

2024 Regular Session

HOUSE BILL NO. 854

BY REPRESENTATIVES GEYMANN, AMEDEE, BACALA, BAYHAM, CHASSION,
COX, HORTON, JACOB LANDRY, MCCORMICK, AND VENTRELLA

WILDLIFE & FISHERIES: Provides for exemption to wildlife rehabilitation program rules

1 AN ACT

2 To enact R.S. 56:125.1, relative to wildlife possession; to provide for an exemption to
3 Wildlife Rehabilitation Program rules for possession of wildlife; to provide for strict
4 liability of anybody in possession of certain animal species that cause damages to a
5 person or property; to provide for a limitation of liability; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:125.1 is hereby enacted to read as follows:

9 §125.1. Wildlife Rehabilitation Program; exemption

10 A. Notwithstanding any local ordinance, administrative rule, or any other
11 provision of law to the contrary, individuals may possess in captivity any sick,
12 injured, or orphaned wildlife if they have satisfied the course requirements of the
13 Wildlife Rehabilitation Program, as provided for in LAC 76:V.131, and a licensed
14 veterinarian has determined that the animal is medically nonreleasable or exhibits
15 signs of adjusted life in captivity. Wildlife included under this exemption shall be
16 limited to the following species: (1) squirrel, (2) skunk, (3) opossum, (4) raccoon,
17 (5) rabbit, or (6) chipmunk, with such possession limited to one animal per
18 individual. Individuals in possession of one of these animals shall be held strictly
19 liable for any damages for injuries to persons or property caused by the animal.

1 B. A licensed Louisiana veterinarian shall not be liable to any person for any
 2 injury, illness, death, loss, civil penalty, or damage as a result of any act or omission
 3 in determining that the animal is medically nonreleasable or exhibits signs of
 4 adjusted life in captivity as required by the provisions of this Section. However, this
 5 limitation of liability shall not be applicable if the damage, injury, or loss was caused
 6 by the gross negligence or willful or wanton misconduct of the licensed Louisiana
 7 veterinarian.

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 854 Reengrossed

2024 Regular Session

Geymann

Abstract: Provides for exemption to Wildlife Rehabilitation Program rules.

Proposed law adds an exemption to the Wildlife Rehabilitation Program rules regarding possession of wildlife. Proposed law provides that, notwithstanding any law or rules to the contrary, individuals may possess in captivity any sick, injured or orphaned wildlife if they have satisfied the course requirements of the Wildlife Rehabilitation Program, as provided by administrative rule, and a licensed veterinarian has determined that the animal is medically non-releasable or exhibits signs of adjusted life in captivity. Proposed law specifies that wildlife included under this exemption shall be limited to the following species: (1) squirrel, (2) skunk, (3) opossum, (4) raccoon, (5) rabbit, or (6) chipmunk, with such possession limited to one animal per individual. Proposed law provides for strict liability for individuals in possession of one of these animals if they cause any damages to persons or property.

Proposed law specifies that a licensed La. veterinarian is not liable to any person for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically nonreleasable or exhibits signs of adjusted life in captivity as required by the provisions of this Section. Additionally specifies that this limitation of liability is not applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed La. veterinarian.

(Adds R.S. 56:125.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Specify that proposed law supercedes any existing local ordinance, administrative rule, or any other provision of law to the contrary.
2. Make a technical change.

The House Floor Amendments to the engrossed bill:

1. Remove the requirement that an animal pose minimum zoonotic potential from the Wildlife Program Rehabilitation exemption requirements.
2. Specify that a licensed Louisiana veterinarian is not liable for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically nonreleasable or exhibits signs of adjusted life in captivity.
3. Specify that the limitation of liability is not applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed Louisiana veterinarian.
4. Make technical changes.