

Testimony of the Hawaii Board of Veterinary Medicine

**Before the
House Committee on Agriculture
Wednesday, March 11, 2020
9:00 a.m.
State Capitol, Conference Room 312**

**On the following measure:
S.B. 2985, S.D. 1, RELATING TO VETERINARIANS**

Chair Creagan and Members of the Committee:

My name is Gregory Zambrano, and I am the Executive Officer of the Hawaii Board of Veterinary Medicine (Board). The Board supports this bill.

The purposes of this bill are to amend Hawaii Revised Statutes chapter 471 to: (1) provide veterinarians who provide emergency care to an animal immunity from civil liability in the absence of gross negligence; (2) provide veterinarians who render emergency treatment, when there is no veterinarian-client-patient relationship, immunity from civil liability in the absence of gross negligence; (3) require veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe the event relates to dog fighting or animal abuse; and (4) give veterinarians immunity for civil liability for making these reports.

The Board believes this bill will effectuate the protection of animals. The protections afforded for emergency care will benefit both veterinarians and the public. While the Board has some concerns that the reporting requirement will affect confidentiality between the veterinarian and the client, the overriding concern of protecting animals and the public will be served, based on correlations between animal abuse and domestic abuse accepted in the profession.

Thank you for the opportunity to testify on this bill.



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: March 9, 2020

To: Chair Rep. Richard P. Creagan
Vice Chair Rep. Lynn DeCoite
and Members of the Committee on Agriculture

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 2985, SD1: Relating to Veterinarians
Wednesday, March 11, 2020, 9 a.m., Capitol Room 312

Aloha Chair Creagan, Vice Chair DeCoite and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 2985, SD1, which affords veterinarians who provide emergency care to an animal with immunity from civil liability; provides veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship with immunity from civil liability; and requires veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe that it relates to dog fighting or animal abuse.

Veterinarians are compassionate people who invest an enormous amount of time and financial resources to obtain and retain the credentials that allow them to help our animals. They should not have to risk their livelihood to help animals in need. This bill will allow veterinarians to use their skills and expertise to render emergency aid to animals without the fear of civil liability as long as that aid is rendered in good faith and absent signs of gross negligence.

Some have argued that this measure is not needed because HRS471 already has protections for people who render emergency aid to animals, but that is a misinterpretation of the law. HRS471-2 allows the general public to render emergency aid to an animal without risking a charge of practicing veterinary medicine without a license. That is an entirely separate issue. Hawaii does not have Veterinary Good Samaritan protections, though they are common in other states. This bill would extend those protections to our veterinary community.

In addition, as the agency deputized to help enforce animal laws on Oahu, Hawaiian Humane strongly supports mandatory reporting of suspected animal cruelty. Veterinarians should not have to fear retaliation for doing the right thing. Animal cruelty is an underreported crime and compelling veterinarians to report suspected abuse in return for protection from civil liability will give law enforcement expert eyes and ears on the frontlines of animal care.

Ample research stretching back decades has established links between violence against animals and the abuse of people - especially children, domestic partners and elders.

- In one study of families under investigation for child abuse, co-incidence of animal abuse ranged from 60% to 88%. These families utilized veterinary services at rates similar to non-abusive households. (Deviney, Dickert, & Lockwood, 1983).
- An Australian study reported that in 23% of cases where veterinarians suspected animal abuse, other forms of family violence were either known or suspected. (Gullone & Clarke, 2005).
- The public is more likely to report suspected animal abuse to their veterinarian than to the humane society or law enforcement agency. (Enns, 2006)

Mandatory reporting will help to protect our entire community.

Many jurisdictions around the country have laws similar to this bill. Its provisions are logical and will help to protect Hawaii's most vulnerable animals and people.

We urge the committee to pass SB 2985, SD1. Mahalo for your consideration.

Committee on Agriculture
Testimony in SUPPORT of SB 2985: Relating to Veterinarians
March 11, 2020
9:00 a.m., Room 312

I am writing in strong support of SB 2985.

I have worked in animal shelters for more than 10 years. Prior to coming to the Hawaiian Humane Society, I worked at a large nationally regarded open-admissions animal shelter in Denver, CO. Part of the reason that I endorse this bill is that the veterinary immunity laws in the state of Colorado are in line with the ideas set forth in this bill.

When I first began veterinary school, I specifically remember an orientation session where my classmates and I were informed that as veterinarians in Colorado, we were legally obligated to report animal abuse, neglect, or cruelty. It surprised me at first but after consideration, I realized that by making animal abuse reporting mandatory, it protected veterinarians. It protected us because it made us immune to any sort of prosecution or retribution for the reporting.

I have decided to dedicate my life to protection of homeless, neglected, and abused animals. To be the voice for those animals who cannot speak for themselves. By passing this bill, we will improve not only the lives of the animals of Hawaii but also the veterinarians who care for animals in the State of Hawaii.

