

# **Multi-Jurisdiction Laws Concerning Mandated Reporting, Immunity for Reporting, and Cross-Reporting for Animal Cruelty and Abuse**

Compiled for the “PAWS II” Special Commission, created pursuant to Section 31 of Chapter 219 of the Acts of 2018.

Chair Sonia Chang-Díaz, Senator of Second Suffolk

Chair Kay Khan, Representative of 11th Middlesex

Sources include:

- Primary sources located in footnotes
- ANIMAL PROTECTION LAWS OF THE USA (13<sup>TH</sup> EDITION), ANIMAL LEGAL DEFENSE FUND (2018)
- ANIMAL LEGAL AND HISTORICAL CENTER, MICHIGAN STATE UNIVERSITY COLLEGE OF LAW (2019); Jeremy Cohen, Esq.; Sharon Coleman, Esq.; Dayna Delmastro; Angelia Gates, Esq.; Lori Ruk, Esq.; Leslie Rudloff, Esq.; and Meredith Walsh, Esq.

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Compiled by Lenore Montanaro, Tracey Cusick, Martha Smith-Blackmore<sup>1</sup> (MCS)

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<sup>1</sup> This document should not be construed as legal or other professional advice.

<u>Jurisdiction</u>	<u>Mandated Reporting</u>	<u>Immunity</u>	<u>Cross-Reporting</u>
<b>Alabama</b>	Veterinarians	--	--
<b>Alaska</b>	--	--	--
<b>Arizona</b>	Veterinarians	Veterinarians	--
<b>Arkansas</b>	--	Any person; veterinarians; person acting at direction of a veterinarian	--
<b>California</b>	Veterinarians	Veterinarians	Animal control officers or humane officers must report child abuse; child or adult protective service agencies may report animal cruelty
<b>Colorado</b>	Veterinarians	Yes	Veterinarians, officers, agents of State Bureau of Animal Protection, or animal control officers must report child abuse or neglect
<b>Connecticut</b>	Animal control officers	--	DCF and animal control officers must report animal abuse
<b>Delaware</b>	--	--	--
<b>District of Columbia</b>	--	--	Law enforcement or child or protective services employees report animal abuse; humane officers must report child abuse and adult abuse
<b>Florida</b>	--	--	Child protective services may report animal cruelty
<b>Georgia</b>	--	Veterinarians; technicians	--
<b>Hawaii</b>	--	--	--
<b>Idaho</b>	--	Veterinarians	--
<b>Illinois</b>	Social service professionals; veterinarians	Veterinarians	Animal control officer, Animal Health field investigator, must report child abuse. Child mandated reporters are not barred from reporting animal abuse; Investigation/Intact/Placement Specialists must report animal abuse or neglect
<b>Indiana</b>	--	Veterinarians; technicians	<b>EPS/APS may report</b>
<b>Iowa</b>	--	--	--
<b>Kansas</b>	Veterinarians	Veterinarians	--
<b>Kentucky</b>	Generally prohibited	Yes, with exceptions to prohibitions	--
<b>Louisiana</b>	--	--	Law enforcement, government employee who investigates child or adult abuse/neglect must report to appropriate authority for animal abuse
<b>Maine</b>	Veterinarians (aggravated abuse); humane agents must report	Veterinarians	Animal control officers may report adult abuse; various professions may report animal abuse; humane agents must report child and adult abuse
<b>Maryland</b>	Veterinarians	Veterinarians	--
<b>Massachusetts</b>	Veterinarians; animal control officers	Veterinarians; animal control officers; elder, child, and person with disability agencies	Animal control officers must report elder, child, and person with disability abuse; elder, child, person with disability agencies may report animal abuse
<b>Michigan</b>	--	Veterinarians; technicians	--
<b>Minnesota</b>	Veterinarians	--	--
<b>Mississippi</b>	--	Veterinarians; any person	--

