Act for  
24 criminal investigation and prosecution to the Illinois State  
25 Police and to the State's Attorney of the county within which  
26 the violation occurred.

1 (510 ILCS 72/165 rep.)

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.