

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

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

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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.

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

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

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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 may 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.

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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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_