



# Gas Chambers and Animals

By Claudine Wilkins and Jessica Rock, Founders of Animal Law Source™

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Approximately three to four million cats and dogs are euthanized at animal shelters throughout the U.S. every year.<sup>1</sup> In five counties in Georgia in 2010, (Clayton, Cobb, DeKalb, Fulton and Gwinnet), almost 30,000 animals were killed. Gwinnet led the way by killing over 7,800 cats and dogs. Various methods were used to kill these animals, but the most prevalent methods were lethal injections or use of carbon dioxide gas chambers.<sup>2</sup>



Gas chambers can be extremely cruel and inhumane. Some animals do not die right away and suffer a horrific death trying to breathe for up to twenty or thirty minutes. The animals that live are usually gassed again until they are dead. The reason most shelters give for killing animals is that the animal was either (1) sick or old, (2) no one would adopt them, or (3) they had no more room in the shelter.<sup>3</sup>

## Limiting Gas Chambers in Georgia

In 1990, Chesley Morton, a member of the Georgia House of Representatives sponsored and passed the Georgia Humane Euthanasia Act, which was an attempt to limit the use of gas chambers at animal shelters in Georgia.<sup>4</sup> The statute mandated the use of sodium pentobarbital rather than using gas to kill shelter animals. (O.C.G.A. § 4-11-5.1). However, there were several exceptions or loopholes in the law that if read broadly, would allow gas chambers to be used in the state:

- (1) Should a shelter have used commercially bottled carbon monoxide gas before July 1, 1990, and have properly notified the Commissioner of Agriculture in writing that they use gas, they will be allowed to continue to use gas (O.C.G.A § 4-11-5.1(b)(1));
- (2) Rural counties with less than 25,000 people (O.C.G.A. § 4-11-5.1(h)); and
- (3) Extraordinary circumstances where the animal poses an extreme risk to the person conducting euthanasia (O.C.G.A. § 4-11-5.1(c)).

Even though the law passed, effective July 1990, the loopholes provided exceptions to the law that persisted for more than fifteen years. The most egregious use of an exception was shelter personnel

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<sup>1</sup> “Animal Chambers Draw Fire in U.S.”, National Geographic News, 11 April 2005.

<sup>2</sup> “Counties Killing Dogs, Cats by the Thousands”, Atlanta Journal Constitution, 19 April 2010.

<sup>3</sup> “Amazing Grace Caravan to Carry Anti-Gas Chamber Message from Jersey to Georgia”, Jason Debus Heigl Foundation, 27 June 2012.

<sup>4</sup> “Judge Issues Permanent Injunction vs Illegal Use of Gas Chambers in Georgia”, Animal Law Coalition, 14 December 2007.

defining “extraordinary circumstances” as receiving any bite from a dog or cat which could then send the animal to its death. Of course, any animal under stress would lash out and try to bite the euthanizer. Many times the animals were starved and not given water before being killed so that cleanup would be easier. The animals were not usually killed alone, but in groups of up to twenty animals at a time. The animals understandably would not only lash out at the person, but would also fight the other animals in the chamber with them.<sup>5</sup>

### **Georgia Humane Euthanasia Act and the Department of Agriculture**

In 1995, Tommy Irvin, Commissioner for the Department of Agriculture, allowed new gas chambers to be installed in Cobb County, even though Cobb did not qualify for an exemption under the newly passed Georgia Humane Euthanasia Act. He also continued to license and condone the use of gas in shelters in Chatham, Bullock and Tifton-Tift counties.<sup>6</sup> Eventually, other counties followed suit with the express approval of Tommy Irvin.

In 2006, a hound named Grace was led by Liberty County Animal Control Officer Linda Cordy into the gas chamber with other dogs. However, after twenty minutes, Grace was left standing and shaking, covered in blood and feces, but still alive. Ms. Cordy did not have the heart to gas Grace again. The event changed Ms. Cordy forever into an advocate against the use of gas chambers at animal shelters in Georgia. The gas chamber in Liberty County was never used again.<sup>7</sup>

Chesley Morton was incensed that his hard work passing the Georgia Humane Euthanasia Act in 1990 was being ignored by the Department of Agriculture and specifically, by Tommy Irvin. Jennifer Robinson had a family pet that was sent to a Clayton County shelter and killed in an Irvin approved illegal gas chamber before she could re-claim him. Chesley Morton and Jennifer Robinson decided to file suit together in 2007 and asked the Superior Court of Fulton County to issue an injunction to stop Commissioner Irvin from continuing to license and to allow the use of gas chambers not prescribed by law in the state.<sup>8</sup> Fulton County Superior Court Judge Cynthia Wright ordered the Department of Agriculture to abide by the 1990 Georgia Humane Euthanasia Act. Several counties ignored the injunction and were found to be in contempt of court by Judge Tom Campbell of Fulton County Superior Court. Judge Campbell finally issued a permanent injunction against the Georgia Department of Agriculture and Commissioner Irvin on March 12, 2009.<sup>9</sup>

