

Regular Session, 2006

SENATE BILL NO. 607

BY SENATORS FONTENOT, ADLEY, BOASSO, CRAVINS, DARDENNE, N. GAUTREAUX, HOLLIS AND QUINN AND REPRESENTATIVES HEBERT, RICHMOND, JACK SMITH AND TRICHE

EMERGENCY PREPAREDNESS. Provides relative to a disaster operation plan for service animals and household pets. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:726(E)(20), 729(E)(13), and 733.1 and to enact R.S.

3 29:726(E)(21) and 729(E)(14), relative to emergency preparedness; to provide

4 additional authorities and responsibilities to the office of homeland security and

5 emergency preparedness and to parish homeland security and emergency

6 preparedness agencies relative to a disaster operation plan for service animals and

7 household pets; to provide for limitation of liability of emergency personnel and

8 owners and operators of facilities used for shelter of household pets and service

9 animals in emergencies; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 29:726(E)(20), 729(E)(13), and 733.1 are hereby amended and
12 reenacted and R.S. 29:726(E)(21) and 729(E)(14) are hereby enacted to read as follows:

13 §726. Governor's Office of Homeland Security and Emergency Preparedness;
14 authority and responsibilities

15 * * *

16 E. The office shall either directly or through authorized assignment to another
17 state agency or department:

1 * * *

2 (20)(a) In consultation with experts in the fields of animal sheltering,
3 veterinary medicine, public health and safety, and other professional and
4 technical personnel deemed appropriate, formulate emergency operation plans
5 for the humane evacuation, transport, and temporary sheltering of service
6 animals and household pets in times of emergency or disaster that:

7 (i) Require that persons with disabilities who utilize service animals are
8 evacuated, transported, and sheltered with those service animals and inform all
9 facilities that provide shelter to persons with disabilities who are accompanied
10 by their service animals of their legal obligation to provide shelter to both the
11 disabled person and the service animal.

12 (ii)(aa) Identify or establish, as the case may be, evacuation shelters that
13 are in close proximity to a human sheltering facility designed and equipped to
14 accept and temporarily house the household pets of evacuees and canine search
15 and rescue teams.

16 (bb) Develop guidelines for such "side by side" shelters which may
17 include standards or criteria for admission to such shelters, health and safety
18 standards, basic minimum animal care standards regarding nutrition, space,
19 hygiene, and medical needs, protocols, and procedures for ensuring adequate
20 sheltering, management, and veterinary staffing for such shelters.

21 (iii)(aa) Enable, wherever possible, pet and pet-owner evacuations for
22 disabled, elderly, special needs residents, and all other residents whenever such
23 evacuations can be accomplished without endangering human life.

24 (bb) The office shall establish an identification system to ensure that
25 household pet owners who are separated from their household pets during an
26 evacuation are provided with all information necessary to locate and reclaim
27 such household pet. In establishing such identification system, a tracking
28 number system shall be developed with one number being used exclusively and
29 consistently in association with and for the same household pet until such time

1 as the household pet is reunited with its owner.

2 (iv) Allow household pets in cages or carriers that safely and securely
3 confine such pets and are specifically designed for the containment and
4 transport of such pets to utilize public transportation during an impending
5 disaster, when doing so does not endanger human life. If such pets are not
6 allowed to use public transportation, the primary agency designated under the
7 provisions of R.S. 29:729(E)(13)(b)(i) and (ii) is authorized to provide separate
8 transportation for these pets to the shelter in closest proximity to the human
9 sheltering facility in which the animal's owner or custodian will be temporarily
10 housed when such location is known. The office shall, in consultation with the
11 primary agency designated under the provisions of R.S. 29:729(E)(13)(b)(i) and
12 (ii) and other appropriate agencies, develop plans to address the evacuation,
13 transportation, and other needs of those household pets that are not evacuated
14 or transported pursuant to this Item.

