
DIGEST

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HB 854 Reengrossed

2024 Regular Session

Geymann

Abstract: Provides for exemption to Wildlife Rehabilitation Program rules.

Proposed law adds an exemption to the Wildlife Rehabilitation Program rules regarding possession of wildlife. Proposed law provides that, notwithstanding any law or rules to the contrary, individuals may possess in captivity any sick, injured or orphaned wildlife if they have satisfied the course requirements of the Wildlife Rehabilitation Program, as provided by administrative rule, and a licensed veterinarian has determined that the animal is medically non-releasable or exhibits signs of adjusted life in captivity. Proposed law specifies that wildlife included under this exemption shall be limited to the following species: (1) squirrel, (2) skunk, (3) opossum, (4) raccoon, (5) rabbit, or (6) chipmunk, with such possession limited to one animal per individual. Proposed law provides for strict liability for individuals in possession of one of these animals if they cause any damages to persons or property.

Proposed law specifies that a licensed La. veterinarian is not liable to any person for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically nonreleasable or exhibits signs of adjusted life in captivity as required by the provisions of this Section. Additionally specifies that this limitation of liability is not applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed La. veterinarian.

(Adds R.S. 56:125.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Specify that proposed law supercedes any existing local ordinance, administrative rule, or any other provision of law to the contrary.
2. Make a technical change.

The House Floor Amendments to the engrossed bill:

1. Remove the requirement that an animal pose minimum zoonotic potential from the Wildlife Program Rehabilitation exemption requirements.
2. Specify that a licensed Louisiana veterinarian is not liable for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically nonreleasable or exhibits signs of adjusted life in captivity.
3. Specify that the limitation of liability is not applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed Louisiana veterinarian.
4. Make technical changes.