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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Leland and Hoops

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SUMMARY

- Generally prohibits an animal shelter from destroying a domestic animal using a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant.
- Allows a county dog warden's office and a local animal shelter that is operated by a local government entity to receive a limited license to perform animal euthanasia from the State Board of Pharmacy (by categorizing those entities as an "animal shelter").
- Specifies that only the State Veterinary Medical Licensing Board must approve euthanasia drugs (instead of both the State Veterinary Medical Licensing Board and the State Board of Pharmacy).
- Removes pentobarbital as a drug that may automatically be used for animal euthanasia purposes.
- Removes the order of preference in current law regarding authorized methods for euthanizing an animal when using a lethal solution.
- Allows a certified euthanasia technician to administer pre-euthanasia drugs under certain conditions.
- Expands the course curriculum that a euthanasia technician must successfully complete prior to receiving certification to perform animal euthanasia to include topics relating to administering pre-euthanasia drugs.

DETAILED ANALYSIS

Animal euthanasia via gas chamber

The bill generally prohibits any of the following (collectively defined as "animal shelters") from destroying a domestic animal using a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant:

1. A facility operated by a county humane society;
2. A dog pound operated pursuant to Ohio law;
3. A county dog warden's office; or
4. A local animal shelter that is operated by a local government entity.

An animal shelter may destroy a domestic animal by one of those methods if the State Veterinary Medical Licensing Board, in consultation with the State Board of Pharmacy, declares that there is a shortage of approved lethal injection substances.

This prohibition does not apply to the lawful practice of veterinary medicine by a licensed veterinarian. It also does not apply to an animal used in scientific research conducted by a research facility in accordance with the federal Animal Welfare Act and related regulations.¹

Animal euthanasia drugs and pre-euthanasia drugs

Overview

Under current law, the State Board of Pharmacy may issue a limited license to an animal shelter for the purpose of purchasing, possessing, and administering drugs (in dosage form) for animal euthanasia purposes. In order to receive a license, an agent or employee of an animal shelter must successfully complete a euthanasia technician certification course. However, if the agent or employee is a registered veterinary technician or veterinarian, the agent or employee does not need to complete the course. An application for licensure must include the information the Board requires by rule. If the application meets the requirements of the rules, the Board must issue the limited license.²

Currently, an animal shelter includes a county humane society or a dog pound operated pursuant to Ohio law. The bill specifies that an animal shelter also includes a county dog warden's office and a local animal shelter that is operated by a local government entity. Thus, these entities may receive a limited license from the State Board of Pharmacy to perform animal euthanasia.³

Animal euthanasia drugs

Under current law, an animal shelter that has been issued a limited license (to perform animal euthanasia) by the State Board of Pharmacy may purchase, possess, and administer drugs that:

1. Contain pentobarbital and at least one noncontrolled substance ingredient, in a manufactured dosage, whose only indication is for euthanizing animals; or

¹ R.C. 959.06(E).

² R.C. 4729.531.

³ R.C. 4729.01 (T).

2. Are approved by *both* the State Veterinary Medical Licensing Board and the State Board of Pharmacy by rule.

Instead, the bill specifies that an animal shelter that has been issued a limited license may purchase, possess, and administer drugs approved by rule adopted by the State Veterinary Medical Licensing Board (*in consultation with* the State Board of Pharmacy).⁴ Effectively, this means that the rulemaking process for euthanasia drugs will only occur once via the State Veterinary Medical Licensing Board. The State Board of Pharmacy does not have to adopt separate rules approving euthanasia drugs. Further, pentobarbital is not automatically an approved euthanasia drug.

The bill removes the order of preference in current law regarding authorized methods for euthanizing an animal when using a lethal solution. Under the bill, when using a lethal solution to perform euthanasia on an animal, an animal shelter must use the solution in accordance with one of the following methods, but not in the preferential order listed in current law:

1. Intravenous injection by hypodermic needle;
2. Intraperitoneal injection by hypodermic needle;
3. Intracardial injection by hypodermic needle, but only on an animal caused and verified to be unconscious; or
4. Oral administration of solution or powder.

Current law specifies under method (3) that the animal must be sedated or unconscious. Also under current law, method (4) is instead a solution or powder added to food. As indicated above, under current law, method (1) is the most preferred method, and number (4) is the least preferred method.⁵

Pre-euthanasia

Under the bill, prior to euthanizing an animal, a certified euthanasia technician employed by an animal shelter with a limited license may administer pre-euthanasia drugs to sedate or induce anesthesia to the animal. The technician must successfully pass a certification course that includes courses related to pre-euthanasia (see below). Any drugs used for pre-euthanasia must be approved by rule of the State Board of Pharmacy and the State Veterinary Medical Licensing Board. A certified euthanasia technician may only use approved drugs for pre-euthanasia purposes.⁶

⁴ R.C. 4729.531(A) and 4729.532(A).

⁵ R.C. 4729.532(A).

⁶ R.C. 4729.532(B) and (C).

Euthanasia technician certification course curriculum

The bill expands the course curriculum that a euthanasia technician must successfully complete prior to receiving certification to perform animal euthanasia to include topics relating to administering pre-euthanasia drugs. Under current law, a prospective euthanasia technician must take a course that includes all of the following areas:

1. The pharmacology, proper administration, and storage of approved sedation and anesthesia solutions;
2. Federal and state laws regulating the storage and accountability of euthanasia solutions;
3. Euthanasia technician stress management; and
4. Proper disposal of euthanized animals.

The bill adds the following areas to the curriculum:

1. The pharmacology, proper administration, and storage of approved sedation and anesthesia solutions; and
2. Federal and state laws regulating the storage and accountability of approved sedation and anesthesia solutions.⁷

The bill prohibits an agent or employee of an animal shelter, other than a registered veterinary technician, from administering pre-euthanasia drugs unless the agent or employee has received certification after successfully completing a euthanasia technician certification course. The bill retains law that prohibits an agent or employee from administering euthanasia drugs without certification.⁸

Practice of veterinary medicine

The bill specifies that its provisions concerning administering animal euthanasia and pre-euthanasia drugs do not preclude a licensed veterinarian or registered veterinary technician from engaging in the practice of veterinary medicine as authorized under Ohio law.⁹ The bill also makes conforming changes.¹⁰

⁷ R.C. 4729.532(C).

⁸ R.C. 4729.532(D).

⁹ R.C. 4729.532(E).

¹⁰ R.C. 4729.54.

HISTORY

Action	Date
Introduced	03-12-20