<b>Missouri</b>	Veterinarians	--	--
<b>Montana</b>	--	--	--
<b>Nebraska</b>	Veterinarians; technicians	Veterinarians; technicians; agency employees	Agency employees, child or adult protective services must report animal abuse
<b>Nevada</b>	--	--	--
<b>New Hampshire</b>	--	Veterinarians	--
<b>New Jersey</b>	--	--	--
<b>New Mexico</b>	--	--	--
<b>New York</b>	--	Veterinarians	--
<b>North Carolina</b>	--	Veterinarians	--
<b>North Dakota</b>	--	Veterinarians, but for retaining custody and emergency treatment, not reporting	--
<b>Ohio</b>	--	--	Officer or agent of humane society must report child abuse or neglect
<b>Oklahoma</b>	Veterinarians	Veterinarians	--
<b>Oregon</b>	Veterinarians	Veterinarians; public or private officials; Department of Health social workers	Public or private officials or Department of Health social workers may report aggravated animal abuse
<b>Pennsylvania</b>	--	Veterinarians; technicians; assistants	--
<b>Rhode Island</b>	Veterinarians; technicians; animal shelters; animal kennels; other person entrusted with care or custody of an animal	Veterinarians; technicians; animal shelters; animal kennels; other person entrusted with care or custody of an animal	--
<b>South Carolina</b>	--	Veterinarian; animal control officer; SCPCA agent; other society who renders care or treatment not liable for the care or treatment	--
<b>South Dakota</b>	--	--	--
<b>Tennessee</b>	--	--	Child or adult protective services agency must report animal abuse
<b>Texas</b>	--	Veterinarians	--
<b>Utah</b>	--	Veterinarians	--
<b>Vermont</b>	--	Veterinarians	--
<b>Virginia</b>	--	Veterinarians; animal control/law enforcement officers	Animal control officers or law enforcement officers must report child abuse or neglect
<b>Washington</b>	--	--	--
<b>West Virginia</b>	Veterinarians	Veterinarians	Humane officers must report child, incapacitated person, elder abuse. Adult service workers, law enforcement officers, and child protective services must report animal abuse
<b>Wisconsin</b>	Veterinarian (animal fighting only)	--	--
<b>Wyoming</b>	--	--	--

## ALABAMA

Veterinarians must report to the “proper authorities any grossly inhumane treatment to animals of which he or she has direct knowledge.”<sup>1</sup> Counties or municipalities may appoint trained agents to address cruelty.<sup>2</sup> These governmental agents may remove dogs or cats from their present locations or order that the owner of the animal to provide certain care for the animal at the owner’s expense.<sup>3</sup> The county or municipality or the employee or agent of the county or municipality are not liable for actions taken in good faith.<sup>4</sup>

## ALASKA

There are no mandated reporters of animal cruelty. State troopers, municipal police, and village or regional public safety officers handle animal abuse matters. However, the law states that anyone who believes that cruelty to an animal has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or a peace officer.<sup>5</sup> An agency or organization or the department may refer the complaint to a peace officer.<sup>6</sup>

## ARIZONA

Veterinarians are mandated reporters of dog fighting or animal abuse.<sup>7</sup> A veterinarian must report in writing to local law enforcement agency in the county where the veterinarian practices within 48 hours of any examination or treatment administered to any dog or any animal which the veterinarian reasonably suspects or believes has participated in a dog fight or any animal that the veterinarian reasonably suspects or believes has been abused.<sup>8</sup> The report must contain the breed and description of the dog or any animal together with the name and address of the owner.<sup>9</sup> A veterinarian must report in writing any suspected cases of livestock abuse to the division of animal services of the Arizona department of agriculture.<sup>10</sup> The report must be made within 48 hours of treatment or examination and must include the breed and description of the animal and the name and address of the owner.<sup>11</sup> Veterinarians who file a good faith report are immune from civil liability.<sup>12</sup>

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<sup>1</sup> ALA. ADMIN. CODE R. 930-X-1-.10(16) (2012)

<sup>2</sup> ALA. STAT. § 13A-11-242 (2000)

<sup>3</sup> ALA. STAT. § 13A-11-243(a)(1-2) (2000)

<sup>4</sup> ALA. STAT. § 13A-11-243(b) (2000)

<sup>5</sup> ALASKA STAT § 03.55.110 (2016)

<sup>6</sup> *Id.*

<sup>7</sup> ARIZ. REV. STAT. § 32-2239(A) (2010)

