

SENATE BILL REPORT

SB 5102

As Amended by House, April 9, 2013

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: Law & Justice: 1/30/13, 2/01/13 [DP].

Passed Senate: 2/08/13, 49-0.

Passed House: 4/09/13, 93-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; Carrell, Vice Chair; Kline, Ranking Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Sharon Swanson (786-7447)

Background: The state's laws for the prevention of cruelty to animals prohibits certain practices and activities involving animals. Animal cruelty in the first degree involves inflicting substantial pain on, causing physical injury to, or killing an animal by a means that causes undue suffering. Animal cruelty in the first degree is a class C felony.

Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may commit this crime by failing to provide necessary food, water, shelter, rest, or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a gross misdemeanor.

The animal cruelty law contains a number of exemptions, including licensed research institutions; accepted husbandry practices in the commercial raising or slaughtering of livestock; the customary use of animals in rodeos or fairs; the killing of animals for food; and practices authorized under the game laws.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Immunity from liability means a person is free or exempt from a civil or legal penalty or burden.

Summary of Bill: A lawfully licensed veterinarian who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty to the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected incident.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a good bill that grants immunity to qualified veterinarians allowing them to report on suspected animal cruelty. This is a great tool to help encourage veterinarians to participate in reporting suspected animal cruelty. The bill is narrowly drafted to provide that immunity applies only to the veterinarian, not the staff and only when a veterinarian is conducting their business, not when acting as a private citizen. Currently, 30 states provide for some degree of protection for veterinarians who report and testify about animal cruelty. The bill is a tool to provide encouragement for the veterinary community to be involved.

Persons Testifying: PRO: Senator Pearson, prime sponsor; Greg Hanon, WA State Veterinary Medical Assn.

House Amendment(s): The amendment limits a veterinarian's immunity to situations where the veterinarian receives no financial benefit from the suspected animal cruelty beyond payment for services rendered prior to the veterinarian making the report.