



College of Veterinarians of British Columbia

Responding to an Animal in Critical Distress

Revised December 2016

Registrants should note that the advice provided in this information article replaces the previous CVBC – BCSPCA Critical Distress Protocol, which is no longer to be used.

In practice, a veterinarian may be presented with an animal in ‘critical distress’ requiring immediate euthanasia. The term ‘critical distress’ does not appear in the Veterinarians Act or in the CVBC bylaws. The term ‘critical distress’ is defined in the Prevention of Cruelty to Animals Act (PCA Act), s. 12, ‘Relieving critical distress in animals’ (see below).

A BCSPCA Special Provincial Constable (SPC) uses the attached ‘Critical Distress Assessment Form’ in determining whether an animal in the custody of the BCSPCA is in ‘critical distress’ and needs to be euthanized.

Euthanasia of an animal in critical distress by a veterinarian in practice

On June 29, 2015, the ‘College Matters Newsletter’ advised veterinarians of May 15, 2015 amendments to the PCA to deal with the situation of an *unowned animal in critical distress*. *The italicized words are incorrect.* The BCSPCA recently advised the CVBC that the PCA Act amendment means if a veterinarian in practice (or in a public space) is presented with any animal - owned or unowned in ‘critical distress’ as defined in the PCA, the veterinarian has the authority to euthanize the animal without authorization from the owner or the BCSPCA.

Where an owner presents with an animal in critical distress but the owner refuses to provide authorization for euthanasia, the veterinarian is advised to immediately call the BC SPCA Call Centre and request to speak with a BCSPCA Special Provincial Constable. In discussion with the veterinarian, the SPC will determine whether a s. 14 seizure is appropriate. With the veterinarian’s assessment as to critical distress, the SPC may direct the veterinarian to euthanize the animal.

Veterinarians are encouraged to use the “Critical Distress Assessment Form” as a check list for assessment of ‘critical distress’.

In the event that the veterinarian is unable to reach an SPC, has assessed the animal to be in critical distress and suffering, the veterinarian is authorized under s. 12 of the PCA Act to euthanize the animal without the owner’s consent. Any veterinarian who in good faith euthanizes an animal under section 12(2)(b) is protected from liability in case of subsequent civil action.

Post euthanasia, in cases of suspected animal cruelty or neglect, veterinarians are asked to contact the BCSPCA in discharge of their duty under s. 22.1 of the PCA Act and to keep the animal for necropsy until directed otherwise by the BCSPCA SPC.

The costs associated with the veterinarians' choice to euthanize an unowned animal are the responsibility of the veterinarian (unless there is a pre-arranged agreement between a particular veterinarian and a particular shelter that permits coverage of these costs). Where an animal has been seized from its owner by an SPC and euthanasia is authorized, the owner may be required to compensate the SPCA for the associated costs, including any veterinary costs.

Outside of veterinary practice, a veterinarian or a member of the public who observes an animal in apparent 'critical distress' (for example, a dog in a hot car) is advised to contact the BCSPCA for an SPC to exercise the powers under s. 14 to break into that car without a warrant.

Relieving critical distress in animals

- 12 (1) In this section, "critical distress" means distress in an animal of such a nature that
- (a) immediate veterinary treatment cannot prolong the animal's life, or
 - (b) prolonging the animal's life would result in the animal suffering unduly.
- (2) If, in the opinion of
- (a) a registered veterinarian, or
 - (b) an authorized agent, if a registered veterinarian is not readily available,
- an animal is in critical distress, the registered veterinarian or authorized agent may destroy the animal or have the animal destroyed.

Immunity for persons who report

- 25.2 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a registered veterinarian because of anything done or omitted
- (a) in relation to the destruction of an animal under section 12 (2), or
 - (b) in the making of a report as required under section 22.1.
- (2) Subsection (1) does not apply to a registered veterinarian in relation to anything done or omitted in bad faith.

The amendment to the PCA Act can be viewed at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96372_01#section12