

SENATE BILL NO. 607

BY SENATORS FONTENOT, ADLEY, BOASSO, CRAVINS, DARDENNE, N. GAUTREAUX, HOLLIS AND QUINN AND REPRESENTATIVES HEBERT, RICHMOND, JACK SMITH, TRICHE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BAUDOIN, BAYLOR, BEARD, BRUCE, BURRELL, CAZAYOUX, CHANDLER, CRAVINS, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FARRAR, FAUCHEUX, FRITH, GRAY, HILL, HONEY, HUTTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCVEA, PIERRE, PINAC, PITRE, M. POWELL, QUEZAIRE, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WALKER, WALSWORTH, WHITE AND WOOTON

AN ACT

To amend and reenact R.S. 29:726(E)(20), 729(E)(13), and 733.1 and to enact R.S. 29:726(E)(21) and 729(E)(14), relative to emergency preparedness; to provide additional authorities and responsibilities to the office of homeland security and emergency preparedness and to parish homeland security and emergency preparedness agencies relative to a disaster operation plan for service animals and household pets; to provide for limitation of liability of emergency personnel and owners and operators of facilities used for shelter of household pets and service animals in emergencies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

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

* * *

(20)(a) In consultation with parish homeland security and emergency preparedness agency authorities, assist in the formulation of emergency operation plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in times of emergency or disaster.

(i) Require that persons with disabilities who utilize service animals, as defined in the Americans with Disabilities Act, 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.

(ii)(aa) Assist in the identification of evacuation shelters and other state facilities that are designed and equipped to accept and temporarily house household pets and canine search and rescue teams.

(bb) Assist in the development of 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.

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

(bb) The office shall coordinate the establishment of an identification system to enable household pet owners who are separated from their household pets during an evacuation to locate and reclaim such household pets.

(iv) Allow household pets in cages or carriers that safely and securely confine such pets and are specifically designed for the containment and

1 transport of such pets to utilize public transportation during an impending
2 disaster, when doing so does not endanger human life. If such pets are not
3 allowed to use public transportation, the primary agency designated under the
4 provisions of R.S. 29:729(E)(13)(b)(i) and (ii) is authorized to provide separate
5 transportation for these pets. The office shall, in consultation with the primary
6 agency designated under the provisions of R.S. 29:729(E)(13)(b)(i) and (ii) and
7 other appropriate agencies, assist in the development of plans to address the
8 evacuation, transportation, and other needs of those household pets that are not
9 evacuated or transported pursuant to this Item.

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

19 (vi) Implement a public information program to provide guidance to
20 household pet owners in formulating their own evacuation plans for their
21 household pets and service animals, and inform such pet owners of the
22 resources available to assist them in such evacuations.

23 (vii) Ensure the primary agency designated under the provisions of R.S.
24 29:729(E)(13)(b)(i) and (ii) is included in emergency preparedness exercises
25 conducted or arranged through the state or parish government, and that animal
26 rescue, evacuation and sheltering needs of residents with pets are made a part
27 of those exercises.

28 (b) Coordinate the development and establishment of requirements for
29 the authorization and training of volunteer workers to assist the primary agency
30 designated under the provisions of R.S. 29:729(E)(13)(b)(i) and (ii) in carrying

1 out the provisions of this Paragraph.

2 (c) 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 (21) Do other things necessary, incidental, or appropriate for the
6 implementation of this Chapter.

7 * * *

8 §729. Parish homeland security and emergency preparedness agency authorities and
9 responsibilities

10 * * *

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

12 * * *

13 (13)(a) In consultation with experts in the fields of animal sheltering,
14 veterinary medicine, public health and safety, other professional and technical
15 personnel deemed appropriate, and the state office of homeland security and
16 emergency preparedness, formulate emergency operation plans for the humane
17 evacuation, transport, and temporary sheltering of service animals and
18 household pets in times of emergency or disaster that:

19 (i) Require that persons with disabilities who utilize service animals, as
20 defined by the Americans with Disabilities Act, are evacuated, transported, and
21 sheltered with those service animals and inform all facilities that provide shelter
22 to persons with disabilities who are accompanied by their service animals of
23 their legal obligation to provide shelter to both the disabled person and the
24 service animal.

