

STAND. COM. REP. NO.

1034

Honolulu, Hawaii

MAR 22 2021

RE: H.B. No. 1086
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1086, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VETERINARIANS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide veterinarians who render 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; and
- (3) Require veterinarians to report events of animal injury, death, or abuse to law enforcement where there is reasonable cause to believe that it relates to dogfighting or animal abuse and gives veterinarians immunity for civil liability for making the reports.

Your Committee received testimony in support of this measure from the Hawaii Board of Veterinary Medicine, Hawaiian Humane Society, Pono Advocacy, Hawaii Veterinary Medical Association,



Hawaii Association of Animal Welfare Agencies, Humane Society Veterinary Medical Association, and thirty-one individuals.

Your Committee finds that, under existing law, veterinarians are mandated to provide care under a valid and current veterinarian-client-patient relationship, so confusion can sometimes arise when dealing with an animal emergency where there is no owner present or life-saving treatment is needed before a relationship can be established. This measure allows a veterinarian to be a "good Samaritan" and provide emergency care outside of a valid veterinarian-client-patient relationship, while also protecting against civil liability when acting in this role in an emergency. This measure also makes animal abuse reporting a duty of the veterinarian, relieving any responsibility of discretionary action by the veterinarian while protecting the veterinarian against any civil liability as a result of the reporting. Veterinarians are often the only witness to animal abuse and they are uniquely qualified to identify the signs of cruelty. This requirement will benefit the community at large, as multiple studies have shown a link between perpetrators of animal abuse and domestic or child abuse, and other acts of violence.

Your Committee has amended this measure by:

- (1) Inserting an effective date of upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1086, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1086, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



