

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).

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

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

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

9 (510 ILCS 70/3.09 new)

10 Sec. 3.09. Carbon monoxide euthanasia by a licensed
11 veterinarian. A licensed veterinarian may euthanize a
12 companion animal in a commercially manufactured chamber by use
13 of compressed carbon monoxide. The veterinarian must be
14 physically present during the euthanasia process until death is
15 confirmed. The veterinarian must take all of the following
16 steps when using a gas chamber:

17 (1) Render a written opinion for each companion animal
18 including:

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

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

24 (2) Use a commercially manufactured chamber pursuant
25 to the guidelines set forth in the most recent report of

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

9 (3) Only one companion animal may be euthanized at a
10 time.

11 (510 ILCS 70/8) (from Ch. 8, par. 708)

12 Sec. 8. Rulemaking.

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

22 The Director may, in formulating rules and regulations
23 pursuant to this Act, seek the advice and recommendations of
24 humane societies in this State.

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

1 Section 10. The Humane Euthanasia in Animal Shelters Act is
2 amended by changing Sections 5, 10, 35, 57, 65, 90, and 165 as
3 follows:

4 (510 ILCS 72/5)

5 Sec. 5. Definitions.

6 The following terms have the meanings indicated, unless the
7 context requires otherwise:

8 "Animal" means any bird, fish, reptile, or mammal other
9 than man.

10 "DEA" means the United States Department of Justice Drug
11 Enforcement Administration.

12 "Department" means the Department of Professional
13 Regulation.

14 "Director" means the Director of the Department of
15 Professional Regulation.

16 "Euthanasia agency" means an entity certified by the
17 Department for the purpose of animal euthanasia that holds an
18 animal control facility or animal shelter license under the
19 Animal Welfare Act and that permits only euthanasia technicians
20 or veterinarians to perform the euthanasia of animals.

21 "Euthanasia drugs" means Schedule II or Schedule III
22 substances (nonnarcotic controlled substances) as set forth in
23 the Illinois Controlled Substances Act that are used by a
24 euthanasia agency for the purpose of animal euthanasia.

1 "Euthanasia technician" or "technician" means a person
2 employed by a euthanasia agency or working under the direct
3 supervision of a veterinarian and who is certified by the
4 Department to administer euthanasia drugs to euthanize
5 animals.

6 "Veterinarian" means a person holding the degree of Doctor
7 of Veterinary Medicine who is licensed under the Veterinary
8 Medicine and Surgery Practice Act of 2004.

9 (Source: P.A. 92-449, eff. 1-1-02; 93-281, eff. 12-31-03.)

10 (510 ILCS 72/10)

11 Sec. 10. Certification requirement, exemptions.

12 (a) Except as otherwise provided in this Section, no person
13 shall euthanize animals in an animal shelter or animal control
14 facility without possessing a certificate issued by the
15 Department under this Act.

16 (b) Nothing in this Act shall be construed as preventing a
17 licensed veterinarian or an instructor during an approved
18 course from humanely euthanizing animals in animal shelters or
19 animal control facilities.

20 (c) Nothing in this Act prevents a veterinarian who is
21 employed by the Department of Agriculture, or any other person
22 who is employed by the Department of Agriculture and acting
23 under the supervision of such a veterinarian, from humanely
24 euthanizing animals in the course of that employment.

25 (d) Instructors or licensed veterinarians teaching humane

1 euthanasia technicians are exempt from the certification
2 process as long as they are currently licensed by another state
3 as a euthanasia technician or as a veterinarian.

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

5 (510 ILCS 72/35)

6 Sec. 35. Technician certification; duties.

7 (a) An applicant for certification as a euthanasia
8 technician shall file an application with the Department and
9 shall:

10 (1) Be 18 years of age.

11 (2) Be of good moral character. In determining moral
12 character under this Section, the Department may take into
13 consideration whether the applicant has engaged in conduct
14 or activities that would constitute grounds for discipline
15 under this Act.

16 (3) Each applicant for certification as a euthanasia
17 technician shall have his or her fingerprints submitted to
18 the Department of State Police in an electronic format that
19 complies with the form and manner for requesting and
20 furnishing criminal history record information as
21 prescribed by the Department of State Police. These
22 fingerprints shall be checked against the Department of
23 State Police and Federal Bureau of Investigation criminal
24 history record databases now and hereafter filed. The
25 Department of State Police shall charge applicants a fee

1 for conducting the criminal history records check, which
2 shall be deposited in the State Police Services Fund and
3 shall not exceed the actual cost of the records check. The
4 Department of State Police shall furnish, pursuant to
5 positive identification, records of Illinois convictions
6 to the Department.

