

By: *Lucio III, Branch, Harless, Bohac, Marquez, et al.*

H.B. No. 858

A BILL TO BE ENTITLED

1 AN ACT

2 relating to methods used by an animal shelter to euthanize a dog or
3 cat.

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

5 SECTION 1. Section 821.051, Health and Safety Code, is
6 amended by amending Subdivisions (3) and (4) and adding Subdivision
7 (5) to read as follows:

10 (4) "Department" means the [Texas] Department of State
11 Health Services.

12 (5) "Executive commissioner" means the executive
13 commissioner of the Health and Human Services Commission.

14 SECTION 2. Section 821.052(a), Health and Safety Code, is
15 amended to read as follows:

16 (a) A person may euthanize a dog or cat in the custody of an
17 animal shelter only by administering sodium pentobarbital [~~or~~
18 ~~commercially compressed carbon monoxide~~].

19 SECTION 3. Section 821.054, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALLY
22 COMPRESSED CARBON MONOXIDE. (a) The executive commissioner
23 [board] by rule shall establish:

(1) standards for a carbon monoxide chamber used to

1 euthanize an animal to which Section 821.052(b) applies [~~in the~~
2 ~~custody of an animal shelter~~]; and

3 (2) requirements and procedures for administering
4 commercially compressed carbon monoxide to euthanize an animal to
5 which Section 821.052(b) applies [~~in the custody of an animal~~
6 ~~shelter~~].

7 (b) A person administering commercially compressed carbon
8 monoxide to euthanize an animal to which Section 821.052(b) applies
9 [~~in the custody of an animal shelter~~]:

10 (1) may use only a carbon monoxide chamber that meets
11 the standards established by department [~~board~~] rule; and

12 (2) may administer the commercially compressed carbon
13 monoxide only in accordance with the requirements and procedures
14 established by department [~~board~~] rule.

15 SECTION 4. Not later than December 1, 2013, the executive
16 commissioner of the Health and Human Services Commission shall
17 adopt rules necessary to conform to Sections 821.052(a) and
18 821.054, Health and Safety Code, as amended by this Act.

19 SECTION 5. A person subject to Section 821.052(a), Health
20 and Safety Code, as amended by this Act, is not required to comply
21 with that subsection or any rules adopted under that subsection
22 until January 1, 2014.

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.