

2022 Regular Session

HOUSE BILL NO. 842

BY REPRESENTATIVE MCMAHEN

ANIMALS/CRUELTY: Provides relative to liability for veterinary professionals for the reporting of animal cruelty

1 AN ACT

2 To enact R.S. 9:2800.28, relative to liability; to provide relative to veterinary professionals;
3 to provide relative to animal abuse and reporting; to provide for immunity from civil
4 liability or criminal prosecution; to provide relative to the release of confidential
5 information; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.28 is hereby enacted to read as follows:

8 §2800.28. Limitation of liability for veterinary professionals who report animal
9 cruelty

10 A. Any veterinarian licensed by the state or veterinary technician licensed
11 by the state who reports in good faith and has reasonable belief that an animal has
12 been the subject of a violation of R.S. 14:102.1, 102.5, 102.8, 102.19, 102.20,
13 102.23, or 102.26 shall be immune from civil liability or criminal prosecution if he
14 reports such violation to the commissioner or designee of the Department of
15 Agriculture and Forestry, a P.O.S.T. certified animal control officer, a law
16 enforcement agency, or a prosecuting attorney or if he participates in any
17 investigation or proceeding for acts prohibited by law.

18 B. Additionally, any veterinarian licensed by the state or veterinary
19 technician licensed by the state shall be immune from civil liability or criminal
20 prosecution for the release of confidential information pursuant to a subpoena or

1 court-ordered disclosure, or upon written consent from the animal's owner or the
2 animal owner's legal representative.

3 C. This Section shall not apply if the veterinarian or veterinary technician
4 acts with gross negligence, willful misconduct, or in bad faith.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 842 Reengrossed

2022 Regular Session

McMahon

Abstract: Provides for liability immunity for veterinary professionals who report animal cruelty, neglect, or other prohibited acts towards animals.

Proposed law provides that licensed veterinarians or licensed veterinary technicians who report suspected criminal acts shall be immune from civil liability or criminal prosecution if they report in good faith and have reasonable cause.

Present law (R.S. 37:1511 et seq.) provides for the licensing of veterinarians. Present law (R.S. 37:1541 et seq.) provides for the licensing of veterinary technicians.

Proposed law provides for the reportable suspected criminal acts: cruelty to animals, simple and aggravated (R.S. 14:102.1); dogfighting (R.S. 14:102.5); injuring or killing of a police animal (R.S. 14:102.8); hog and canine fighting (R.S. 14:102.19); sport killing of zoo or circus animals (R.S. 14:102.20); cockfighting (R.S. 14:102.23); or unlawful restraint of a dog (R.S. 14:102.26).

Proposed law provides for immunity from liability if the veterinarian or veterinary technician reports such violation to the commissioner or designee of the Dept. of Agriculture and Forestry, a P.O.S.T. certified animal control officer, a law enforcement agency, or a prosecuting attorney. Proposed law further extends the immunity from liability to a veterinarian or veterinary technician who releases confidential information pursuant to a subpoena, court-ordered disclosure, or with written consent of the animal's owner or owner's legal representative.

Proposed law does not apply if the veterinarian or veterinary technician acts with gross negligence, willful misconduct, or in bad faith.

(Adds R.S. 9:2800.28)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add requirement that veterinarians and veterinary technicians be licensed.
2. Enumerate reportable animal cruelty-related crimes.
3. Add requirement that animal control officer be P.O.S.T. certified.

4. Provide for instances when the veterinarian or veterinary technician may release confidential information.
5. Provide that proposed law shall not apply in cases where the veterinarian or veterinary technician acts with willful misconduct.