### **Grace’s Law**

In 2010, Georgia State Representative Tom Knox sponsored H.B.788, also known as **Grace’s Law**.<sup>10</sup> The bill did not allow any gas chambers to be used in the state and closed all the loopholes that allowed the exceptions to persist in counties continuing to use gas chambers. Representatives Gene Maddox and Sean Jerguson argued against the bill stating that not only were gas chambers cheaper,

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<sup>5</sup> “What is a Good Death?” [Animal Sheltering](#), January/February 2008.

<sup>6</sup> “Georgia Judge Finds Department of Agriculture is Violating the Law by Allowing Animal Gas Chambers”, [Animal Law Coalition](#), 18 August 2007.

<sup>7</sup> “Amazing Grace Caravan to Carry Anti-Gas Chamber Message from Jersey to Georgia”, Jason Debus Heigl Foundation, 27 June 2012.

<sup>8</sup> Georgia Shelters Still Using Gas to Euthanize, with the Dept. of Ag. Support, [dreamdachshundrescue](#), 12 July 2007.

<sup>9</sup> “Judge Issues Permanent Injunction vs Illegal use of Gas Chambers in Georgia”, [Animal Law Coalition](#), 14 December 2007.

<sup>10</sup> “Governor Signs Gas Chamber Ban into Law”, [Animal Law Coalition](#), 5 June 2010.

but that they were also humane. Tom Knox testified to the cruelty of gas chambers showing pictures of gassed animals and entering testimony from PETA representatives, the Association of Shelter Veterinarians and the American Humane Association as to the cruelty and suffering the animals endured while being gassed. Sonny Perdue signed the bill into law on June 5, 2010, with an effective date of January 1, 2011. Grace’s Law disallows the use of carbon dioxide gas chambers in Georgia animal shelters, and requires the use of sodium pentobarbital injection by a trained person.<sup>11</sup>

### Gas Chambers in Other States

Unfortunately, animals in other states survive gas chambers as well. In Alabama in October 2011, a beagle named Daniel was gassed with seventeen other dogs, but lived. New Jersey animal trainer Joe Dwyer adopted Daniel and now takes Daniel on tour to states that have not stopped using gas chambers. Eventually, Daniel’s Law was passed in Alabama and gas chambers are no longer used there. Daniel is now on a national campaign to ban gas chambers in every state and recently got a similar law passed in Pennsylvania.<sup>12</sup>

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### States with Laws Banning Gas Chambers

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Alabama	Arizona	Arkansas
California	Delaware	Florida
Georgia	Idaho	Louisiana
Maine	Maryland	Massachusetts
New Jersey	New Mexico	New York
North Carolina	Oregon	Pennsylvania
Rhode Island	Tennessee	Virginia
Washington	Illinois*	West Virginia*

*\* loopholes still exist*

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According to the Humane Society of United States, twenty-two states and the District of Columbia have passed laws against using gas chambers in animal shelters. Seventeen other states have no gas chamber ban, but there are no indications that it is being used. Eight states including Nevada, Utah, Wyoming, Kansas, Oklahoma, Missouri, Ohio and Michigan still use gas chambers in their shelters.

### House Resolution 736

In the July 2012, 112<sup>th</sup> Congress, Jim Moran, Democrat from Virginia, proposed House Resolution 736 in the U.S. House of Representatives which expressed (1) disapproval of the use of gas chambers to euthanize shelter animals, and (2) support for the enactment of state laws requiring the use of euthanasia by injection with sodium pentobarbital as the standard method of euthanasia for all animal shelters.<sup>13</sup> It also encourages states to allow licensed shelters to purchase necessary euthanasia drugs, subject to appropriate training and certification. Similarly, H. Res. 433 was proposed in the 113<sup>th</sup> Congress by Lou Barletta on December 5, 2013, but was referred to the House Agriculture Subcommittee on Livestock, Rural Development and Credit as of May 22, 2013.

*Credit to Kaye Klapper*

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<sup>11</sup> “Governor Signs Gas Chamber Ban into Law”, [Animal Law Coalition](#), 5 June 2010.

<sup>12</sup> “A Victory for Pennsylvania Animals – Daniel’s Law Advances”, [DanielTheBeagle](#), 14 December 2011.

<sup>13</sup> Advocates Seek End to CO Euthanasia for Shelter Animals in Texas, [PR Newswire](#), 25 February 2013.



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