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Ohio House of Representatives  
House State and Local Government Committee

Honorable Members of this Committee:

My name is John Bell, and I am an attorney in private practice in Bexley. It is a privilege to address this Committee today regarding House Bill 552 of this General Assembly, by Representative LaTourette.

In my practice, I represent a number of animal welfare and rescue organisations in impact litigation, including some cases that we can call ‘animal shelter reform’ cases.

The Committee will hear from the Director of Ohio S.P.C.A., and others, and I do not want to duplicate their testimony, but I would like to give the Committee the benefit of some of my unique experience on this issue, which I have gained through ‘hands-on’ litigation.

Ohio S.P.C.A., Inc., has been working to eliminate the use of “gassing” as a method of euthanasia for many years, even before I represented them. In 2014, the Fourth District Court of Appeals of Ohio ruled in favor of Ohio S.P.C.A., Inc., and ordered Hocking County to cease use of a gas chamber and utilize Euthanasia By Injection (“E.B.I.”)

In the course of the Hocking County litigation, we presented testimony from a former Hocking County Dog Warden. He described not only the difficulties, and frankly, the horrors, of the “gassing” procedure used by the County, but the thinking that led the County to create and use its ‘gas box’ in the first place. He described the animals ‘screaming like they had been hit by a car’ when the gas began to be introduced into the gas box. He described the blood and wounds that he observed from the animals struggling and fighting during the procedure, which could last for more than forty (40) minutes.

That case also required me to learn and present the Court with an understanding of the science of “gassing,” with the help of an expert witness in the form of a very highly qualified chemical engineer. The Committee has heard, or will be hearing, about the studies by the American Veterinary Medical Association (“A.V.M.A.”). At the time of our litigation in Hocking County, the A.V.M.A. had stopped short of saying that “gassing” was always inhumane under any circumstances.

Their report had found that under tightly controlled conditions, there might be some very limited circumstances where “gassing” would not necessarily be inhumane.

The problem with this is that the A.V.M.A. was discussing hypothetical conditions and equipment, but we are not. We have eighty-eight very diverse counties, and that diversity extends to the various counties' governments, and to their various operations. The Court of Appeals recognized that Hocking County was a long way from the hypothetical conditions where "gassing" might not be inhumane.

The A.V.M.A. report went beyond the chemistry, biology and pharmacology in animal euthanasia; they considered factors such as cost and risks to shelter employees. These were issues that were raised by Hocking County in the *Mandamus* case, as well as by a number of other counties with which Ohio S.P.C.A. had been in negotiation to try and avoid litigation. The A.V.M.A. found that those factors were actually neutral, *i.e.*, there was no significant difference in risk to shelter employees between "gassing" and E.B.I., or weighed in favor of E.B.I.

The Court of Appeals decision is based on Ohio's existing statutory requirement that euthanasia (of dogs) must be accomplished by means that "immediately and painlessly renders the dog initially unconscious and subsequently dead." I call that the "Immediate and Painless Rule," and I have always bragged on our legislature for placing enough importance on this Rule to have it appear in two different sections of the Revised Code.

This Court of Appeals decision is still the law in Ohio, so this might beg the question, if a Court of Appeals has decided that gassing violates the "Immediate and Painless" Rule, why do we need a statute? I alluded to a part of the answer earlier: there are eighty-eight counties, each with its own unique character, and there are still some who would utilize this inhumane practice. Before filing the *Mandamus* action against Hocking County, Ohio S.P.C.A., Inc., had been negotiating and lobbying a number of Ohio Counties, to try to get them to voluntarily cease "gassing." Many did so, but there were also counties that resisted the idea, some almost militantly. Some resist even today, and despite being confronted with the Hocking County decision.

Please act to ban this cruel, archaic and indefensible practice from our State. Thank-you.

Very Truly Yours,

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JAB/hpc