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> ARIZ. REV. STAT. § 32-2239(B) (2010)

<sup>11</sup> *Id.*

<sup>12</sup> ARIZ. REV. STAT. § 32-2239(C) (2010)

## ARKANSAS

Any person who reports in good faith a suspected incident of cruelty to animals or aggravated cruelty to a dog, cat, or equine to a local law enforcement agency or to the Department of Arkansas State Police is immune from civil or criminal liability for reporting the incident.<sup>13</sup> A licensed veterinarian or person acting at the direction of a licensed veterinarian in Arkansas is immune from criminal or civil liability for decisions made or services rendered within the subchapter of law or from suit for his or her part in an investigation of cruelty to animals.<sup>14</sup> A veterinarian or person acting at the direction of a licensed veterinarian who participates or reports in bad faith or with malice is not immune from liability.<sup>15</sup>

## CALIFORNIA

Veterinarians and registered veterinary technicians are mandated reporters.<sup>16</sup> They must report to the “appropriate law enforcement authorities of the county, city, or city and county in which it occurred.”<sup>17</sup> No licensee shall incur any civil liability as a result of making any report of a violation of subdivisions (a), (b), and (c) of Section 597 of the Penal Code.<sup>18</sup> Reports are made to the law enforcement authority in the county, city, or city and county in which the abuse, cruelty, or fighting occurred.<sup>19</sup>

Animal control officers or humane society officers must report child abuse.<sup>20</sup> They must report as soon as practicably possible by telephone and by fax or electronically and must send a report within 36 hours of receiving the information concerning the incident.<sup>21</sup> Any employee of a county child or adult protective services agency may report animal cruelty, abuse, or neglect and the report may be made within two working days of receiving the information as a written report or by telephone.<sup>22</sup>

## COLORADO

Licensed veterinarians during the course of attending or treating an animal, with reasonable cause to know or suspect that an animal has been subjected to cruelty or subject to animal fighting must make a report of animal cruelty or animal fighting to a local law enforcement agency or the bureau of animal protection.<sup>23</sup> A veterinarian who makes a good faith report is

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<sup>13</sup> AR CODE § 5-62-107 (2009)

<sup>14</sup> AR CODE § 5-62-109(a) (2009)

<sup>15</sup> AR CODE § 5-62-109(b) (2009)

<sup>16</sup> CAL. BUS. & PROF. CODE § 4830.7 (2004)

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> CAL. BUS. & PROF. CODE § 4830.5 (1988) and § 4830.7 (2004)

<sup>20</sup> CAL. PENAL CODE § 11165.7 (2018)

<sup>21</sup> CAL. PENAL CODE § 11166 (2019)

<sup>22</sup> CAL. PENAL CODE § 11199 (2003)

<sup>23</sup> COLO. REV. STAT. § 12-64-121(1) (2007)

immune from liability.<sup>24</sup> Any person who, in good faith, reports a suspected incident of cruelty to animals, service animals, or certified police working dogs, or certified police working horses, as described in section 18-9-202, to a local law enforcement agency or to the state bureau of animal protection is immune from civil liability for reporting the incident.<sup>25</sup>

Officers and agents of the state bureau of animal protection and animal control officers must report child abuse to a county department or local law enforcement agency.<sup>26</sup>

## **CONNECTICUT**

Animal control officers with reasonable cause to suspect that an animal observed in the course of the officer's employment is being or has been harmed, neglected, or treated cruelly must make a written report to the Commission of the Department of Agriculture no later than 48 hours after filing a verified petition with the Superior Court.<sup>27</sup> Also, employees of the Department of Children and Families must report all cases of suspected animal mistreatment.<sup>28</sup> Department of Children and Families employees, in the course of employment and with reasonable cause to suspect that an animal is or has been harmed, neglected, or treated cruelly, must make a verbal report to the Commission of Agriculture, followed by a written report within 48 hours and must include: the address where the animal was observed and the name and address of the owner or other person responsible for the care of the animals; the name and description of the animal; the nature and extent of harm, neglect, or cruelty to the animal, and the approximate date and time such harm, neglect, or cruelty was suspected.<sup>29</sup>

