

HOUSE BILL REPORT

SB 5102

As Reported by House Committee On:
Judiciary

Title: An act relating to veterinarian immunity from liability when reporting suspected animal cruelty.

Brief Description: Concerning veterinarian immunity from liability when reporting suspected animal cruelty.

Sponsors: Senators Pearson, Darneille, Padden, Kohl-Welles and Conway.

Brief History:

Committee Activity:

Judiciary: 3/13/13, 3/19/13 [DPA].

**Brief Summary of Bill
(As Amended by Committee)**

- Provides licensed veterinarians with immunity from liability for reporting animal cruelty.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Pedersen, Chair; Hansen, Vice Chair; O'Ban, Assistant Ranking Minority Member; Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Minority Report: Do not pass. Signed by 1 member: Representative Goodman.

Staff: Omeara Harrington (786-7136).

Background:

Washington's animal cruelty statutes outlaw killing, inflicting various degrees of injury, pain, or neglect upon, or engaging in sexual practices with animals. In addition to prohibiting animal cruelty, the state's laws regarding the prevention of cruelty to animals prohibit certain specific practices and activities involving animals. Among the law's prohibitions are

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transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals.

Veterinarians may be involved in animal cruelty investigations in a number of ways. Law enforcement may authorize a veterinarian to examine an animal in order to determine whether the animal has been neglected or abused to such a degree that removal of the animal to a suitable place for care is warranted. Veterinarians may also advise and assist law enforcement in euthanizing a seriously injured and suffering animal. Veterinarians are immune from liability for their participation in these activities, if carried out with reasonable prudence.

A number of states require or expressly permit licensed veterinarians to report animal cruelty, and provide immunity to veterinarians who report or testify about animal abuse or cruelty. Washington law does not require veterinarians to report abuse, and they are not given immunity for voluntarily reporting.

Summary of Amended Bill:

A licensed veterinarian who reports a suspected incident of animal cruelty, in good faith and in the normal course of business, is immune from legal liability in an action brought against the veterinarian for reporting the suspected incident. The immunity applies only if the veterinarian receives no financial benefit from the suspected incident of animal cruelty, aside from any charges for services rendered prior to the veterinarian making the initial report.

Amended Bill Compared to Original Bill:

Language is added stating that the immunity does not apply if the veterinarian benefits financially from the suspected animal cruelty beyond payment for services rendered prior to the veterinarian making the report.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Over 30 states have veterinarian immunity statutes. This proposal is narrow and only applies to veterinarians acting in their professional role and in good faith, and does not extend to private citizens as do some other state statutes. The bill does not create additional opportunities for false reporting, and if those issues arise they are covered by the professional disciplinary laws.

(Opposed) People have been accused and convicted of animal cruelty based on false accusations by veterinarians. Appropriate husbandry practices vary according to context, and many veterinarians are biased against breeders. Veterinarians are also profiting from reporting animal cruelty through increased donations and payment for the care of seized animals. The veterinarian may have custody of the animal during the investigation, preventing a second opinion. Veterinarians with a conflict of interest should recuse themselves. The lawsuits the bill provides immunity for have never arisen, so the bill is unnecessary.

Persons Testifying: (In support) Greg Hanon, Washington State Veterinary Medical Association.

(Opposed) Carrie Allen, Animal Ally; Angela Congdon; Jason Markley; and Christy Diamond.

Persons Signed In To Testify But Not Testifying: None.