

**JOHN A. BELL, ATTORNEY-AT-LAW**  
**2700 EAST MAIN STREET - SUITE 207**  
**P. O. BOX 091022**  
**BEXLEY, OHIO 43209-1022**  
TELEPHONE: (614)-266-2961  
LINEA EN ESPAÑOL: (614)-239-6470  
FACSIMILE: (614)-754-1279  
E-MAIL: JOHNLEGAL@AOL.COM

December 3, 2018

Ohio Senate Agriculture Committee  
North Hearing Room  
Columbus, Ohio

RE: Proponent Testimony re: Ohio H.B. 552

To the Honorable Chairman Hackett, Vice Chair Hoagland, Ranking Member O'Brien, and members of this Ohio Senate Agriculture Committee:

My name is John Bell and I am General Counsel to the Ohio Society for the Prevention of Cruelty to Animals (Ohio S.P.C.A., Inc.), as well as being counsel in various matters for two (2) Ohio County Humane Societies, seven (7) breed-specific companion animal rescue groups, four (4) all-breed rescue groups and other animal welfare groups throughout Ohio. I am a resident of Franklin County, and my law office is in Bexley.

On behalf of the Ohio S.P.C.A., Inc., I submit this testimony in support of HB 552 which will 1) permit dog wardens to purchase, possess, and administer drugs for euthanizing animals and pre-euthanizing drugs for unconsciousness and 2) prohibit an animal shelter from destroying a domestic animal by the use of a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant.

Through litigation handled by my office, and through other efforts, Ohio SPCA has been engaged in a state-wide effort to eliminate the use of gassing as a method of euthanasia in Ohio for many years. Our efforts culminated in the 2014 ruling by the Fifth Appellate District Court of Appeals of Hocking County, in *State, ex rel., Ohio S.P.C.A., Inc., v. Commrs. Of Hocking County*, (July 14, 2014) 2014-Ohio-3348.

In that case, the Court of Appeals applied the long-established "immediate and painless" rule that actually appears in two (2) different locations in the Ohio Revised Code [sections 955.16(F) and 959.06(A)]. The Court found that Hocking County has a clear legal duty to utilize "EBI" or Euthanasia By Injection, and to cease the use of gassing. A Writ of *Mandamus* was issued.

The Court of Appeals was moved by the testimony presented to the effect that Hocking County's "gas box," when used according to County policy, required more than forty (40) minutes to euthanize an animal, and that when the officials would open the enclosure after the gassing procedure, there was often graphic evidence that the animals had suffered and struggled considerably inside the enclosure.

*Continued on following page two (2) of three (3)*

December 3, 2018

page two (2) of three (3)

We presented an Affidavit of a former Hocking County employee on the County's gassing procedure. In that Affidavit, he testified:

"About a minute after \* \* \* Dog Warden Tripp turned on the gas \* \* \* to demonstrate its operation \* \* \* (Mr. Vickers) heard the dogs screaming like they had been hit by a car and injured." \* \* \* He also said that when he took dogs out of the homemade "gas box," he observed blood, bite marks, vomit, feces and urine on the carcasses. \* \* \*

Further, Dr. David Manuta, the expert witness retained by Ohio S.P.C.A., Inc., stated as follows in his very detailed report, which was based on an actual physical inspection and observation of the operation of the Hocking County "gas box.:"

"Even with properly manufactured and maintained gas chambers, euthanasia by carbon monoxide, to a reasonable degree of scientific certainty, has not been found to be immediate and painless (inhumane) to animals. This opinion is supported by credible sources such as the American Humane Association (AHA), the American Veterinary Medical Association (AVMA), and the Humane Society of the United States (HSUS).

"The applicable Ohio Revised Code statute (955.16F) requires that euthanasia must be immediate and painless. The method of choice, per the three professional societies, is euthanasia by injection \* \* \*.

"Although no currently used euthanasia method can instantaneously end an animal's life, EBI induces death more immediately and less painfully than EBC."

It is scientifically very clear that gassing is a violation of the "immediate and painless" rule in Title IX of the Revised Code. However, it also seems that a number of local governments and agencies do not share that opinion, since they have ignored or refused our repeated demands that they cease the use of gassing based on *State, ex rel., Ohio S.P.C.A., Inc., v. Commrs. Of Hocking County*, (July 14, 2014) 2014-Ohio-3348.

I completely agree with Director Teresa Landon's testimony on this matter, when she says that, "With a nation entering the 21st century, the discoveries behind closed doors and behind county shelters are barbaric, shocking, and heartbreaking." I will not belabor the Committee's time by recounting the horrors that Ohio S.P.C.A., Inc., has discovered and tried so hard to ameliorate. Words like "disturbing," "barbaric," and "disgusting" come to mind, and these opinions are shared by many people who do not work "hands on" in this field as we do.

Continued on following page three (3) of three (3)

*TO: Ohio Senate Agriculture Committee*

*RE: Proponent Testimony re: Ohio H.B. 552*

*December 3, 2018*

*page two (2) of three (3)*

As Director Landon testified, “During the past 17 years, the Ohio SPCA has gone county to county uncovering and eliminating the horrific euthanasia taking place in shelters. Through direct intervention, cooperation with county officials, media exposure, public support, and three successful lawsuits the routine use of gunshot, engine exhaust, homemade gas boxes and commercial gas chambers, and any known improper administration of intracardiac injection has ended in over 25 Ohio counties.”

I write separately to emphasize the resistance, or “push back” that we still receive when trying to address reports of inhumane killings of companion and other animals. Many of those involved, including a surprising number of government officials, express belligerence and outright disdain for the idea that inhumane killings are, and should be, illegal in Ohio.

Allowing dog wardens to directly access and administer drugs for pre-euthanasia purposes will eliminate the barriers used to justify gas chambers for the last remaining counties. Passage of this bill will allow Ohio to become a no-gassing state thus joining the majority of the nation. It will also provide dog wardens with much-needed pre-euthanasia drugs. Passage of HB 552 into law will prevent history from repeating itself.

I respectfully urge you to vote in favor of H.B. 552 and I thank you for this opportunity to testify before you today.

Very Truly Yours,

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned below a horizontal line.

JOHN A. BELL, ESQ.,  
Attorney-at-Law

JAB/hpc