## **DELAWARE**

Veterinarians are required to protect the privacy of their clients by not willfully revealing privileged communications, but there are exceptions if they need to share “medical information regarding diagnosis or treatment of an animal when required by law, subpoena, or court order or when it becomes necessary to protect the health and welfare of other individuals or animals” or “veterinary medical information between veterinarians and peace officers, humane society officers, or animal control officers who are acting to protect the welfare of individuals and animals.”<sup>30</sup>

## **DISTRICT OF COLUMBIA**

Veterinarians are not required to report. Humane officers or any agency charged with the enforcement of animal cruelty laws must report known or suspected abused or neglected children

<sup>24</sup> COLO. REV. STAT. § 12-64-121(4) (2007)

<sup>25</sup> COLO. REV. STAT. § 18-9-209(1) (2016)

<sup>26</sup> COLO. REV. STAT. § 19-3-304 (2019)

<sup>27</sup> CONN. GEN. STAT. § 22-329 (2012)

<sup>28</sup> CONN. GEN. STAT. §§ 17a-100a; 100c; 106d (2011)

<sup>29</sup> CONN. GEN. STAT. § 17a-100a (2011)

<sup>30</sup> 24 DEL. ADMIN. CODE 3300-4.0 (2017)

and must make a report to the police or the Child and Family Services Agency.<sup>31</sup> Humane officers must also report abuse, neglect, or exploitation of an adult.<sup>32</sup> Any law enforcement or child or protective services employee who knows of or has reasonable cause to suspect that an animal has been the victim of cruelty, abandonment, or neglect, or observes an animal at the home of a person reasonably suspected of child adult, or animal abuse, must provide a report within 2 business days to the Mayor.<sup>33</sup> If the health of the animal is in immediate danger, the report must be made within 6 hours.<sup>34</sup>

## **FLORIDA** [SEE BELOW FOR FLORIDA 2021 MANDATE UPDATE]

Veterinarians are immune from criminal or civil liability “for any decisions made or services rendered under the provisions of this section” but this does not explicitly include mandated reporting.<sup>35</sup> Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an investigation of cruelty to animals.”<sup>36</sup> Also, approved agencies for cruelty prevention regarding animals or children may investigate crimes against animals or children.<sup>37</sup>

## **GEORGIA**

Veterinarians and veterinary technicians with reasonable cause to believe that an animal has been subject to animal cruelty in may make or cause to be made a report of such violation to the Commission, his or her designee, an animal control officer, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.<sup>38</sup> Also, any person participating in the making of a report is immune from civil or criminal liability, so long as it is done in good faith.<sup>39</sup>

## **HAWAII**

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

## **IDAHO**

Veterinarians are not civilly or criminally liable for decisions made or services rendered or for participating in an investigation of cruelty to animals, so long as the veterinarian does so without bad faith or malice.<sup>40</sup>

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<sup>31</sup> D.C. CODE ANN. § 4-1321.02(b) (2019)

<sup>32</sup> D.C. CODE ANN. § 7-1903(a)(1) (2016)

<sup>33</sup> D.C. CODE. ANN. § 22-1002.01(a)(1) (2008)

<sup>34</sup> *Id.*

<sup>35</sup> FLA. STAT. ANN. § 828.12(4) (2018)

<sup>36</sup> *Id.*

<sup>37</sup> FLA. STAT. ANN. § 828.03(1) (1977)

<sup>38</sup> GA. CODE. ANN. § 4-11-17(a) (2013)

<sup>39</sup> GA. CODE. ANN. § 4-11-17(b) (2013)

<sup>40</sup> IDAHO CODE § 25-3514A (1996)

## ILLINOIS

An “animal control officer or Illinois Department of Agriculture Bureau of Animal Health and Welfare field investigator,” with “reasonable cause to believe that a child known to them in their professional or official capacity may be an abused child or neglected child shall immediately report or cause a report to be made to the Department.”<sup>41</sup> Mandated reporters within the mandated child law who believe that an animal is being abused or neglected are not barred from reporting animal abuse or neglect to the Department of Agriculture’s Bureau of Animal Health and Welfare.<sup>42</sup>

