

AN ACT concerning animals.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

(510 ILCS 70/3.02)

Sec. 3.02. Aggravated cruelty.

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

(b) No individual, except a licensed veterinarian as exempted under Section 3.09, may knowingly or intentionally euthanize or authorize the euthanasia of a companion animal by use of carbon monoxide.

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

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

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

(510 ILCS 70/3.09 new)

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

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

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

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

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

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

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

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

Sec. 8. Rulemaking.

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

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

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

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

(510 ILCS 72/5)

Sec. 5. Definitions.

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

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

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

"Department" means the Department of Professional Regulation.

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

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

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

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

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

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

(510 ILCS 72/10)

Sec. 10. Certification requirement, exemptions.

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

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

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

(d) Instructors or licensed veterinarians teaching humane

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

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

(510 ILCS 72/35)

Sec. 35. Technician certification; duties.

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

(1) Be 18 years of age.

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

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

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

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

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

(5) Pay the required fee.

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

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

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

(3) ordering supplies;

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

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

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

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

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

is employed by another certified euthanasia agency.

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

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

(510 ILCS 72/57)

Sec. 57. Procedures for euthanasia.

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

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

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

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

(510 ILCS 72/65)

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

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

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

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

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

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

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

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

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

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

(510 ILCS 72/90)

Sec. 90. Uncertified practice; civil penalty.

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

manner as any judgment from any court of record.

(b) The Department may investigate any uncertified activity.

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

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

(510 ILCS 72/165)

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

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

Section 97. Severability. The provisions of this Act are

Public Act 096-0780

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severable under Section 1.31 of the Statute on Statutes.

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