

Senator Michael K. McKell proposes the following substitute bill:

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



26 ENACTS:

27 [11-46-401](#), Utah Code Annotated 1953

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

29

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

35 (b) "Animal" does not include livestock, as that term is defined in Section [4-1-109](#).

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

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

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

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

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

48 (c) "Animal shelter" does not include an institution, as that term is defined in Section
49 [26-26-1](#), which is conducting research on animals.

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

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

52 **11-46-103. Stray animals.**

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

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

58 (2) An animal shelter shall ensure that a record of each held animal is maintained that
59 includes the:

60 (a) date of impound;

61 (b) date of disposition; and

62 (c) method of disposition, which may be:

63 (i) placement in an adoptive home or other transfer of the animal, which shall be in
64 ~~[compliance]~~ accordance with Part 2, Animal Shelter Pet Sterilization Act;

65 (ii) return to ~~[its]~~ the animal's owner;

66 (iii) placement in a community cat program as defined in Section 11-46-302; or

67 (iv) euthanasia in accordance with Part 4, Euthanasia of Shelter Animals.

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

71 (a) written agency or department policies and procedures~~;~~ and with;

72 (b) [any] local ordinances ~~[allowing the euthanasia.]; and~~

73 (c) Part 4, Euthanasia of Shelter Animals.

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

76 (a) the establishment of proof of ownership;

77 (b) compliance with the requirements of ~~[local animal control]~~ applicable local
78 ordinances; and

79 (c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

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

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

82 **11-46-401. Euthanasia of shelter animals -- Permitted methods.**

83 (1) Subject to Subsection (2), and except as provided in Subsection (3), on or after July
84 1, 2023, an animal shelter shall use sodium pentobarbital or a derivative as the exclusive
85 method for euthanasia of an animal.

86 (2) An animal shelter may only administer sodium pentobarbital or a derivative of
87 pentobarbital by:

88 (a) intravenous injection by hypodermic needle;
89 (b) intraperitoneal injection by hypodermic needle; or
90 (c) if an animal is unconscious, intracardial injection by hypodermic needle.
91 (3) (a) Subsection (1) does not apply to an animal control officer who, subject to
92 Subsection (3)(b), euthanizes an animal in an emergency situation outside of an animal shelter's
93 facility or place of business.

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

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

97 **11-46-402. Animal shelter euthanasia training -- Documentation.**

98 (1) If an animal shelter performs euthanasia on animals, the animal shelter shall:

- 99 (a) adopt a policy for euthanasia that mandates procedures that comply with the
100 applicable provisions of this part;
101 (b) adopt a euthanasia training program; and
102 (c) require each person who conducts or assists with euthanasia on behalf of the animal
103 shelter to attend the euthanasia training program at least once every two years.

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

- 105 (a) ensure that the animal shelter's euthanasia training program is reviewed and
106 approved by a veterinarian who is licensed in accordance with Title 58, Chapter 28, Veterinary
107 Practice Act; and
108 (b) maintain a record of training dates and who attended.