

HOUSE BILL 544

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 34, Part 2, relative to animals.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 29-34-2__.

(a)

(1) Any person who in good faith and without compensation for services provided renders or obtains medical care or treatment for a non-livestock animal that is 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 such care or treatment, or any act or failure to act to provide or arrange for further medical care or treatment for such animal, if such person's actions do not constitute malice, gross negligence, recklessness, or criminal misconduct.

(2)

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

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

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

(ii) 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. The person shall also give the shelter such person's contact information.

(C) This subdivision (a)(2) shall not apply if the animal:

(i) Is determined by a licensed veterinarian to be in need of immediate medical treatment to alleviate pain or save the life of the animal;

(ii) Appears to be a breed of animal typically used in violation of § 39-14-203; or

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

(b) For purposes of this section:

(1) "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;

(2) "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;

(3) "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; and

(4) "Stray animal" means an animal that is roaming with no physical restraint beyond the premises of the animal's owner or keeper.

(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.