

**ANIMAL SHELTER REVISIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill establishes requirements for animal shelters that euthanize animals.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ addresses the methods by which an animal shelter or animal control officer may euthanize an animal;
- ▶ requires an animal shelter that euthanizes animals to adopt a euthanasia policy and training program; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**11-46-102**, as enacted by Laws of Utah 2011, Chapter 130

**11-46-103**, as enacted by Laws of Utah 2011, Chapter 130

ENACTS:

**11-46-401**, Utah Code Annotated 1953



28 [11-46-402](#), Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **11-46-102** is amended to read:

32 **11-46-102. Definitions.**

33 As used in this chapter:

34 (1) "Animal" means a cat or dog.

35 (2) "Animal control officer" means any person employed or appointed by a county or a  
36 municipality who is authorized to investigate violations of laws and ordinances concerning  
37 animals, to issue citations in accordance with Utah law, and to take custody of animals as  
38 appropriate in the enforcement of [the] laws and ordinances concerning animals.

39 (3) (a) "Animal shelter" means a facility or program[+] providing services for stray,  
40 lost, or unwanted animals, including holding and placing the animals for adoption.

41 ~~[(a) providing services for stray, lost, or unwanted animals, including holding and~~  
42 ~~placing the animals for adoption, but does not include an institution conducting research on~~  
43 ~~animals, as defined in Section [26-26-1](#), or]~~

44 ~~[(b) a private humane society or private animal welfare organization.]~~

45 (b) "Animal shelter" includes a private humane society or private animal welfare  
46 organization.

47 (c) "Animal shelter" does not include an institution, as that term is defined in Section  
48 [26-26-1](#), which is conducting research on animals.

49 (4) "Person" means an individual, an entity, or a representative of an entity.

50 Section 2. Section **11-46-103** is amended to read:

51 **11-46-103. Stray animals.**

52 (1) Each municipal or county animal control officer shall hold any unidentified or  
53 unclaimed stray animal in safe and humane custody for a minimum of five business days after  
54 the time of impound and prior to making any final disposition of the animal.

55 ~~[(2) A record of each animal held shall be maintained. The record shall include:]~~

56 (2) A municipal or county animal control officer shall ensure that a record of each held  
57 animal is maintained that includes the:

58 (a) date of impound;

- 59 (b) date of disposition; and  
 60 (c) method of disposition, which may be:  
 61 (i) placement in an adoptive home or other transfer of the animal, which shall be in  
 62 compliance with Part 2, Animal Shelter Pet Sterilization Act;  
 63 (ii) return to ~~[its]~~ the animal's owner;  
 64 (iii) placement in a community cat program as defined in Section 11-46-302; or  
 65 (iv) euthanasia in accordance with Part 4, Euthanasia of Shelter Animals.

66 (3) An unidentified or unclaimed stray animal may be euthanized ~~[prior to]~~ before the  
 67 completion of the five working day minimum holding period to prevent unnecessary suffering  
 68 due to serious injury or disease~~[-]~~ if the euthanasia is in compliance with:

- 69 (a) written agency or department policies and procedures~~[- and with]~~;  
 70 (b) any local ordinances allowing the euthanasia~~[-]~~; and  
 71 (c) the provisions of Part 4, Euthanasia of Shelter Animals.

72 (4) An unidentified or unclaimed stray animal shall be returned to ~~[its]~~ the animal's  
 73 owner upon:

- 74 (a) proof of ownership;  
 75 (b) compliance with any requirements of local animal control ordinances; and  
 76 (c) compliance with the provisions of Part 2, Animal Shelter Pet Sterilization Act.

77 Section 3. Section 11-46-401 is enacted to read:

78 **Part 4. Euthanasia of Shelter Animals**

79 **11-46-401. Euthanasia of shelter animals -- Permitted methods.**

80 (1) Subject to Subsection (2) and except as provided in Subsection (3), on or after July  
 81 1, 2023, an animal shelter shall use sodium pentobarbital or a derivative as the exclusive  
 82 method for euthanasia of an animal.

83 (2) An animal shelter shall administer sodium pentobarbital or a derivative by:

- 84 (a) intravenous injection by hypodermic needle;  
 85 (b) intraperitoneal injection by hypodermic needle; or  
 86 (c) if an animal is unconscious, intracardial injection by hypodermic needle.

87 (3) (a) Subsection (1) does not apply to an animal control officer who, subject to  
 88 Subsection (3)(b), euthanizes an animal in an emergency situation outside of an animal shelter's  
 89 facility or place of business.

90 (b) If an animal control officer euthanizes an animal in an emergency situation, the  
91 officer shall use, in the officer's judgment, the most humane method available to the officer.

92 Section 4. Section **11-46-402** is enacted to read:

93 **11-46-402. Animal shelter euthanasia training -- Documentation.**

94 (1) If an animal shelter euthanizes animals, the animal shelter shall:

95 (a) adopt a policy for euthanasia that mandates procedures that comply with the  
96 applicable provisions of this part;

97 (b) adopt a euthanasia training program; and

98 (c) require each person who conducts or assists with euthanasia on behalf of the animal  
99 shelter to attend the euthanasia training program at least once every two years.

100 (2) An animal shelter described in Subsection (1) shall:

101 (a) ensure that the animal shelter's euthanasia training program is reviewed and  
102 approved by a veterinarian who is licensed in accordance with Title 58, Chapter 28, Veterinary  
103 Practice Act; and

104 (b) maintain a record of training dates and who attended.