

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4807 (as reported without amendment)
Sponsor: Representative Gerald Law
House Committee: Family and Civil Law
Senate Committee: Farming, Agribusiness and Food Systems

Date Completed: 2-28-00

RATIONALE

Occasionally, veterinarians and veterinary technicians have to treat seriously injured animals that are taken to a clinic or hospital by persons who are not the animal's owners. This situation often occurs when an animal is hit by a motor vehicle and the driver or a passerby seeks emergency treatment for the animal. In these cases, the owner of the animal may be unknown or unavailable to make decisions about the animal's treatment. Consequently, a veterinarian or technician is forced to decide the best treatment for the animal, including euthanasia, without the owner's consent. Some veterinarians and technicians fear that owners of these animals might seek civil damages if injury to or death of the animal results from this emergency treatment. It has been suggested that veterinarians and technicians be granted civil immunity so they would not have to worry about being sued when treating an injured animal in an emergency situation in which the owner is unknown or unavailable.

In addition, some veterinarians and technicians treat animals that they suspect have been neglected or abused by their owners. Many veterinarians and technicians, however, fear that they will be sued by the animal owners in retaliation for reporting suspected abuse or neglect. The threat of civil or criminal liability in these circumstances evidently can cause some veterinarians or technicians to refrain from making reports of suspected abuse or neglect.

It has been suggested that veterinarians and technicians should be immune from civil or criminal liability for making these reports.

A veterinarian or technician who in good faith reported to a peace officer, an animal control officer, or an officer of a private organization devoted to the humane treatment of animals an animal that the veterinarian or technician knew or reasonably believed to be abandoned, neglected, or abused,

CONTENT

The bill would amend the Public Health Code to provide veterinarians and veterinarian technicians with civil immunity for treating an animal who was brought in for treatment by a person who was not the owner, and whose owner was unknown or could not be contacted about the treatment; and to provide civil and criminal immunity for reporting to authorities instances of suspected animal neglect or abuse.

Specifically, a veterinarian or veterinary technician would not be liable for civil damages for an injury to an animal or death of an animal that resulted from acts or omissions by the veterinarian or veterinarian technician in providing treatment to the animal, or for the euthanasia of a seriously injured or seriously ill animal. The immunity would apply if the animal had been brought to the veterinarian or technician by a person other than the animal's owner, and the veterinarian or technician did not know who owned the animal or was unable to contact the owner before a decision had to be made with respect to emergency treatment or euthanasia. The immunity would not apply to an act or omission by a veterinarian or technician that amounted to gross negligence or willful and wanton misconduct in providing treatment to an animal.

A veterinarian or technician would have to notify the animal control authority in the county in which the animal was found of the disposition of the treatment rendered to the animal before the end of the first business day following the day treatment was rendered.

would be immune from civil or criminal liability for making the report.

Proposed MCL 333.18826 & 333.18827

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Veterinarians and veterinarian technicians should not have to worry about being sued when they provide emergency treatment to animals without the knowledge or consent of the owner. Unfortunately, many veterinarians and technicians fear that some owners whose animals die under these circumstances might sue for pain and suffering over the loss of the animal. By providing immunity from civil damages to veterinarians and veterinary technicians, the bill would encourage these professionals to provide treatment instead of refusing to aid an animal out of fear of being sued by the owner. Furthermore, the bill would exempt from immunity veterinarians or veterinary technicians whose actions under these circumstances amounted to gross negligence or willful and wanton misconduct. Thus, animal owners could sue a veterinarian or technician who was grossly negligent in providing emergency treatment in the owner's absence.

Supporting Argument

During the course of their work, veterinarians and technicians sometimes treat animals for illness or injuries that they suspect resulted from an owner's abuse or neglect of the animal. While they believe that the suspected abuse or neglect should be reported to authorities, many veterinarians and technicians hesitate to make a report out of fear that the animals' owners will retaliate by filing a criminal or civil lawsuit. The bill would provide veterinarians and technicians protection from civil or criminal liability for reporting in good faith instances of suspected animal abuse or neglect.

Response: Apparently, there have been instances in which veterinarians reported suspected animal neglect or abuse, but were not aware that the owners had sought veterinary help for animals whose conditions were caused by illness and not neglect or abuse.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.