I urge the committee to pass SB 2985.

Thank you for your time and consideration,

Kasey Carter, MS, DVM
Chief Veterinarian, Hawaiian Humane Society
kcarter@hawaiianhumane.org

SB-2985-SD-1

Submitted on: 3/9/2020 10:52:17 AM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

SB-2985-SD-1

Submitted on: 3/10/2020 9:57:06 AM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
leslie farnel	for forgotten felines	Support	No

Comments:

I represent a Hawaii Non Profit animal welfare organization dedicated to the welfare of community cats. Often we are the first on scene with a sick or injured animal that needs immediate veterinary attention. It is urgent we have this bill support the treatment of these animals with no strings attached by our local vet clinics in order to save lives. Case in point we recently extracted a suffering terminally ill animal from a place where it was trapped for several days. No vet or the humane society was willing to euthanize the suffering kitty due to possible repercussions thereby extending the poor things pain. We need this bill.

Leslie Farnel

For Forgotten Felines

Maui

LATE

SB-2985-SD-1

Submitted on: 3/10/2020 12:08:24 PM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Animal Welfare Institute	Support	Yes

Comments:

Dear Honorable Chair Creagan and Members of the House Committee on Agriculture

RE: STRONG SUPPORT FOR SB2985 SD1: Relating to Veterinarians

Thirty-one states either mandate or encourage veterinarians to report animal abuse and provide vets with immunity from civil and/or criminal liability for good-faith reporting. The American Veterinary Medical Association (AVMA) has a very firm policy calling for such reporting and provides the following extensive resources to Veterinarians:
<https://ebusiness.avma.org/Files/ProductDownloads/AVMA%20Suspected%20Animal%20Cruelty.pdf>

Further, the Animal Welfare Institute is committed to providing support to Hawaii Veterinarians reporting suspected cruelty via the below information and resources:
<https://awionline.org/awi-quarterly/2016-fall/veterinarians-can-help-fightagainstanimalabuse>

Thank you for your consideration and support of this bill.

Inga Gibson, On behalf of The Animal Welfare Institute

The Animal Welfare Institute is a nonprofit charitable organization founded in 1951 and dedicated to reducing animal suffering caused by people. AWI engages policymakers, scientists, industry, and the public to achieve better treatment of animals everywhere—in the laboratory, on the farm, in commerce, at home, and in the wild. For more information, visit www.awionline.org.

LATE



HAWAII VETERINARY MEDICAL ASSOCIATION
P.O. Box 61309, Honolulu, Hawaii 96839-1309

March 10, 2020

Committee on Agriculture
Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair

RE: SB 2985, SD1, Relating to Veterinarians

Dear Committee on Judiciary,

On behalf of the Hawaii Veterinary Medical Association, I would like to express our support of SB 2985 and its amendments to the Veterinary Medicine Practice Act, HRS Chapter 471.

There are two components to this measure. The first establishes a Good Samaritan law for veterinarians who may without remuneration provide emergency medical care to an animal in need. The second establishes a process whereby animal abuse may be reported, in order to better protect that animal from future harm.

This measure encourages veterinarians to provide emergency care to critically sick or injured animals without fear of civil liability. Veterinarians are mandated to provide care under a valid and current veterinary-client-patient relationship (VCPR), so there can be confusion when dealing with an animal emergency when there is no owner present to establish a VCPR or if life-saving treatment needs to be provided before the establishment of a VCPR. This measure allows a veterinarian to be a "Good Samaritan" and provide emergency care outside of a valid VCPR, while also protecting the veterinarian when acting as a Good Samaritan in the time of an emergency to assist the animal in need.

We believe this measure also provides justified guidance to practicing veterinarians on reporting acts of animal abuse, cruelty, and staged fighting, similar to laws in 20 states including California, Oregon, Arizona, and Colorado. Reporting such events to law enforcement is beneficial to the community at large, as multiple studies have shown a link between perpetrators of animal abuse and human abuse such as child abuse, domestic violence, arson, and murder. When confronted with a clear case of animal abuse, veterinarians may feel conflicted between maintaining client confidentiality and wanting to protect the animal from further harm. In making animal abuse reporting a duty of the veterinarian, this measure relieves any responsibility of such judgment by the veterinarian while protecting the veterinarian against any civil liability as a result of reporting such events.

Please SUPPORT SB 2985 to provide additional guidance and protections for veterinarians practicing in Hawaii. Thank you for the opportunity to submit testimony. Please contact me if I can answer any questions or be of further assistance on this matter.

Sincerely,

Jill Yoshicedo, DVM
Executive Vice-President
Hawaii Veterinary Medical Association

AGRtestimony

From: Martha Randolph <merandhi@gmail.com>
Sent: Monday, March 9, 2020 7:04 PM
To: AGRtestimony
Subject: Supporting SB2985, SD1

Dear House committee members

I fully support this bill and cannot conceive of any reason why someone would not support it or why you would not pass it.