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

20 ~~For a period of 12 months after the adoption of final~~
21 ~~administrative rules for this Act, the Department may issue~~
22 ~~a certification to an applicant who holds a license or~~
23 ~~certification from the American Humane Association, the~~
24 ~~National Animal Control Association, the Illinois~~
25 ~~Federation of Humane Societies, or the Humane Society of~~
26 ~~the United States issued after January 1, 1997.~~

1 (5) Pay the required fee.

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

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

6 (2) accurately recording the dosages administered and
7 the amount of drugs wasted;

8 (3) ordering supplies;

9 (4) maintaining the security of all controlled
10 substances and drugs;

11 (5) humanely euthanizing animals via intravenous
12 injection by hypodermic needle, intraperitoneal injection
13 by hypodermic needle, ~~solutions or powder added to food or~~
14 ~~by mouth,~~ intracardiac injection only on comatose animals
15 by hypodermic needle, ~~or carbon monoxide in a commercially~~
16 ~~manufactured chamber;~~ and

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

19 (c) A euthanasia technician employed by a euthanasia agency
20 may perform euthanasia by the administration of a Schedule II
21 or Schedule III nonnarcotic controlled substance. A euthanasia
22 technician may not personally possess, order, or administer a
23 controlled substance except as an agent of the euthanasia
24 agency.

25 (d) Upon termination from a euthanasia agency, a euthanasia
26 technician shall not perform animal euthanasia until he or she

1 is employed by another certified euthanasia agency.

2 (e) A certified euthanasia technician or an instructor in
3 an approved course does not engage in the practice of
4 veterinary medicine when performing duties set forth in this
5 Act.

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

7 (510 ILCS 72/57)

8 Sec. 57. Procedures for euthanasia.

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

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

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

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

23 (510 ILCS 72/65)

24 Sec. 65. Refused issuance, suspension, or revocation of
25 certification. The Department may refuse to issue, renew, or

1 restore a certification or may revoke or suspend a
2 certification, or place on probation, reprimand, impose a fine
3 not to exceed \$10,000 ~~\$1,000~~ for each violation, or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem proper with regard to a certified euthanasia agency or a
6 certified euthanasia technician for any one or combination of
7 the following reasons:

8 (1) in the case of a certified euthanasia technician,
9 failing to carry out the duties of a euthanasia technician
10 set forth in this Act or rules adopted under this Act;

11 (2) abusing the use of any controlled ~~chemical~~
12 substance or euthanasia drug;

13 (3) selling, stealing, or giving controlled ~~chemical~~
14 substances or euthanasia drugs away;

15 (4) abetting anyone in violating item (1) or (2) of
16 this Section ~~the activities listed in this subsection; or~~

17 (5) violating any provision of this Act, the Illinois
18 Controlled Substances Act, the Illinois Food, Drug and
19 Cosmetic Act, the federal Food, Drug, and Cosmetic Act, the
20 federal Controlled Substances Act, the rules adopted under
21 these Acts, or any rules adopted by the Department of
22 Professional Regulation concerning the euthanizing of
23 animals; ~~or~~

24 (6) in the case of a euthanasia technician, acting as a
25 euthanasia technician outside of the scope of his or her
26 employment with a certified euthanasia agency; and

1 (7) in the case of a euthanasia technician, being
2 convicted of or entering a plea of guilty or nolo contendere
3 to any crime that is (i) a felony under the laws of the
4 United States or any state or territory thereof, (ii) a
5 misdemeanor under the laws of the United States or any
6 state or territory an essential element of which is
7 dishonesty, or (iii) directly related to the practice of
8 the profession.

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

10 (510 ILCS 72/90)

11 Sec. 90. Uncertified practice; civil penalty.

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

1 manner as any judgment from any court of record.

2 (b) The Department may investigate any uncertified
3 activity.

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

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

9 (510 ILCS 72/165)

10 Sec. 165. Criminal penalties. An agency or technician who
11 is found to have violated a provision of this Act is guilty of
12 a Class A misdemeanor. On conviction of a second or subsequent
13 offense, the violator shall be guilty of a Class 4 felony. The
14 Department shall, for the purpose of criminal investigation and
15 prosecution, refer alleged violations of this Act to (i) local
16 law enforcement officials or the Illinois State Police and (ii)
17 the State's Attorney of the county within which the violation
18 occurred. The Department shall, for the purpose of criminal
19 investigation and prosecution, refer alleged violations of the
20 Humane Care for Animals Act to (i) local law enforcement
21 officials or the Illinois State Police and (ii) the State's
22 Attorney of the county within which the violation occurred.

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

24 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.