15 (v) Require animal shelters, humane societies, veterinary offices,
16 boarding kennels, breeders, grooming facilities, hospitals, schools, animal
17 testing facilities, and any other businesses or not-for-profit agencies that
18 normally house household pets or service animals to create evacuation plans for
19 such animals consistent with the provisions of this Paragraph. Such plans shall
20 be made available to the public upon request and shall be filed annually with
21 the Louisiana Department of Agriculture and Forestry, office of animal health
22 services and with their respective parish office of homeland security and
23 emergency preparedness.

24 (vi) Implement a public information program to provide guidance to
25 household pet owners in formulating their own evacuation plans for their
26 household pets and service animals, inform such pet owners of the resources
27 available to assist them in such evacuations, and apprise such pet owners of the
28 location, admission criteria, and other relevant guidelines for the shelters in
29 their area that accept household pets.

1 (vii) Ensure the primary agency designated under the provisions of R.S.
 2 29:729(E)(13)(b)(i) and (ii) is included in emergency preparedness exercises
 3 conducted or arranged through the state or parish government, and that animal
 4 rescue, evacuation and sheltering needs of residents with pets are made a part
 5 of those exercises.

6 (b) In creating disaster operation plans for household pets and service
 7 animals, the office shall consult with each agency designated by each parish
 8 homeland security and emergency preparedness agency to provide evacuation,
 9 transportation, and sheltering functions as provided for in R.S. 29:729(E)(13)
 10 and shall identify and make available to the public the name and location of
 11 facilities that provide temporary sheltering for household pets.

12 (c) Develop or establish requirements for the authorization and training
 13 of volunteer workers to assist the primary agency designated under the
 14 provisions of R.S. 29:729(E)(13)(b)(i) and (ii) in carrying out the provisions of
 15 this Paragraph.

16 (d) For the purposes of this Paragraph, "service animal" shall mean any
 17 animal that assists or performs tasks for a person with a sensory, emotional,
 18 mental, or physical disability.

19 (e) For the purposes of this Paragraph, "household pet" shall mean any
 20 domesticated cat, dog, and other domesticated animal normally maintained on
 21 the property of the owner or person who cares for such domesticated animal.

22 (21) Do other things necessary, incidental, or appropriate for the
 23 implementation of this Chapter.

24 * * *

25 §729. Parish homeland security and emergency preparedness agency authorities and
 26 responsibilities

27 * * *

28 E. The parish office of homeland security and emergency preparedness shall:

29 * * *

1 (13)(a) In consultation with experts in the fields of animal sheltering,
2 veterinary medicine, public health and safety, and other professional and
3 technical personnel deemed appropriate, formulate emergency operation plans
4 for the humane evacuation, transport, and temporary sheltering of service
5 animals and household pets in times of emergency or disaster that:

6 (i) Require that persons with disabilities who utilize service animals are
7 evacuated, transported, and sheltered with those service animals and inform all
8 facilities that provide shelter to persons with disabilities who are accompanied
9 by their service animals of their legal obligation to provide shelter to both the
10 disabled person and the service animal.

11 (ii)(aa) Identify or establish, as the case may be, in conjunction with the
12 state office of homeland security and emergency preparedness, evacuation
13 shelters that are in close proximity to a human sheltering facility designed and
14 equipped to accept and temporarily house the household pets of evacuees and
15 canine search and rescue teams.

16 (bb) Develop guidelines for such “side by side” shelters which may
17 include standards or criteria for admission to such shelters, health and safety
18 standards, basic minimum animal care standards regarding nutrition, space,
19 hygiene, and medical needs, protocols, and procedures for ensuring adequate
20 sheltering, management, and veterinary staffing for such shelters.

21 (iii)(aa) Enable, wherever possible, pet and pet-owner evacuations for
22 disabled, elderly, special needs residents, and all other residents whenever such
23 evacuations can be accomplished without endangering human life.

24 (bb) The office shall establish an identification system to ensure that
25 household pet owners who are separated from their household pets during an
26 evacuation are provided with all information necessary to locate and reclaim
27 such household pet. In establishing such identification system, a tracking
28 number system shall be developed with one number being used exclusively and
29 consistently in association with and for the same household pet until such time

1 as the household pet is reunited with its owner.

