



Animal Vets Can't Use Execution Drug

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By MARK SHERMAN, Associated Press Writer

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Nearly all lethal injection executions have occurred in states where veterinarians are not allowed to use the same method to euthanize animals, according to a new study.

One of the three drugs used in executions, the one that paralyzes the condemned inmate, has been banned from use in animal euthanasia by at least 42 states, said the study author Ty Alper, a death penalty opponent and associate director of the Death Penalty Clinic at the University of California-Berkeley School of Law.

Those states include the five leaders in lethal injections — Texas, Oklahoma, Virginia, Missouri and North Carolina — and account for 907 of the 929 executions that have been carried out by that method since 1982.

Executions have been on hold while the Supreme Court considers a challenge to lethal injections in a case from Kentucky, among the roughly three dozen states that administer three drugs in succession to knock out, paralyze and kill prisoners.

The major criticism of the three-drug procedure is that if the executioner administers too little anesthetic or makes mistakes in injecting it, the inmate could suffer excruciating pain from the other two drugs. Officials overseeing the execution might be unable to detect whether the dying inmate is in pain because the paralyzing drug, most commonly pancuronium bromide, would prevent any changes in expression.

Federal judges in California, Missouri and Tennessee have ruled that the way lethal injections are carried out in those states is unconstitutional, mainly because of the risk of pain in the three-drug method. Yet states have refused to approve injection of a single drug, in part, out of fear that the switch might precipitate a new round of lawsuits to stop executions.

The two death-row inmates who object to Kentucky's method argue that a large enough dose of a barbiturate, the most common way of putting down animals, is a safer, less potentially painful way to carry out executions. Kentucky prohibits using a paralytic in animal killings.

"They use a single drug protocol for animals because it's more humane than the three-drug protocol," Justice John Paul Stevens said at the hearing on the Kentucky case.

Kentucky's lawyer disagreed with Stevens, but Alper said his research into state laws and regulations governing animal euthanasia revealed that concerns about pain motivated decisions to ban the use of the paralytics, which also are called neuromuscular blocking agents.

"This is very relevant to the lethal injection debate," Alper said. "There's a reason why they don't use it and so there's a reason we should be concerned about executions by lethal injection that do use a neuromuscular blocking agent."

Alper's study will be published in an upcoming issue of the Fordham Urban Law Journal. He provided a copy to The Associated Press.

Alper acknowledged that the number of states that prohibit the use of the class of drugs is higher in his study than in other sources.

Virginia, for example, has not previously been counted because state law says nothing about specific drugs and gives the state veterinarian wide leeway in establishing standards. The state vet, in turn, lists the barbiturate pentobarbital, carbon monoxide and any method approved by the American Veterinary Medical Association.

The national veterinarians association has tried to stay out of the debate, emphatically saying on the cover of its 39-page guidelines on euthanasia that the guidelines have been "widely misinterpreted" and are not intended for human lethal injections.

But the guidelines offer some support for the argument against the three-drug method because they contain just one reference to including neuromuscular blocking agents in animal killings. "In zoos and clinical settings, neuromuscular blocking agents are considered acceptable for restraint of reptiles if given immediately prior to administration of a euthanizing agent," the guidelines say.

Dr. John Dodam, past president of the American College of Veterinary Anesthesiologists, said there is good reason to avoid a drug that can mask a patient's condition. "When we euthanize an animal, we're trying to ensure a humane death," Dodam said. "Unconsciousness can be difficult to evaluate in a patient that is paralyzed."

The paralyzing drugs are useful, however, in cataract, thyroid and other surgeries that require restricting movement, Dodam said.

Eight states have laws and regulations that are silent on the topic. But in Vermont, one of those eight states, paralytics are "absolutely not an approved agent for use by euthanasia technicians," said Dr. Crager Boardman Jr., chairman of the Vermont Euthanasia Board for Animals. The board regulates technicians who carry out euthanasia in animal shelters.

On the Net:

Find the study at: <http://www.lethalinjection.org>

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