

By: Madden

H.B. No. 2733

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the euthanasia of animals.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. (a) The Health and Human Services Commission, in
5 conjunction with the Department of Public Safety, shall conduct a
6 study regarding the euthanasia of animals in this state.

7 (b) The study shall address:

10 (2) alternatives to euthanasia and strategies for
11 promoting pet adoption;

12 (3) methods of euthanasia appropriate for livestock
13 and nonlivestock animals;

14 (4) methods for improving the cost-effectiveness and
15 efficiency of animal shelters in this state, including reexamining
16 the desired scope of practice for staff of animal shelters who are
17 not veterinarians;

18 (5) maximizing access to appropriate drugs and
19 controlled substances for euthanizing animals while minimizing the
20 potential for substance abuse; and

21 (6) any state or federal laws that may conflict with a
22 proposed course of action determined to be beneficial by the study
23 and suggestions for how to resolve the conflict

(c) Based on the study conducted under this section, the

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1 Health and Human Services Commission and the Department of Public
2 Safety shall adopt rules and implement programs to improve
3 practices in this state relating to euthanasia of animals.

4 (d) The Health and Human Services Commission and the
5 Department of Public Safety shall jointly submit a report
6 concerning the study to the legislature including, if applicable,
7 recommendations for future legislation, not later than January 1,
8 2013.

9 SECTION 2. Section 481.111(b), Health and Safety Code, is
10 amended to read as follows:

11 (b) The provisions of this chapter relating to the
12 possession of denatured sodium pentobarbital, acepromazine, or
13 xylazine do not apply to possession by personnel of a humane society
14 or an animal control agency for the purpose of destroying injured,
15 sick, homeless, or unwanted animals if the humane society or animal
16 control agency is registered with the Federal Drug Enforcement
17 Administration. The provisions of this chapter relating to the
18 distribution of denatured sodium pentobarbital, acepromazine, or
19 xylazine do not apply to a person registered as required by
20 Subchapter C, who is distributing the substance for that purpose to
21 a humane society or an animal control agency registered with the
22 Federal Drug Enforcement Administration.

23 SECTION 3. Section 821.052, Health and Safety Code, is
24 amended by adding Subsection (a-1) to read as follows:

25 (a-1) A person euthanizing a dog or cat under Subsection (a)
26 may administer the following substances in addition to sodium
27 pentobarbital or commercially compressed carbon monoxide:

1 (1) acepromazine; or
2 (2) xylazine.

3 SECTION 4. An offense under Subchapter D, Chapter 481,
4 Health and Safety Code, involving the possession or distribution of
5 acepromazine or xylazine as authorized by Section 481.111, Health
6 and Safety Code, as amended by this Act, may not be prosecuted after
7 the effective date of this Act. If on the effective date of this Act
8 a criminal action is pending for an offense under Subchapter D
9 involving the possession or distribution of acepromazine or
10 xylazine as authorized by Section 481.111, Health and Safety Code,
11 as amended by this Act, the action is dismissed on that date.
12 However, a final conviction for an offense under Subchapter D
13 involving the possession or distribution of acepromazine or
14 xylazine that exists on the effective date of this Act is unaffected
15 by this Act.

16 SECTION 5. This Act takes effect September 1, 2011.