Any investigation specialists, intact family specialists, and placement specialists employed by the Department of Children and Family Services who reasonably believe that an animal observed by them when in their professional or official capacity is being abused or neglected must immediately make a written or oral report to the Department of Agriculture’s Bureau of Animal Health and Welfare.<sup>43</sup> The “Department of Children and Family Services may not discipline an Investigation Specialist, an Intact Family Specialist, or a Placement Specialist for failing to make such a report if the Specialist determines that making the report would interfere with the performance of his or her child welfare protection duties.”<sup>44</sup>

An animal control officer, Department investigator, or approved humane investigator with reasonable cause to suspect or believe that a child is being abused or neglected or in in danger of being abused or neglected must immediately make a written or oral report to the Department of Children and Family Services.<sup>45</sup> Investigation Specialists, Intact Family Specialists, and Placement Specialists employed by the Department of Children and Family Services who reasonably believe that an animal observed by them when in their professional or official capacity is being abused or neglected must immediately make a written or oral report to the Department of Agriculture’s Bureau of Animal Health and Welfare.<sup>46</sup> The Department of Children and Families may not discipline an Investigation Specialist, an Intact Family Specialist, or a Placement Specialist for failing to make such a report if the Specialist determines that making the report would interfere with the performance of his or her child welfare protection duties.<sup>47</sup>

There is immunity for civil and criminal liability for making reports, except for willful and wanton misconduct.<sup>48</sup> The identity of any person who reports animal abuse or neglect must be

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<sup>41</sup> 325 ILL. COMP. Stat. 5/4 (2019)

<sup>42</sup> *Id.*

<sup>43</sup> 325 ILL. COMP. Stat. 5/11.8 (2019)

<sup>44</sup> *Id.*

<sup>45</sup> 510 ILL. COMP. STAT. 70/18(a) (2010)

<sup>46</sup> 510 ILL. COMP. STAT. 70/18(b) (2019)

<sup>47</sup> *Id.*

<sup>48</sup> 510 ILL. COMP. STAT. 70/18(c) (2019)

confidential and not disclosure, except as authorized.<sup>49</sup> Veterinarians must file a report with the Department if they observe or are presented with an animal or animals for the treatment of aggravated cruelty or torture.<sup>50</sup> When filing the report, veterinarians must furnish the owner's name, the date of the receipt of the animals involved, including a microchip number if applicable.<sup>51</sup> Veterinarians are immune from liability for good faith reports.<sup>52</sup> Also, veterinarians who are presented with an animal for treatment of injuries or wounds resulting from fighting, the veterinarians must file a report with the Department, and they are immune from civil or criminal liability for good faith reports.<sup>53</sup>

## INDIANA

A veterinarian or veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty to a law enforcement officer is immune from civil or criminal actions brought for reporting the incident.<sup>54</sup> [SEE BELOW FOR CPS X-R]

## IOWA

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

## KANSAS

A veterinarian is required to report cruel or inhumane treatment of animals if the veterinarian has direct knowledge of such treatment.<sup>55</sup> Generally, a veterinarian cannot disclose any information concerning a veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena.<sup>56</sup> This privilege is waived if reporting cruel or inhumane treatment of any animal to federal, state, or local governmental agencies, and other circumstances.<sup>57</sup>

## KENTUCKY

Veterinarians cannot violate the confidential relationship between a veterinarian and the veterinarian's client.<sup>58</sup> The exception to this rule is if the veterinarian receives a written authorization or other waiver from the client or by court order or subpoena.<sup>59</sup> A veterinarian who

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<sup>49</sup> 510 ILL. COMP. STAT. 70/18(d) (2019)

<sup>50</sup> 510 ILL. COMP. STAT. 70/3.07 (2019)

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> 510 ILL. COMP. STAT. 70/4.01(k) (2019)

<sup>54</sup> IND. CODE. 25-38.1-4-8.5 (2009)

<sup>55</sup> KAN. ADMIN. REG. § 70-8-1(q) (2017)

<sup>56</sup> KAN. STAT. ANN. § 47-839(a) (2006)

<sup>57</sup> KAN. STAT. ANN. § 47-839(1-3) (2006)

<sup>58</sup> KY. REV. STAT. ANN. § 321.185(3)(a) (1992)