2 (iv) Allow household pets in cages or carriers that safely and securely
3 confine such pets and are specifically designed for the containment and
4 transport of such pets to utilize public transportation during an impending
5 disaster, when doing so does not endanger human life. If such pets are not
6 allowed to use public transportation, the primary agency designated under the
7 provisions of R.S. 29:729(E)(13)(b)(i) and (ii) is authorized to provide separate
8 transportation for these pets to the shelter in closest proximity to the human
9 sheltering facility in which the animal's owner or custodian will be temporarily
10 housed when such location is known. The office shall, in consultation with the
11 primary agency designated under the provisions of R.S. 29:729(E)(13)(b)(i) and
12 (ii) and other appropriate agencies, develop plans to address the evacuation,
13 transportation, and other needs of those household pets that are not evacuated
14 or transported pursuant to this Item.

15 (v) Establish protocols which require the parish designated animal
16 control, animal sheltering, or animal care agency in each parish to develop a
17 plan for "side by side" evacuation of household pets.

18 (vi) Require that animal shelters, humane societies, veterinary offices,
19 boarding kennels, breeders, grooming facilities, hospitals, schools, animal
20 testing facilities, and any other businesses or not-for-profit agencies that
21 normally house household pets or service animals, create evacuation plans for
22 such animals consistent with the provisions of this Paragraph. Such plans shall
23 be made available to the public upon request and shall be filed annually with
24 the Louisiana Department of Agriculture and Forestry, office of animal health
25 services and with their respective parish homeland security and emergency
26 preparedness agency.

27 (vii) Implement a public information program to provide guidance to
28 household pet owners in formulating their own evacuation plans for their
29 household pets and service animals, inform such pet owners of the resources

1 available to assist them in such evacuations, and apprise such pet owners of the
2 location, admission criteria, and other relevant guidelines for shelters in their
3 area that accept household pets.

4 (viii) Ensure the primary agency designated under the provisions of R.S.
5 29:729(E)(13)(b)(i) and (ii) is included in emergency preparedness exercises
6 conducted or arranged through the state or parish government, and that animal
7 rescue, evacuation and sheltering needs of residents with pets are made a part
8 of those exercises.

9 (b)(i) In creating emergency operation plans pursuant to this Paragraph,
10 the parish office of homeland security and emergency preparedness may
11 delegate any or all of the evacuation, transportation, sheltering, or other
12 functions delineated herein to the agency with authority over animal control or
13 animal related issues in that parish which shall serve as the primary department
14 or local entity, provided that such primary department or local entity may
15 delegate any or all such functions to public or private agencies with expertise
16 in the areas of animal control, animal sheltering, or animal care.

17 (ii) Any parish office of homeland security and emergency preparedness
18 that chooses to designate a local parish department or local entity as the
19 primary department or entity authorized to coordinate and provide for the
20 evacuation, transportation, or sheltering of household pets and service animals
21 shall provide written notification to the Department of Agriculture and Forestry
22 and the state office of homeland security and emergency preparedness as to the
23 primary department's or entity's physical location and contact information.
24 The Department of Agriculture and Forestry and the state office of homeland
25 security and emergency preparedness shall coordinate with such designated
26 primary department or entity as to their duties relative to the evacuation,
27 transportation, and sheltering of household pets and service animals.

28 (c) For the purposes of this Paragraph, "service animal" shall mean any
29 animal that assists or performs tasks for a person with a sensory, emotional,

1 mental, or physical disability.

2 (d) For the purposes of this Paragraph, "household pet" shall mean any
3 domesticated cat, dog, and other domesticated animal normally maintained on
4 the property of the owner or person who cares for such domesticated animal.

5 (14) Do other things necessary, incidental, or appropriate for the
6 implementation of this Chapter.

