

# STATE OF NEW YORK

9777

## IN ASSEMBLY

February 11, 2020

Introduced by M. of A. SCHMITT -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law and the agriculture and markets law, in relation to euthanasia technicians; and to repeal certain provisions of the education law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 13 of section 6705 of the education law is  
2 REPEALED.

3 § 2. Paragraph (d) of subdivision 1 of section 3305 of the public  
4 health law, as amended by chapter 635 of the laws of 1997, is amended to  
5 read as follows:

6 (d) to a duly authorized agent of an incorporated society for the  
7 prevention of cruelty to animals or a municipal animal control facility  
8 for the limited purpose of buying, possessing, and dispensing to regis-  
9 tered and certified [~~personnel~~] licensed euthanasia technicians, keta-  
10 mine hydrochloride to anesthetize animals and/or sodium pentobarbital to  
11 euthanize animals, including but not limited to dogs and cats. The  
12 department shall, consistent with the public interest, register such  
13 duly authorized agent and such agent shall file, on a quarterly basis, a  
14 report of purchase, possession, and use of ketamine hydrochloride and/or  
15 sodium pentobarbital, which report shall be certified by the society for  
16 the prevention of cruelty to animals or municipal animal control facili-  
17 ty as to its accuracy and validity. This report shall be in addition to  
18 any other record keeping and reporting requirements of state and federal  
19 law and regulation. The department shall adopt rules and regulations  
20 providing for the registration and certification of any [~~individual~~]  
21 licensed euthanasia technician who, under the direction of the duly  
22 authorized and registered agent of an incorporated society for the  
23 prevention of cruelty to animals, or municipal animal control facility,  
24 uses ketamine hydrochloride to anesthetize animals and/or sodium pento-  
25 barbital to euthanize animals, including but not limited to dogs and  
26 cats. The department may also adopt such other rules and regulations as  
27 shall provide for the safe and efficient use of ketamine hydrochloride

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 and/or sodium pentobarbital by incorporated societies for the prevention  
2 of cruelty to animals and animal control facilities. Nothing in this  
3 paragraph shall be deemed to waive any other requirement imposed on  
4 incorporated societies for the prevention of cruelty to animals and  
5 animal control facilities by state and federal law and regulation.

6 § 3. Subdivision 3 of section 374 of the agriculture and markets law,  
7 as added by chapter 479 of the laws of 2009, is amended to read as  
8 follows:

9 3. a. Except as provided in subdivision four of this section, euthana-  
10 sia of animals pursuant to this section shall be accomplished solely by  
11 means of injection of sodium pentobarbital or sodium pentobarbital  
12 solution administered by a [~~certified~~] licensed euthanasia technician, a  
13 licensed veterinarian or a licensed veterinary technician. Euthanasia  
14 by intracardiac injection of sodium pentobarbital or sodium pentobarbi-  
15 tal solution shall be performed only upon animals that are heavily  
16 sedated, anesthetized, or comatose. However, only a licensed veterinar-  
17 ian may perform euthanasia by intracardiac injection of sodium pentobar-  
18 bital or sodium pentobarbital solution upon animals that are not heavily  
19 sedated, anesthetized or comatose and only when such licensed veterina-  
20 rian determines that such intracardiac injection is the most humane  
21 option available. Whenever a cardiac injection of sodium pentobarbital  
22 or sodium pentobarbital solution is administered by a licensed veterina-  
23 rian upon an animal that is not heavily sedated, anesthetized or coma-  
24 tose, such veterinarian must document, in writing, the administration of  
25 such injection and the reason for its administration. Such documentation  
26 shall be retained for at least three years. Under no circumstances shall  
27 intracardiac injection be performed on animals that are not heavily  
28 sedated, anesthetized or comatose where such animals are under the care  
29 of any duly incorporated society for the prevention of cruelty to  
30 animals, animal shelter, humane society or pound.

31 b. No animal shall be left unattended between the time that the eutha-  
32 nasia procedure begins and the time when death is confirmed. The body of  
33 a euthanized animal shall not be disposed of in any manner until death  
34 is confirmed by a licensed veterinarian, a [~~certified~~] licensed euthana-  
35 sia technician or a licensed veterinary technician. Violations of this  
36 paragraph shall be punishable by a civil penalty of not [~~more~~] less than  
37 five hundred dollars.

38 The department of health shall promulgate regulations deemed necessary  
39 for implementation of the provisions of this subdivision, including  
40 regulations governing [~~the training and~~] certification of [~~certified~~]  
41 licensed euthanasia technicians.

42 § 4. This act shall take effect immediately.