<sup>59</sup> KY. REV. STAT. ANN. § 321.185(3)(b)(1-2) (1992)

releases information as permitted is not liable to any person for an action resulting from the disclosure.<sup>60</sup>

## LOUISIANA

There is no mandated reporting for veterinarians and no immunity for reporting. However, a state or local law enforcement officer, or any government employee or contractor who in his or her professional capacity routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an animal must report the incident to the law enforcement authority of the governing authority in which the incident has occurred or the local animal welfare authority.<sup>61</sup> The name and identifying information regarding the reporter of animal maltreatment must be confidential.<sup>62</sup>

## MAINE

Veterinarian reporting is permissive for cruelty or neglect of an animal.<sup>63</sup> Reporting by veterinarians is required for aggravated cruelty.<sup>64</sup> A veterinarian is generally immune for reporting or testifying<sup>65</sup>

Animal control officers may report when an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect, or exploitation.<sup>66</sup> Reports must be made immediately by phone and made written within 48 hours, if requested by the department.<sup>67</sup> Humane agents employed by the Department of Agriculture, Conservation, and Forestry must report for reasonable cause or suspicion that an incapacitated or dependent adult has been or likely will be abused, neglected, or exploited.<sup>68</sup> There is permissive reporting of animal cruelty, abuse, or neglect by persons in various professions.<sup>69</sup> Notwithstanding any other state law that imposes a duty of confidentiality, a person who is in a certain profession (a large list in subsection 1) may report a reasonable suspicion of animal cruelty, abuse, or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food, and Rural Resources.<sup>70</sup> Humane agents employed by the Department of Agriculture, Conservation, and Forestry must report suspected

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<sup>60</sup> KY. REV. STAT. ANN. § 321.185(3)(c) (1992)

<sup>61</sup> LA. REV. STAT. ANN. § 14:403.6(A) (2012)

<sup>62</sup> *Id.*

<sup>63</sup> ME. REV. STAT. ANN. 7 § 4018(1) (2007)

<sup>64</sup> ME. REV. STAT. ANN. 7 § 4018(1-A) (2007)

<sup>65</sup> ME. REV. STAT. ANN. 7 § 4018(2) (2007)

<sup>66</sup> ME. REV. STAT. ANN. 22 § 3477(1-A) (2011)

<sup>67</sup> ME. REV. STAT. ANN. 22 § 3477(2) (2011)

<sup>68</sup> ME. REV. STAT. ANN. 22 § 3477(1) (2011)

<sup>69</sup> ME. REV. STAT. ANN. 22 § 3477(5) (2011)

<sup>70</sup> *Id.*

abuse or neglect of a child.<sup>71</sup> Mandated reporters of child abuse must report immediately to the district attorney's office.<sup>72</sup>

## MARYLAND

Veterinary practitioners are mandated reporters, and they must report to the appropriate law enforcement agency or county animal control agency.<sup>73</sup> Veterinary practitioners are immune for good faith reports for civil liability or criminal prosecution.<sup>74</sup>

## MASSACHUSETTS

Veterinarians, in the normal course of business, must report animal cruelty to a police officer or special state police officer, an animal that he or she observes or reasonably suspects has been a victim of animal cruelty.<sup>75</sup> A veterinarian who reports in good faith and in the normal course of business is immune from civil or criminal liability for making a report.<sup>76</sup>

Animal control officers must report suspected elder abuse.<sup>77</sup> Those investigating elder abuse may report suspected animal abuse.<sup>78</sup> Animal control officers must report suspected abuse of disabled persons.<sup>79</sup> Those investigating suspected disabled person abuse may report suspected animal abuse.<sup>80</sup> Animal control officers are mandated reporters for child abuse.<sup>81</sup> Department of Children and Families may report animal abuse if they reasonably suspect in their professional capacity or within the scope of their employment such animal abuse, and the person making the report is immune from civil or criminal action if the report is made in good faith.<sup>82</sup>

## MICHIGAN

There is no cross reporting. Veterinarians or veterinary technicians are immune from civil or criminal liability for making good faith reports to an animal control officer, a peace officer, or an officer of a private organization devoted to the humane treatment of animals for animals that they know or reasonably believe to be abandoned, neglected, or abused.<sup>83</sup>