25 (ii)(aa) Identify or establish, as the case may be, in conjunction with the
26 state office of homeland security and emergency preparedness, evacuation
27 shelters designed and equipped to accept and temporarily house household pets
28 and canine search and rescue teams.

29 (bb) Develop guidelines for such shelters which include standards
30 or criteria for admission to such shelters, health and safety standards, basic

1 minimum animal care standards regarding nutrition, space, hygiene, and
2 medical needs, protocols, and procedures for ensuring adequate sheltering,
3 management, and veterinary staffing for such shelters.

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

7 (bb) The office shall establish an identification system to ensure that
8 household pet owners who are separated from their household pets during an
9 evacuation are provided with all information necessary to locate and reclaim
10 such household pet.

11 (iv) Allow household pets in cages or carriers that safely and securely
12 confine such pets and are specifically designed for the containment and
13 transport of such pets to utilize public transportation during an impending
14 disaster, when doing so does not endanger human life. If such pets are not
15 allowed to use public transportation, the primary agency designated under the
16 provisions of R.S. 29:729(E)(13)(b)(i) and (ii) is authorized to provide separate
17 transportation for these pets. The office shall, in consultation with the primary
18 agency designated under the provisions of R.S. 29:729(E)(13)(b)(i) and (ii) and
19 other appropriate agencies, develop plans to address the evacuation,
20 transportation, and other needs of those household pets that are not evacuated
21 or transported pursuant to this Item.

22 (v) Establish protocols which require the parish designated animal
23 control, animal sheltering, or animal care agency in each parish to develop a
24 plan for evacuation of household pets.

25 (vi) Require that animal shelters, humane societies, veterinary offices,
26 boarding kennels, breeders, grooming facilities, hospitals, schools, animal
27 testing facilities, and any other businesses or not-for-profit agencies that
28 normally house household pets or service animals, create evacuation plans for
29 such animals consistent with the provisions of this Paragraph. Such plans shall
30 be made available to the public upon request and shall be filed annually with

1 the Louisiana Department of Agriculture and Forestry, office of animal health
2 services and with their respective parish homeland security and emergency
3 preparedness agency.

4 (vii) Implement a public information program to provide guidance to
5 household pet owners in formulating their own evacuation plans for their
6 household pets and service animals, inform such pet owners of the resources
7 available to assist them in such evacuations.

8 (viii) Ensure the primary agency designated under the provisions of R.S.
9 29:729(E)(13)(b)(i) and (ii) is included in emergency preparedness exercises
10 conducted or arranged through the state or parish government, and that animal
11 rescue, evacuation and sheltering needs of residents with pets are made a part
12 of those exercises.

13 (b)(i) In creating emergency operation plans pursuant to this Paragraph,
14 the parish office of homeland security and emergency preparedness may
15 delegate any or all of the evacuation, transportation, sheltering, or other
16 functions delineated herein to the agency with authority over animal control or
17 animal related issues in that parish which shall serve as the primary department
18 or local entity, provided that such primary department or local entity may
19 delegate any or all such functions to public or private agencies with expertise
20 in the areas of animal control, animal sheltering, or animal care. Emergency
21 operation plans created pursuant to this Paragraph shall be submitted to the
22 state office of homeland security and emergency preparedness and to the
23 Department of Agriculture and Forestry on an annual basis with the first of
24 such plans to be submitted on or before August 1, 2006, and on or before March
25 first of each year thereafter.

26 (ii) Any parish office of homeland security and emergency preparedness
27 that chooses to designate a local parish department or local entity as the
28 primary department or entity authorized to coordinate and provide for the
29 evacuation, transportation, or sheltering of household pets and service animals
30 shall provide written notification to the Department of Agriculture and Forestry

1 and the state office of homeland security and emergency preparedness as to the
2 primary department's or entity's physical location and contact information.
3 The Department of Agriculture and Forestry and the state office of homeland
4 security and emergency preparedness shall coordinate with such designated
5 primary department or entity as to their duties relative to the evacuation,
6 transportation, and sheltering of household pets and service animals.

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

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

12 * * *

13 §733.1. Limitation of liability of owner or operator of facilities

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

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____