In a society with a tendency to sue for all sorts of reasons, and in a community of great financial need Veterinarians must be able to save animal lives or relieve sickness as needed. Making it law that they must also report suspected abuse allows them some protection from retribution by abuses because a law is a law.

Please continue to pass this and any bills offered by the Humane society because Hawaii should lead the way in compassion for all living creatures as we have the Aloha and a traditional reverence for the spirit in all living things.

Martha E Randolph
President of Democratic Precinct 4
Democratic District 25
2nd VP Kupuna Caucus of DPH
Treasurer Environmental Caucus of DPH
808-284-0264

SB-2985-SD-1

Submitted on: 3/9/2020 2:27:48 PM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Ako DVM	Individual	Support	Yes

Comments:

Veterinarians dedicate our lives to helping others.

We hold ourselves to the highest ethical and medical standards.

We commonly provide service without regard to profit.

We should be protected.

We are well aware of the need to STOP abuse. Animal abuse is not only abhorrent in itself, but

is proven to reflect on how we treat our fellow citizens.

SB-2985-SD-1

Submitted on: 3/9/2020 4:19:28 PM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Jenkins	Individual	Support	No

Comments:

I strongly support this legislation. Veterinarians should not fear civil liability when helping animals in need and should be given the power to report animal cruelty. It also helps the community because animal abusers do not just harm animals.

SB-2985-SD-1

Submitted on: 3/9/2020 4:24:00 PM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie McLaughlin	Individual	Support	No

Comments:

Please pass this important bill.

SB-2985-SD-1

Submitted on: 3/9/2020 5:25:45 PM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Collins	Individual	Support	No

Comments:

I support this bill for the following reasons:

Veterinarians should not have to risk their livelihoods to help animals in need. This bill will allow veterinarians to use their skills and expertise to render emergency aid to animals without the fear of civil liability.

Veterinarians should not have to fear retaliation for reporting suspected animal cruelty. Animal cruelty is an underreported crime and compelling veterinarians to report suspected abuse in return for protection from civil liability will give law enforcement expert eyes and ears on the frontlines of animal care.

This bill will help to protect our entire community. Ample research stretching back decades has established links between violence against animals and the abuse of people, especially children, domestic partners and seniors.

SB-2985-SD-1

Submitted on: 3/9/2020 5:46:07 PM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
carole richelieu	Individual	Support	No

Comments:

SB-2985-SD-1

Submitted on: 3/10/2020 6:08:14 AM

Testimony for AGR on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Wilcox	Individual	Support	No

Comments:

Veterinarians should be able to provide emergency life saving care without risk to their livelihood. Please pass this bill!

AGRtestimony

From: Torun Almer <starfire.retreat@gmail.com>
Sent: Monday, March 9, 2020 11:00 PM
To: AGRtestimony
Subject: Testimony in support of SB2985, SD1

Please support of SB2985, SD1. Thank you for your consideration.

Torun and David Almer
84-5142 Keala O Keawe Road
Captain Cook, HI. 96704-8418
808-328-2061

AGRtestimony

From: Torun Almer <starfire.retreat@gmail.com>
Sent: Monday, March 9, 2020 11:00 PM
To: AGRtestimony
Subject: Testimony in support of SB2985, SD1

Please support of SB2985, SD1. Thank you for your consideration.

Torun and David Almer
84-5142 Keala O Keawe Road
Captain Cook, HI. 96704-8418
808-328-2061

AGRtestimony

From: Jennifer Chiwa <jennifer.chiwa@gmail.com>
Sent: Tuesday, March 10, 2020 6:56 AM
To: AGRtestimony
Subject: Testimony in Support of SB 2985 SD 1 for Hearing on 3-11-20 at 9 am

Aloha, Members of the House Committee on Agriculture.

Please support SB 2985 SD 1. This bill would advance animal welfare by protecting veterinarians from civil liability when rendering emergency aid to an animal even if the owner is not present to consent to this care and when reporting suspected animal cruelty. Increasing reports of suspected animal cruelty would also advance community welfare as the link between violence against animals and violence against people is well known.

Mahalo.

Jennifer Chiwa
Makiki

AGRtestimony

From: STEPHANIE MCLAUGHLIN <smclaughlin808@gmail.com>
Sent: Monday, March 9, 2020 4:23 PM
To: AGRtestimony
Subject: Testimony in support of SB2985

Stephanie McLaughlin
95-310 Haakualiki Place
Mililani, HI 96789
808-3844764

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Stephanie McLaughlin

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AGRtestimony

From: Scharff Eric <pattyneric@aol.com>
Sent: Monday, March 9, 2020 6:28 PM
To: AGRtestimony
Subject: SB2985

Testimony in support of SB2985, SD1

Patty Scharff

Hawaii Kai