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Hot Topic: Animal Control Law Revised by Legislature

Don Darden

Municipal Technical Advisory Service

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Hot Topics for Tennessee cities and towns

Aug. 15, 2001

#70

Animal Control Law Revised by Legislature

by Don Darden
MTAS Management Consultant

The Tennessee General Assembly recently enacted a new law that repeals the Dog and Cat Humane Death Act [Part 3] in its entirety. It was replaced with Chapter 70, referred to as the **Non-livestock Animal Humane Death Act**. According to *Tennessee Code Annotated* § 39-14-201, "non-livestock animals" refers to common household pets — dogs, cats, rabbits, chicks, ducks, and even potbellied pigs. The new law applies to public and private agencies, animal shelters, and other facilities operated for the collection, care, and/or euthanasia of stray, neglected, abandoned, or unwanted non-livestock animals. It does not apply to exotic animals. Generally, the new law prescribes methods and procedures for euthanizing pets and prescribes penalties for violations.

Agents authorized for euthanasia; procedures

Sodium pentobarbital and other agents specifically approved by the rules of the state Board of Veterinary Medicine shall be the only methods used for euthanasia of non-livestock animals by public and private agencies, animal shelters, and other facilities operated for the collection, care, and/or euthanasia of stray, neglected, abandoned, or unwanted non-livestock animals.

A lethal solution shall be used in the following order of preference:

- intravenous injection by hypodermic needle;
- intraperitoneal injection by hypodermic needle;
- intracardial injection by hypodermic needle but only if performed on heavily sedated, anesthetized, or comatose animals; or
- solution of powder added to food.

A non-livestock animal may be tranquilized with an approved and humane substance before euthanasia is performed. A non-livestock animal may not be left unattended between the time euthanasia procedures are initiated and the time that death occurs — nor may its body be disposed of until a qualified person confirms death.

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Gas chambers and certain chemicals outlawed

Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium, potassium, or any substance that acts as a neuromuscular-blocking agent, or any chamber that causes a change in body oxygen may not be used on any non-livestock animal for the purpose of euthanasia. **Any such chamber shall be phased out and shall not be used on or after July 1, 2002.**

Persons authorized to euthanize non-livestock animals

Euthanasia shall be performed only by a licensed veterinarian, a Tennessee veterinarian medical technician, or an employee or agent of a public or private agency, animal shelter, or other facility operated for the collection, care, and/or euthanasia of stray, neglected, abandoned, or unwanted non-livestock animals. This is provided that the Tennessee veterinarian medical technician or the employee or agent of a public or private agency has successfully completed an euthanasia-technician certification course.

An employee or agent of a public or private agency or a Tennessee veterinarian medical technician performing euthanasia prior to July 1, 2001, who previously passed an approved euthanasia-technician certification course will be accepted as qualified under the new law to perform euthanasia on non-livestock animals.

Euthanasia may not be performed except by certified personnel unless an emergency situation exists in the field requiring the immediate euthanasia of an injured, dangerous, or severely diseased non-livestock animal. In the case of such an emergency, a police officer, veterinarian, employee or agent of a local animal control unit, or the designee of such an employee or agent may humanely destroy the non-livestock animal.

Enforcement/penalties for violation

The attorney general may bring an action to enjoin any violation of the new law. Violators are guilty of a Class A misdemeanor. **The new law became effective July 1, 2001.**

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Municipal Technical Advisory Service

Knoxville (Headquarters)
Conference Center Building, Suite 120
The University of Tennessee
Knoxville 37996-4105
(865) 974-0411
Fax (865) 974-0423

Johnson City
3119 Bristol Highway, Suite 302
Johnson City 37601
(423) 854-9882
Fax (423) 854-9223

Nashville
223 Sixth Avenue, North
Nashville 37219-1804
(615) 532-6827
Fax (615) 532-4963

Jackson
605 Airways Blvd., Suite 109
Jackson 38301
(731) 423-3710
Fax (731) 425-4771

Martin
175 Clement Hall
P.O. Box 100
Martin 38238
(731) 587-7055
Fax (731) 587-7059

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www.mtas.utk.edu

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Institute for Public Service
105 Student Services Building
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