

PUBLIC CHAPTER NO. 775**SENATE BILL NO. 2796****By Henry, Ford, Marrero, Harper**

Substituted for: House Bill No. 3749

By Sontany, Casada, Odom, Hardaway, Todd

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2 and Title 44, relative to treatment and care of animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 39-14-2__.

(a) For purposes of this section:

(1) "Animal control agency" means a county or municipal animal shelter, dog pound, or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, that temporarily houses stray, unwanted or injured animals;

(2) "Emergency" means a natural disaster, including earthquake, fire, flood, or storm; a hazardous chemical or substance incident; a vehicular collision with an animal, or other transportation accident where an animal is injured or in need of assistance to protect its health or life;

(3) "Emergency care" means medical and other health treatment, services, or accommodations that is provided to an injured or ill animal for a medical condition or injury of such a nature that the failure to render immediate care would reasonably likely result in the deterioration of a sick or injured animal's condition or in the animal's death;

(4) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;

(5) "Non-livestock animal" means a pet normally maintained in or near the household or households of its owner or owners, other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including, but not limited to, pet rabbits, a pet chick, duck, or pot-bellied pig that is not classified as "livestock" pursuant to this part;

(6) "Running at large" means that a non-livestock animal goes uncontrolled by the animal's owner upon the premises of another without the consent of the owner of the premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street, or any other place open to the public generally; and

(7) "Stray animal" means that a non-livestock animal is roaming with no physical restraint without an identification tag, collar, or chip and that has no record of ownership.

(b)(1) Any person who in good faith and without compensation for services provides, renders, or obtains emergency care for a non-livestock animal that is running at large, abandoned, injured or in distress due to an emergency, or for a stray non-livestock animal, shall not be subject to civil liability for any injuries or harm to such animal resulting from the rendering or obtaining of emergency care, or any act or failure to act to provide or arrange for further emergency care for such animal, if such person's actions do not constitute malice, gross negligence, or criminal misconduct.

(2)(A) If a person fails to take reasonable steps to locate the owner of such animal prior to rendering or obtaining emergency care, then subdivision (b)(1) shall not apply.

(B) Taking reasonable steps to locate the owner of such animal includes:

(i) Attempting to contact the owner using any notification information located on the animal's identification tag, collar, or chip; and

(ii)(a) Providing notice to an appropriate animal shelter, dog pound, animal control agency or humane shelter operated by the municipality, county, or other governmental agency located where the person resides that the animal is in the custody of the person. The person shall also notify an appropriate shelter in the location where the person took custody of the animal, if the location is outside of the municipality or county where the person resides.

(b) The person shall give to the shelter or shelters such person's contact information.

(C) This subdivision (b)(2) shall not apply if the animal is determined by a licensed veterinarian to:

(i) Need immediate emergency care to alleviate pain or save the life of the animal; or

(ii) Exhibit visible signs of recent abuse as described in § 39-14-202.

(c) Notwithstanding § 63-12-142, a licensed veterinarian, or ancillary veterinary personnel employed by and working under the direct supervision of a licensed veterinarian, who, in good faith, at the request of someone other than the owner renders:

(1) Emergency care to an ill or injured non-livestock animal is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of malice, gross negligence, or criminal misconduct; or

(2) Treatment other than emergency care to a non-livestock animal is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of malice, gross negligence, or criminal misconduct, only if the person requesting the treatment certifies in writing to the veterinarian, or ancillary veterinary personnel, that such person has taken reasonable steps to locate the owner as provided in subdivision (b)(2).

(d) An animal control agency or an employee of an animal control agency acting within the scope of such employment, who, in good faith, takes into its custody and cares for a stray or abandoned non-livestock animal, or a non-livestock animal running at large for which reasonable steps to locate the owner of such animal are taken, that has been delivered to such agency or employee by an individual or group of individuals not affiliated with the agency, shall not be subject to civil liability for its care of such animal if the agency or employee's actions do not constitute malice, gross negligence or criminal misconduct.

(e) Except as provided in subsection (c), this section shall not in any way limit the application of, or supersede, § 44-17-203, § 44-17-403(e) or § 63-12-142.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 5, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of April 2010



PHIL BREDESEN, GOVERNOR