7 * * *

8 §733.1. Limitation of liability of owner or operator of facilities

9 Any person or organization, public or private, owning or operating
10 immovable property or other premises who voluntarily and without compensation
11 grants a license or privilege or otherwise permits the designation by the state or local
12 homeland security and emergency preparedness agency or use of the whole or any
13 part of the immovable property or premises for the purpose of sheltering persons or
14 household pets or service animals during an actual, impending, mock, or practice
15 emergency, together with his successor in interest, if any, shall not be liable for the
16 death of, or injury to, any person or household pets or service animals on or about
17 such immovable property or premises during the actual, impending, mock, or
18 practice emergency, or for loss of, or damage to, the property of such person, solely
19 by reason or as a result of the license, privilege, designation, or use, unless the gross
20 negligence or the willful and wanton misconduct of the person owning or operating
21 the immovable property or premises or his successor in interest is the proximate
22 cause of the death, injury, loss, or damage occurring during the sheltering period.

23 Section 2. The provisions of this Act shall become effective if and only if funds for
24 the purposes provided for in this Act are appropriated from the State Emergency Response
25 Fund.

26 Section 3. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument was prepared by Cathy Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Fontenot (SB 607)

Proposed law requires the state office of homeland security and emergency preparedness and each parish homeland security and emergency preparedness agency to consult with experts in the fields of animal sheltering, veterinary medicine, public health and safety, and other professional and technical personnel deemed appropriate to formulate emergency operation plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in times of emergency or disaster.

Proposed law requires such emergency operation plans to:

- (1) Require that persons with disabilities who utilize service animals are evacuated, transported, and sheltered with those service animals and inform all facilities that provide shelter to persons with disabilities who are accompanied by their service animals of their legal obligation to provide shelter to both the disabled person and the service animal.
- (2) Identify or establish, as the case may be, shelters that are in close proximity to a human sheltering facility designed and equipped to accept and temporarily house household pets of evacuees and canine search and rescue teams.
- (3) Develop guidelines for such shelters which may include standards or criteria for admission to such shelters, health and safety standards, basic minimum animal care standards regarding nutrition, space, hygiene, and medical needs, protocols, and procedures for ensuring adequate sheltering, management and veterinary staffing for such shelters.
- (4) Enable, wherever possible, pet and pet-owner evacuation for disabled, elderly, special needs residents, and all other residents whenever such evacuations can be accomplished without endangering human life.
- (5) Establish an identification system to ensure that household pet owners who are separated from their household pets during an evacuation are provided with all information necessary to locate and reclaim such household pet with one number being used exclusively and consistently in association with and for the same household pet until such time as the household pet is reunited with its owner.
- (6) Allow household pets in cages or carriers, that safely and securely confine such pet and are specifically designed for the containment and transport of such household pets to use public transportation, during mandatory evacuations when to do so does not endanger human life. Permits separate transport of household pets to be provided by the primary department or agency designated by the parish office of homeland security and emergency preparedness to the shelter in closest proximity to the human sheltering facility if such pets are not allowed to use public transportation. Requires the state office in consultation with the primary department or agency designated by the parish office of homeland security and emergency preparedness and other appropriate agencies to develop plans to address the evacuation, transportation, and other needs of those household pets that are not otherwise evacuated or transported.
- (7) Require animal shelters, humane societies, veterinary offices, boarding kennels,

- breeders, grooming facilities, hospitals, schools, animal testing facilities, and any other businesses or not-for-profit agencies that normally house household pets or service animals to create evacuation plans for such animals consistent with the provisions of proposed law. Requires such plans to be made available to the public upon request and to be filed annually with the La. Dept. of Agriculture and Forestry and the respective parish office of homeland security and emergency preparedness pursuant to promulgated rules and regulations.
- (8) Implement a public information program to provide guidance to residents in formulating their own evacuation plans for their household pets and service animals, including informing such pet owners of the resources available to assist them in such evacuations, and apprising pet owners of the location, admission criteria, and other relevant guidelines for the shelters in their area that accept household pets.
 - (9) Ensure that the primary department or agency designated by the parish office of homeland security and emergency preparedness to handle evacuation, transportation, or sheltering of household pets and service animals is included in emergency preparedness exercises conducted or arranged through the state or parish government and that animal rescue, evacuation, and sheltering needs of residents with pets are made a part of those exercises.
 - (10) Consult with each agency designated by each parish homeland security and emergency preparedness agency to provide evacuation, transportation, and sheltering functions and to identify and provide to the public the name and location of facilities that provide temporary sheltering for household pets.
 - (11) Develop or establish requirements for the authorization and training of volunteer workers to assist the primary agency or department so designated to provide evacuation, transportation, and sheltering services.

