

SUBJECT: Banning carbon monoxide to euthanize dogs or cats

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 9 ayes — Harless, Márquez, Isaac, Kacal, Lewis, Reynolds, E. Thompson, Chris Turner, Villalba

0 nays

WITNESSES: For — Karl Bailey, City of Seagoville; Shelby Bobosky, Texas Humane Legislation Network; Katie Broaddus, Association of Shelter Veterinarians; Audrey Moses; Ethel Strother, Texas Animal Control Association; (*Registered, but did not testify:* George Armstrong, Responsible Pet Owners Alliance; Nita Batra; Diane Coker; Kathy Davis, City of San Antonio; Kelley Dwyer; Deborah Foote, American Society for the Prevention of Cruelty to Animals; Kelly Hanes, Austin Humane Society; Katie Jarl, Humane Society of the United States; Eric Knustrom; Denise Lehe; Amy Mitchell; Patt Nordyke, Texas Federation of Animal Care Societies; Jeanne O'Neil; Daniel Randall; Joan Randall; Stacy Sutton Kerby, Robert Skip Trimble, Texas Humane Legislation Network; Rebecca Whitehouse)

Against — None

On — Tamra Walthall; (*Registered, but did not testify:* Tom Sidwa, Texas Department of State Health Services)

BACKGROUND: Health and Safety Code, ch. 821, subch. C allows animal shelters to euthanize a dog or cat by administering sodium pentobarbital or commercially compressed carbon monoxide in a chamber.

DIGEST: HB 858 would remove the use of carbon monoxide to euthanize dogs and cats starting January 1, 2014.

HB 858 would make conforming changes to Health and Safety Code, sec. 821.054 on requirements for the use of commercially compressed carbon monoxide to reflect that the section no longer applied to dogs and cats. The bill also would change the Health and Safety Code, sec. 821.051 to reflect the current organizational structure of the Health and Human

Services Commission (HHSC).

HB 858 would require the executive commissioner of the HHSC to adopt rules conforming to the act no later than December 1, 2013.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 858 would end the inhumane practice of euthanizing animals with compressed carbon monoxide. Euthanizing animals with compressed carbon monoxide can take up to 30 minutes, while the alternative, an injection of sodium pentobarbital results in a quick, humane death. Sodium pentobarbital results in the loss of consciousness within 3 to 5 seconds and death within 2 to 5 minutes.

Only 29 cities in Texas still use compressed carbon monoxide, often in gas chambers that do not meet Texas' existing regulations and that often do not work properly and are dangerous to operate. HB 858 would give these shelters until January 1, 2014 to come into compliance.

Despite arguments to the contrary, the use of sodium pentobarbital is less expensive than using compressed carbon monoxide. A sodium pentobarbital injection costs about \$2.30. Euthanizing an animal in a properly constructed and monitored gas chamber with one operator costs about \$2.70. If the animal is humanely tranquilized before being put into the gas chamber, the cost rises to about \$4.65. Opponents who argue that carbon monoxide is less expensive are likely referring to operations that are in violation of Texas regulations governing the use of compressed carbon monoxide. The fact that over time the number of facilities using compressed carbon monoxide has decreased dramatically speaks to the true cost differential of the two methods.

HB 858 would bring Texas' practice of euthanizing cats and dogs in line with 16 other states, including Florida, Illinois, and New York.

Despite claims that carbon monoxide is a safer way for people to euthanize wild animals, vets and animal control workers are trained and regularly safely handle, sedate, and administer drugs to feral cats and other wild animals.

OPPONENTS
SAY:

A number of animal shelters in the state, primarily in small cities and counties, still use compressed carbon monoxide. Supporters are likely underestimating the number of shelters that use compressed carbon monoxide. HB 858 would have a large effect on those cities.

Shelters using the proper equipment and following existing rules can euthanize animals using carbon monoxide in a humane manner. Despite supporters' claims, a properly operated carbon monoxide chamber will render an animal unconscious in less than 10 seconds.

HB 858 would mandate a costly transition from an existing technology to sodium pentobarbital, an expense that small communities cannot afford. For example, one employee can safely operate a compressed carbon monoxide chamber, while it typically takes two employees to administer sodium pentobarbital.

HB 858 would remove one of the two state's legally permissible and humane ways to euthanize dogs and cats. The bill would make all animal shelters subject to the risk of an interruption in the supply of sodium pentobarbital; such disruptions of drugs are not uncommon. This could lead to rapidly filling shelters, with facilities having no place to shelter stray and dangerous animals.

Euthanasia by carbon monoxide may be a better method for some animals, such as wild and aggressive animals. Using carbon monoxide does not require a human to hold animals during the euthanasia process, thus lessening the possibility of bites and other harm to employees.

NOTES:

The identical companion, SB 360, passed the Senate by a vote of 30-0 on March 27 and was reported favorably from the House Environmental Regulation Committee on April 9.