

May 31, 2007

SPECIAL COMMITTEE ON ANIMALS AND THE LAW

A.5399-A

By:	Assemblyman Paulin
Assembly Committee:	Agriculture Assembly
Committee:	Codes
Effective Date:	365 days after it becomes law.

AN ACT to amend the agriculture and markets law, in relation to the humane destruction or disposition of certain animals; and repealing certain provision of such law relating thereto.

LAW AND SECTIONS REFERRED TO: Amends Agriculture and Markets Law by amending subdivisions 1 and 2 of section 374, as added by chapter 545 of the laws of 1971; subdivisions 3, 5 and 5 of section 374 are renumbered subdivisions 6, 7 and 8 and three new subdivisions 3, 5 and 5 are added; paragraphs b and 3 of subdivision 8 of section 374 , as added by chapter 569 of the laws of 1995 and such subdivision as renumbered by section three of this act, are amended; and section 332 of the agriculture and markets law, as amended by chapter 674 of the laws of 1980, is amended.

REPORT PREPARED BY: Special Committee on Animals and the Law

THIS BILL IS RECOMMENDED FOR PASSAGE

This legislation is intended to remedy New York's current shelter animal euthanasia law which permits many methods of euthanasia no longer deemed humane by the American Veterinary Medical Association (AVMA) including the gas chamber and drowning. This bill will require that only licensed veterinarian, a licensed veterinary technician or a certified euthanasia technician perform euthanasia by means of injection of sodium pentobarbital or sodium pentobarbital solution upon animals that are unconscious. The use of gunshot in an emergency would still be permitted.

These amendments would also require that no animal undergoing euthanasia be left unattended and that such animal would not be disposed of until death is confirmed by a licensed veterinarian, a licensed veterinary technician or a certified euthanasia technician. Gas chambers currently in use to induce hypoxia by a lethal gas shall be dismantled, rendered inoperable and beyond repair, and removed from the premises within ninety days of the effective date of this law.

The use of the gas chamber to euthanise unwanted animals has been determined to be an inhumane form of euthanasia. In some cases, animals have been found alive after the chamber is opened. In the gas chambers, groups of animals are placed in what is in essence a hot box where they hear the hissing of gas, feel dizziness and then gasp for breath resulting in panic, injury, and fighting. While the use of sodium pentobarbital takes approximately 30 seconds to euthanise an

animal, the gas chamber may take 25 minutes. As stated by Franklin M. Loew, DVM PhD, President of Becker College and former dean of veterinary medicine at Tufts and Cornell universities, “Every person involved in euthanizing homeless and unwanted animals should . . . ensure that the method of euthanasia is performed as compassionately, painlessly, and professionally as possible.” In New York State today, this cannot be attained as long as the gas chamber and other equally inhumane methods are utilized.

Of course, it would be preferred that euthanasia of healthy animals would not be necessary. But given the current overpopulation of animals and their frequent abandonment and surrender to animal shelters, humane euthanasia remains a necessity.

For the foregoing reasons, the Special Committee on Animals and the Law recommends passage of this bill.

Chair of the Committee: Holly Kennedy Passantino, Esq.