



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 354 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Agriculture

(as passed by the Senate)

Date Completed: 8-21-13

RATIONALE

Reportedly, four Michigan county animal control shelters use gas chambers to euthanize cats and dogs. Gas chambers are enclosures that are flooded with carbon monoxide or carbon dioxide to asphyxiate an animal. The number of counties that use gas chambers has been decreasing; according to Michiganders for Shelter Pets, there were eight counties operating gas chambers in 2011. Another form of euthanasia is by injection of sodium pentobarbital, a barbiturate that is lethal in high doses. Many people believe that euthanasia by injection (EBI) is more humane than the use of gas chambers, and suggest that the State should require all shelters to euthanize by injection only.

CONTENT

The bill would amend Public Act 287 of 1969 (which governs pet shops, dog pounds, and animal shelters) to specify that, beginning 60 days after the bill's effective date, euthanasia of a dog or cat that was physically located in an animal control shelter could be performed only by the injection of a commercially prepared solution as provided in Section 7333 of the Public Health Code (described below).

Proposed MCL 287.338b

BACKGROUND

Under Section 7333 of the Public Health Code, an animal control or protection shelter registered with the Michigan Department of Agriculture and Rural Development (MDARD) or a class B dealer may acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of

sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and other animals, if the shelter or dealer does the following:

- Applies to the Michigan Board of Pharmacy for a permit in accordance with applicable rules.
- Complies with the Board's rules for the storage, handling, and use of a commercially prepared solution of sodium pentobarbital, and keeps a record of use and makes it available for inspection.
- Certifies that an employee has received, and can document completion of, at least eight hours of training given by a licensed veterinarian in the use of sodium pentobarbital to practice euthanasia on animals pursuant to Board rules, and that only such an individual will administer the solution according to written procedures established by the shelter.

Section 7333 contains similar provisions allowing an animal control or protection shelter to acquire a limited permit for the purpose of buying, possessing, and administering a commercially prepared solution of an animal tranquilizer to sedate a feral, wild, difficult to handle, or other animal for euthanasia. These provisions, however, require at least 16 hours of training, including at least three hours of practical training in the use of animal tranquilizers on animals from an approved training program.

Section 7333 defines "animal tranquilizer" as xylazine hydrochloride or other animal tranquilizing drug as approved by the U.S.

Food and Drug Administration and by MDARD.

"Class B dealer" means a class B dealer licensed by the U.S. Department of Agriculture (USDA) pursuant to the Animal Welfare Act and the MDARD pursuant to Public Act 224 of 1969, which governs the use of dogs and cats for research. According to the USDA, dealers are individuals who sell regulated animals for research, exhibition, or as pets in wholesale channels. Class B dealers include brokers, operators of auction sales, and those who supply dealers with dogs, cats, and other regulated animals collected from random sources.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Euthanasia by injection should be the standard for euthanizing animals in shelters. The use of gas chambers to euthanize animals is widely regarded as a dangerous and barbaric practice and already has been abandoned or outlawed by most Michigan counties and many other states. Reportedly, 20 states had banned gas chambers as of May 2013.

Gas chambers are dangerous because they use toxic gases that can be deadly to humans as well as animals. Gas chambers also have been reported to explode. If a gas chamber leaks, is otherwise faulty, or is improperly operated, serious injury or death to shelter workers can result. The gases are difficult to detect, which increases the risk of unintentional exposure. Various media reports document injuries resulting from gas exposure and explosions. In contrast, according to Michiganers for Shelter Pets, as of 2011 there were no documented human injuries or deaths resulting from EBI.

Gas chamber euthanasia also can pose a risk to the mental and emotional health of shelter staff. Reportedly, performing euthanasia on animals can cause mental health problems when shelters lack the proper support and training. The technicians can experience symptoms of post-traumatic stress disorder, and euthanasia by gas chamber causes more

emotional stress and compassion fatigue than EBI.

Using gas chambers to euthanize pets is considered barbaric because it can take a relatively long time and is not always effective. According to various sources, a gas chamber cycle can last up to 20 or 25 minutes, which could be agonizing for the animal. Evidently, sick, injured, young, and old pets are not always able to metabolize the gas, so some survive exposure. In the case of a pregnant animal, the mother may die during exposure, but the unborn babies can suffocate to death in utero. An ineffective cycle can result in seriously adverse health effects, which cause pain and suffering for the animal, prolonging trauma and stress. In contrast, EBI causes loss of consciousness within three to five seconds, and death within two to five minutes, according to the American Humane Association.

The American Veterinary Medical Association updated its guidelines, recommending EBI as the preferred method of euthanasia. Arguably, a goal of euthanizing pets is to offer them a peaceful and humane death. Gas chambers are too unreliable and dangerous to meet this goal.

Opposing Argument:

The bill would intrude on the professional discretion of local authorities based on the flawed premise that EBI is always more compassionate and effective than using gas chambers. Animal shelter personnel should have the freedom to use their own professional judgment as to which method of euthanasia is better for each animal.

Berrien County is one of the four Michigan counties that still use gas chambers. According to the Berrien County Animal Control manager, a gas chamber typically euthanizes an animal within 13 to 18 seconds, is painless, and is far more effective and efficient than EBI. Much of the 20- to 25-minute cycle is to ensure that the toxic gases are vented from the chamber before staff opens it back up. Typically, an animal is not conscious or alive, let alone suffering, through the entire cycle.

Euthanasia by injection is not always less painful or more compassionate than using gas chambers. According to the manager, animals that are older, abused, or have

other health issues sometimes have collapsed veins, which can make injection very painful, difficult, or impossible. In extreme cases, the injection must be administered directly to the heart or liver, which can be extremely painful for the animal. Further, tranquilizers used in concert with EBI are not always effective, and in the case of dangerous animals, this can pose a serious danger to shelter staff. A gas chamber can confine dangerous animals and therefore can be safer than EBI. Also, training and practice of EBI must be performed on animals. If the staff incorrectly administered EBI on an animal during training or practice, it would cause that animal to needlessly suffer.

Furthermore, staff training for and administration of EBI can be a significant burden for animal shelters, according to the Berrien County Animal Control manager. Many animal shelters have very limited resources. and operating a gas chamber takes less time than administering EBI. Under the bill, shelters like the one in Berrien County could face increased demands on their budget and time.

Response: Euthanasia by injection actually offers a more cost-effective approach to euthanizing pets than gas chambers. According to multiple sources, the training and materials necessary for EBI cost less than operating and maintaining a gas chamber. According to a study by the American Humane Association, the total cost per animal for EBI is \$2.29, whereas the total cost of euthanasia by gas chamber ranges from \$2.77 to \$4.98 per animal.

According to the Lakeshore Pet Alliance, each of the four Michigan shelters that still use gas chambers either has an EBI back-up system or has staff trained in EBI. Thus, the shelters already have the basics in place to handle the shift to EBI.

Reportedly, there are grants available to assist shelters in converting from euthanasia by gas chamber to EBI, so the potential costs of changing over, if any, could be mitigated.

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bill would have a minimal fiscal impact on local government. According to the

Department of Agriculture and Rural Development, there are few counties that do not already use the euthanizing methods required under the bill. Those few counties could realize some additional costs in complying with the proposed requirement, in an amount that cannot be determined at this time.

In addition, those found in violation of the proposed requirement could be charged with a misdemeanor, which could increase court caseload and costs of incarceration and/or community supervision for local units.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.