Proposed law requires that any parish office of homeland security and emergency preparedness that chooses to designate a local parish department or local entity as the primary department or entity authorized to coordinate and provide for the evacuation, transportation, or sheltering of household pets and service animals provide written notification to the Dept. of Agriculture and Forestry and the state office of homeland security and emergency preparedness as to the primary department's or entity's physical location and contact information. Proposed law further requires Dept. of Agriculture and Forestry and the state office of homeland security and emergency preparedness to coordinate with such designated primary department or local entity as to their duties relative to the evacuation, transportation, and sheltering of household pets and service animals.

Proposed law defines:

- (1) "Service animal" as any animal that assists or performs tasks for a person with a sensory, emotional, mental, or physical disability.
- (2) "Household pet" as any domesticated cat, dog, and other domesticated animal normally maintained on the property of the owner or person who cares for such domesticated animal.

Present law provides for a limitation of liability of an owner or operator of any facility who voluntarily and without compensation grants a license or privilege or otherwise permits the state or local homeland security and emergency preparedness agency use of the facility for the purpose of sheltering persons during an actual, impending, mock, or practice emergency unless the gross negligence or the willful and wanton misconduct of the person owning or operating the facility or his successor in interest is the proximate cause of the death, injury, loss, or damage occurring during the sheltering period.

Proposed law retains present law and provides for a limitation of liability of the owner or operator of any facility who voluntarily and without compensation grants a license or privilege or otherwise permits the state or local homeland security and emergency preparedness agency use of the facility for the purpose of sheltering household pets or service animals during an actual, impending, mock, or practice emergency unless the gross negligence or the willful and wanton misconduct of the person owning or operating the facility or his successor in interest is the proximate cause of the death, injury, loss, or damage occurring during the sheltering period.

Proposed law retains present law and provides for a limitation of liability of the owner or operator of any facility who voluntarily and without compensation grants a license or privilege or otherwise permits the state or local homeland security and emergency preparedness agency use of the facility for the purpose of sheltering household pets or service animals during an actual, impending, mock, or practice emergency unless the gross negligence or the willful and wanton misconduct of the person owning or operating the facility or his successor in interest is the proximate cause of the death, injury, loss, or damage occurring during the sheltering period.

Provides the Act shall become effective only if funds for the purpose of the Act are appropriated from the State Emergency Response Fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:726(E)(20), 729(E)(13) and 733.1; adds R.S. 29:726(E)(21) and 729(E)(14))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Makes the emergency operation plans of the state office of homeland security and emergency preparedness for the humane evacuation, transport, and temporary sheltering of service animals and household pets consistent with that of the parish homeland security and emergency preparedness agencies.
2. Requires the state office and parish offices of homeland security and emergency preparedness to inform all facilities that provide shelter to persons with disabilities who are accompanied by their service animals of their legal obligation to provide shelter to both the disabled person and the service animal.
3. Requires the state office of homeland security and emergency preparedness in consultation with the primary department or agency designated by the parish office of homeland security and emergency preparedness and other appropriate agencies to develop plans to address the evacuation, transportation, and other needs of those household pets that are not otherwise evacuated or transported.
4. Requires the primary department or agency designated to handle evacuation, transportation, or sheltering of household pets and service animals to be included in emergency preparedness exercises conducted or arranged through the state or parish government and requires that animal rescue, evacuation, and sheltering needs of residents with pets are made a part of those exercises.
5. Requires the state and parish offices of homeland security and emergency preparedness to identify and provide to the public the name and location of facilities that provide temporary shelter for household pets.

6. Requires the state office to establish requirements for the authorization and training of volunteer workers to assist the state office and parish offices of homeland security and emergency preparedness.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill.

1. Makes the Act effective only if the funds are appropriated from the State Emergency Response Fund for the purposes of the Act.