

STORAGE NAME: h0877a.ag

DATE: April 8, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
ANALYSIS**

BILL #: HB 877

RELATING TO: Euthanasia of Animals

SPONSOR(S): Representative Jacobs

COMPANION BILL(S): SB 1878 (s) by Senator Jones

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE YEAS 0 NAYS 7
 - (2) CRIME & PUNISHMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

HB 877 revises the requirements for all animals, not just dogs and cats, to be euthanized in accordance with approved methods and in a humane manner. The bill requires anesthetizing animals prior to euthanasia under certain circumstances. In an emergency situation, an agent representing a society or association for the prevention of cruelty to animals is authorized to humanely destroy an animal.

The bill increases the time requirement from 16 hours to 24 hours for the euthanasia technician certification course and requires the course to include the actual performance of euthanasia. The bill also requires certified euthanasia technicians to obtain a minimum of 8 hours of continuing education pertaining to euthanasia every 2 years as prescribed by rule by the Board of Veterinary Medicine.

The bill requires euthanasia to be performed by two persons, except in emergency situations, and prohibits an animal being left unattended during the euthanasia procedure. The bill requires the death of animal to be confirmed and specifies acceptable methods of confirmation.

And lastly, the bill authorizes certified euthanasia technicians to transport sodium pentobarbital for emergency field euthanasia providing certain restrictions are followed.

The fiscal impact of this legislation is undeterminable.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Existing statutes only provide for the humane euthanasia of dogs and cats with no mention made of other animals that are received at animal shelters in Florida. Current methods of administration of a lethal solution are by intravenous, intraperitoneal, or intracardial injections, or a solution or powder added to food.

Presently, euthanasia is only to be performed by a licensed veterinarian or an employee or agent of a public or private agency, animal shelter, or other facility that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals, provided the employee/agent has completed the euthanasia technician certification course. This course is currently a 16-hour course, with no continuing education required.

Current law allows for the animal to be left unattended between the time euthanasia procedures are begun and the time death occurs. There is separate language in statutes that provides for the euthanasia of animals offered for sale by pet shops.

B. EFFECT OF PROPOSED CHANGES:

Section 1: The bill provides that all animals, not just dogs and cats, be euthanized in a humane manner. Changes are made in the procedures for administering lethal solutions. The bill requires animals receiving an intracardial injection or dogs or cats that are feral or fractious be deeply anesthetized prior to euthanasia. The bill also requires procedures established by the Board of Veterinary Medicine be followed when euthanizing any animal other than a dog or cat. The bill authorizes an agent representing a society or association for the prevention of cruelty to animals to humanely destroy an animal in an emergency situation.

The bill increases the time requirement from 16 hours to 24 hours for the euthanasia technician certification course and requires the course to include the actual performance of euthanasia. The person teaching the course must be licensed or certified as provided in the statutes and approved by the Florida Animal Control Association's board of directors in order for the course to be certifiable. The bill requires persons who were certified under the previous requirements to obtain the additional 8 hours of certification training, including the requirement of the actual performance of euthanasia, by October 1, 2001. The bill also requires certified euthanasia technicians to obtain a minimum of 8 hours of continuing education pertaining to euthanasia every 2 years as prescribed by rule by the Board of Veterinary Medicine.

The bill requires euthanasia to be performed by two persons, except in emergency situations, and prohibits an animal being left unattended during the euthanasia procedure. The bill requires the death of the animal to be confirmed and specifies the methods of confirmation that are acceptable.

The bill authorizes certified euthanasia technicians to transport sodium pentobarbital for emergency field euthanasia provided certain restrictions are followed.

The bill allows for filing of misdemeanor or felony charges for cruelty to animals under s. 828.12, F.S.

Section 2: Section 828.065, F.S., relating to euthanasia of animals offered for sale by pet shops, is repealed.

Section 3: This section provides an effective date of October 1, 1999.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:
any authority to make rules or adjudicate disputes?

No.

- (1) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The bill requires persons previously certified, which required a 16-hour course, to obtain the additional 8 hours of certification, as well as to obtain a minimum of 8 hours of continuing education pertaining to euthanasia every 2 years.

- (2) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced: **Not Applicable.**

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

- (2) what is the cost of such responsibility at the new level/agency?

- (3) how is the new agency accountable to the people governed?

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

STORAGE NAME: h0877a.ag

DATE: April 8, 1999

PAGE 4

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not Applicable.**

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

- (2) Who makes the decisions?

- (3) Are private alternatives permitted?

- (4) Are families required to participate in a program?

- (5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

- (2) service providers?

- (3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Sections 828.058 and 828.065, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Please refer to Section B. (Effect of Proposed Changes) for a section-by-section analysis.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Unknown.

2. Recurring Effects:

Unknown.

3. Long Run Effects Other Than Normal Growth:

Unknown.

4. Total Revenues and Expenditures:

Unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Unknown.

2. Recurring Effects:

An unknown fiscal impact would occur to local county/city animal shelters relative to additional costs involved with the requirement for certain animals to be deeply anesthetized before being euthanized. Additional costs would be incurred by the euthanasia technician, or his/her employer, due to additional training requirements and due to the requirement that two persons be present when euthanasia is performed.

3. Long Run Effects Other Than Normal Growth:

Same as above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

An unknown fiscal impact would occur to the private sector since pet shops offering animals for sale would be required to follow the same requirements as specified for local governments. There could also be an impact on livestock producers, since the bill addresses "animals" rather than just dogs and cats.

2. Direct Private Sector Benefits:

Unknown.

3. Effects on Competition, Private Enterprise and Employment Markets:

Unknown.

D. FISCAL COMMENTS:

Because the bill changes the language in the statute to include all animals, rather than just dogs and cats, livestock could be included under these requirements for euthanasia. The bill could be interpreted to mean that the Division of Animal Industry personnel would need to be certified as euthanasia technicians and maintain the continuing education mandates to carry out its responsibilities under Chapters 570 and 585, Florida Statutes. The passage of this legislation could have a significant fiscal impact on the division.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

The Florida Veterinary Medical Association, Inc. (FVMA) has expressed opposition to the legislation as it reads now. However, FVMA has proposed recommendations for a compromise.

The Florida Association of Counties has expressed opposition to the increased hours for training and the continuing education requirement.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Nine amendments were offered and adopted to HB 877. These amendments made the following changes in the legislation:

- The Department of Agriculture and Consumer Services is exempted from the additional training requirements for euthanasia.
- Procedures established by the Board of Veterinary Medicine are required to be used when euthanizing any animal.
- Certified veterinary technicians are excluded from performing euthanasia or confirming the death of an animal.
- The euthanasia technician certification course is restored to 16 hours.
- Post-dated language is removed.
- Provisions requiring certified euthanasia technicians to obtain an additional 8 hours of training and to obtain 8 hours of continuing education every two years are removed.
- Facilities are required to have written protocols that comply with the rules of the Board of Veterinary Medicine pertaining to euthanasia.

STORAGE NAME: h0877a.ag
DATE: April 8, 1999
PAGE 7

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

Debbi Kaiser

Susan D. Reese