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<sup>71</sup> ME. REV. STAT. ANN. 22 § 4011-A(1) (2016)

<sup>72</sup> ME. REV. STAT. ANN. 22 § 4011-A(2) (2016)

<sup>73</sup> MD. CODE ANN., AGRICULTURE § 2-313.1(a) (2018)

<sup>74</sup> MD. CODE ANN., AGRICULTURE § 2-313.1(c)(1-2) (2018)

<sup>75</sup> MASS. GEN. LAWS ch. 112, § 58B (2014)

<sup>76</sup> *Id.*

<sup>77</sup> MASS. GEN. LAWS ch. 19A § 15(a) (2018)

<sup>78</sup> MASS. GEN. LAWS ch. 19A § 42(a) (2018)

<sup>79</sup> MASS. GEN. LAWS ch. 19C § 1 (2018)

<sup>80</sup> MASS. GEN. LAWS ch. 19C § 14(a) (2018)

<sup>81</sup> MASS. GEN. LAWS ch. 119 § 21 (2018)

<sup>82</sup> MASS. GEN. LAWS ch. 119 § 85(a-d) (2018)

<sup>83</sup> MICH. COMP. LAWS § 333.18827 (2000)

## MINNESOTA

A veterinarian must report known or suspected cases of abuse, cruelty or neglect.<sup>84</sup> Any person is not liable for rendering humane assistance to an injured pet or companion animal.<sup>85</sup>

## MISSISSIPPI

Veterinarians who reports in good faith and in the normal course of business a suspected incident of animal cruelty to the proper authorities are immune from civil or criminal liability.<sup>86</sup> Also, a veterinarian or any person acting at the direction of a veterinarian, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a dog or cat, or makes the decision or render services regarding the care of a dog or cat that is involved in the investigation, is immune from liability.<sup>87</sup> Any person who in good faith and acting without malice, reports a suspected incident of simple cruelty to a dog or cat, or aggravated cruelty to a dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.<sup>88</sup>

## MISSOURI

There is no cross-reporting or immunity for reporting. The veterinarian rules of professional conduct state that the reporting of animal abuse or neglect must be done to appropriate authorities.<sup>89</sup> As such, veterinarians are not barred from revealing confidential, proprietary, or privileged fact or data or any other sensitive information contained in a patient's medical records or as otherwise obtained in a professional capacity without the prior consent of the client.<sup>90</sup>

## MONTANA

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

## NEBRASKA

A veterinarian or a veterinary technician who, in the scope of his or her employment and while acting in his or her professional capacity, observes or is involved in an incident which leads the veterinarian or veterinary technician to reasonably suspect that an animal has been abandoned, cruelly neglected, or cruelly mistreated, must report the treatment to an entity that investigates

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<sup>84</sup> MINN. STAT. § 346.37 (1994)

<sup>85</sup> *Id.*

<sup>86</sup> MISS. CODE ANN. § 73-39-87 (2008)

<sup>87</sup> MISS. CODE ANN. § 97-41-16(6)(b) (2011)

<sup>88</sup> MISS. CODE ANN. § 97-41-16(6)(a) (2011)

<sup>89</sup> MO. 20 CODE STAT. REG. 2270-6.011(11) (2019)

<sup>90</sup> *Id.*

the reports in the appropriate jurisdiction.<sup>91</sup> There is immunity from liability for making a report except for false statements of fact made with malicious intent.<sup>92</sup> A veterinarian or veterinary technician whose practice involves the care of livestock animals in the scope of his or her employment and while acting in his or her professional capacity, observes or is involved in an incident which leads the animal health care professional to reasonably suspect that an animal has been abandoned, cruelly neglected, or cruelly mistreated, must report the treatment to an entity that investigates the reports in the appropriate jurisdiction.<sup>93</sup> There is immunity from liability for making a report except for false statements of fact with malicious intent.<sup>94</sup>

Child or adult protective service agency employees, animal control officers, or animal abuse agencies must report suspected animal abandonment, cruel neglect, and cruel mistreatment<sup>95</sup> The employees are immune from liability except for false statements of fact that are made with a malicious intent.<sup>96</sup> Employees of agencies involved with livestock animal control or abuse must report suspected animal abandonment, cruel neglect, and cruel mistreatment.<sup>97</sup>

## **NEVADA**

Any person who knows or has reasonable cause to believe that an animal has been subjected to an act of cruelty may report the act of cruelty to a peace officer; officer of a society for the prevention of cruelty to animals; or an animal control officer.<sup>98</sup> There is no immunity provision and no mandated reporters.

