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HOUSE BILL 265

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO ANIMALS; PROHIBITING THE USE OF GAS CHAMBERS FOR
THE EUTHANASIA OF CERTAIN ANIMALS; AMENDING SECTIONS OF THE
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-1-12 NMSA 1978 (being Laws 1901,
Chapter 105, Section 5, as amended) is amended to read:

"77-1-12. LOCAL CONTROL BY ORDINANCE--DOGS AND CATS
RUNNING AT LARGE.--Each municipality and each county shall make
provision by ordinance for the seizure and disposition of dogs
and cats running at large and not kept or claimed by any person
on ~~[their]~~ the person's premises; provided, however, that the
ordinance does not conflict with the provisions of the Animal
Sheltering Services Act."

Section 2. Section 77-1B-8 NMSA 1978 (being Laws 2007,
.175309.1

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1 Chapter 60, Section 8) is amended to read:

2 "77-1B-8. EUTHANASIA AGENCIES--INSPECTIONS--EXEMPTIONS.--

3 A. The board shall have authority over the
4 licensing of euthanasia agencies. All euthanasia agencies
5 shall be licensed by the board prior to euthanasia being
6 performed by that agency.

7 B. The board shall adopt rules governing the
8 procedures for administering euthanasia; provided that the use
9 of carbon monoxide gas chambers shall be prohibited for the
10 euthanasia of cats and dogs.

11 C. The board shall establish rules for inspecting a
12 facility holding or claiming to hold a license as a euthanasia
13 agency in this state.

14 D. The board shall establish policies and
15 procedures for record keeping and for securing, using and
16 disposing of euthanasia drugs in accordance with requirements
17 of the Controlled Substances Act, the ~~[federal]~~ United States
18 drug enforcement ~~[agency]~~ administration's Controlled
19 Substances Act and the rules of the board of pharmacy.

20 E. Euthanasia agencies using controlled substances
21 shall have on staff or under contract a supervising
22 veterinarian and a consulting pharmacist as that position is
23 defined in the Pharmacy Act.

24 F. A supervising veterinarian is not required to be
25 on the premises of a euthanasia agency when euthanasia is

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1 performed.

2 G. Nothing in the Animal Sheltering Services Act
3 shall be construed as allowing a licensed euthanasia provider
4 or a certified euthanasia instructor to engage in the practice
5 of veterinary medicine when performing the duties set forth in
6 that act.

7 H. Nothing in the Animal Sheltering Services Act
8 shall be construed as preventing a certified euthanasia
9 instructor from euthanizing animals during a board-approved
10 course on euthanasia instruction.

11 I. Nothing in the Animal Sheltering Services Act
12 affects wildlife rehabilitators working under the auspices of
13 the department of game and fish.

14 J. A veterinary clinic serving as a euthanasia
15 agency pursuant to a contract with a local government is exempt
16 from the provisions of the Animal Sheltering Services Act;
17 provided that the veterinary clinic is subject to licensure and
18 rules adopted pursuant to the Veterinary Practice Act.

19 K. A municipal facility that is a zoological park
20 is exempt from the provisions of the Animal Sheltering Services
21 Act."