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Criminal Law and Procedure

■ Intracardiac euthanasia may not be administered on conscious animals if it possible that the animals could first be rendered humanely unconscious.

Office of the Attorney General

Intracardiac euthanasia involves the injection of sodium phenobarbital directly into the animal's heart. Animal control humane society officers employ this method of euthanasia on sick, injured, homeless or unwanted domestic pets and animals. Penal Code Section 597(b) prohibits the torture, mutilation, cruel beating or cruel killing of any animal. An individual found guilty of violating section 597(b) will be guilty of a crime punishable as a misdemeanor or felony and may be fined up to \$20,000. Moreover, a 1993 report of the American Veterinary Medical Association stated "Intracardiac administration of [euthanasia agents] is not considered acceptable in awake animals, owing to the difficult and unpredictability of performing the injection inaccurately. Intracardiac injection is acceptable only when performed on heavily sedated, anesthetized, or comatose animals."

An animal control officer or the humane society may not use intracardiac administration of euthanasia if the animal may be first rendered unconscious because the procedure has a high likelihood of being performed incorrectly. However, this analysis does not apply to veterinarians. Veterinarians may employ

their professional judgment to determine whether the administration of euthanasia on conscious animals is necessary and justifiable. Under section 597, prosecution is appropriate where the intracardiac injection is administered by a non-veterinarian upon a conscious animal when there exist more humane alternatives.

Opinion of Bill Lockyer, A.G., No. 01-103, Jan. 2, 2002, by the court.

The full text of this case appears in the Daily Appellate Report on page 269.

— Juliet Admana

to Sherry DeBoer