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CHAPTER 136

¶FORMERLY

HOUSE BILL NO. 93

AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENTS NOS. 1 AND 3

AN ACT TO AMEND PART VI, TITLE 3 OF THE DELAWARE CODE, TO PROVIDE FOR THE HUMANE KILLING OF ANIMALS HELD IN A SHELTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part VI, Title 3 of the Delaware Code, by adding thereto a new Chapter to read as follows:

"CHAPTER 80. HUMANE KILLING OF ANIMALS HELD IN A SHELTER

§8001. Method Of Killing

Any dog, cat or any other animal held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner within 5 days from written notification to the owner of the animal, If ownership can be determined, unless earlier disposal is recommended by a doctor of veterinary medicine, may be disposed of only by adoption as a companion in a suitable home if a domestic animal, or by rehabilitation to its natural habitat if a wild animal, or by euthanasia performed in one of the following ways:

(a) by administration of sodium pentobarbital; or

(b) with chloroform by a means approved in writing by a licensed veterinarian after inspecting the equipment and method.

§8002. Administration of Sodium Pentobarbital

(a) Sodium pentobarbital shall be administered by any one of the following methods: 1. Intravenous, intraperitoneal, or intracardial injection of a lethal dose.

2. Oral ingestion of powdered sodium pentobarbital in capsules mixed with food, with the animal remaining in its individual cage until dead.

(b) Sodium pentobarbital shall be administered under the following conditions:

1. A sharp and undamaged hypodermic needle shall be used for each animal and be of a size suitable for the size and species of animal, and method of injection: and

2. Administration shall be by a licensed veterinarian or by a person certified u proficient in the injection of sodium pentobarbital by a licensed veterinarian after pusing both a written and practical examination.

(c) Sodium pentobarbital may be obtained by the animal shelter with required federal and state permits.

§8003. Administration of Chloroform

Rodents, rabbits and infant wildlife may be euthartized with chloroform or injections of sodium pentobarbital.

(a) The animal to be killed shall be placed in an individual cage or compartment in a small airtight container constructed with proper closeable air intake and a chloroform dispenser device and view window sufficient to permit unobstructed observation of the animal until dead. The animal shall not be placed directly into a container already saturated with chloroform.

(b) The chloroform, of a dose sufficient to kill the size of animal, shall be placed onto a gauze, cotton or wool dispenser attached to the container wall in such a position that the animal shall not be able to come in direct contact with it. After the animal is uncorucious, the fresh air intake is to be closed.

(c) The animal shall not be removed from the container for thirty (30) minutes after cessation of respiratory movements. After the animal is removed, it shall be checked for heartbeat. The animals body shall not be disposed of until the onset of rigor mortis.

(d) The room in which the chloroform is administered shall have forced ventilation to remove all fumes after each use, for the protection of personnel.

(e) All methods shall be inspected and approved in writing by a licensed veterinarian. §8004. Proper Facilities Required

Any municipality that does not have proper facilities and trained personnel shall transport in a humane manner any animals which are to be euthanized to the nearest private or public shelter or agency which has proper facilities and trained personnel or contract for cuthansia of such animals by a licensed veterinarian.

§8005. prohibited Acts: Criminal Offense: Civil Remedy: Jurisdiction in Superior Court

(a) Anything in this Act to the contrary notwithstanding, any shelter that has employed a high altitude, low pressure chamber, also known as the decompression chamber, to dispose of animals prior to the effective date of this Act, may continue to do so for a period of 1 year after the effective date of this Act. Thereafter, no shelter shall employ such a chamber to dispose of animals, and shall have complied with the provisions of §8006 hereof about the dismantling of such chambers.

(b) Failure by any person employed by, volunteering at, or an agent of any private or public animal shelter to comply with the provisions of this Act for euthanizing animals shall constitute a Class A misdemeanor and shall be punishable as provided by law.

(c) Any person may maintain a civil action to enjoin the continuance of the violation. If the acts sought to be enjoined are determined by the courts to violate the provisions of this Act, a permanent injunction against such acts shall be granted. The violation may also be abated by any public body or officer authorized to do so by law.

(d) The Superior Court shall have exclusive jurisdiction of misdemeanor offenses under this section. §8006. Dbmantling the Chamber

Within 1 year of the effective date of this Act, any chamber or device used to induce hypoxia through decompression or in any other manner shall be dismantled and removed from the premises. The director or owner of any premises on which the chamber or device remains 1 year subsequent to the effective date of this Act shall be subject to the same penalty as that provided for a violation of the state cruelty to animals statute. The Superior Court shall have original, exclusive jurisdiction over all violations of this section."

Approved July 4, 1985.