## **NEW HAMPSHIRE**

There is no cross-reporting provision. A veterinarian is not liable for criminal or civil liability and is protected from a lawsuit for his or her part in an investigation of cruelty to animals.<sup>99</sup>

## **NEW JERSEY**

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

## **NEW MEXICO**

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

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<sup>91</sup> NEB. REV. STAT. § 28-1020(1) (2009)

<sup>92</sup> NEB. REV. STAT. § 28-1020(2) (2009)

<sup>93</sup> NEB. REV. STAT. § 54-910(1) (2010)

<sup>94</sup> NEB. REV. STAT. § 54-910(2) (2010)

<sup>95</sup> NEB. REV. STAT. § 28-1017(1-2) (2009)

<sup>96</sup> NEB. REV. STAT. § 28-1017(1)(4) (2009)

<sup>97</sup> NEB. REV. STAT. § 54-908(2) (2010)

<sup>98</sup> NEV. REV. STAT. § 574.053 (2013)

<sup>99</sup> N.H. REV. STAT. ANN. § 644:8(V) (2008)

## NEW YORK

A veterinarian may disclosure records concerning companion animals if a veterinarian reasonably and in good faith suspects that a companion animal's injury, illness, or condition is the result of animal cruelty or a violation of any state or federal law pertaining to the care, treatment, abuse, or neglect of a companion animal.<sup>100</sup> A veterinarian with a good faith suspicion may report the incident and disclose records concerning the companion animal's condition and treatment to the police, duly incorporate society for the prevention of cruelty to animals, peace officer, district attorney's office, animal control officer, department of agriculture and markets, other appropriate government agency, or any agent of a government agency.<sup>101</sup> A veterinarian who makes a good faith report or discloses records in accordance with the law is immune from civil or criminal liability.<sup>102</sup>

## NORTH CAROLINA

A veterinarian who has reasonable cause to believe that an animal has been the subject of animal cruelty and who makes a report of animal cruelty, or who participates in any investigation or testifies in any judicial proceeding that arises from a report of animal cruelty, is immune from all liability, including professional disciplinary action, unless the veterinarian acted in bad faith or with a malicious purpose.<sup>103</sup>

## NORTH DAKOTA

Absent negligence, a veterinarian is immune from civil or criminal liability for rendering emergency treatment to a sick or injured animal.<sup>104</sup> A veterinarian is not barred from retaining custody of an animal if the veterinarian has reasonable cause to believe that an animal has been neglected, abused, treated cruelly, or subjected to any act or omission in violation of the chapter.<sup>105</sup>

## OHIO

An officer or agent of the Ohio Humane Society or of a county humane society must report cruelty inflicted upon a child or the reportable surroundings of a child, if in the best interest of the child.<sup>106</sup>

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<sup>100</sup> N.Y. EDUC. LAW § 6714(2) (2003)

<sup>101</sup> *Id.*

<sup>102</sup> N.Y. EDUC. LAW § 6714(4) (2003)

<sup>103</sup> N.C. GEN. STAT. § 14-360.1 (2007)

<sup>104</sup> N.D. CENT. CODE § 36-21.2-13 (2013)

<sup>105</sup> N.D. CENT. CODE § 36-21.2-10 (2013)

<sup>106</sup> OHIO REV. CODE § 1717.14 (2006)

## OKLAHOMA

Veterinarians must report suspected cases of aggravated animal abuse to a local law enforcement agency in the county where the veterinarian practices within twenty-four (24) hours of any examination or treatment of the animal.<sup>107</sup> The report must contain the breed and description of the animal and the name and address of the owner.<sup>108</sup> A veterinarian is immune from civil liability for a report made in good faith.<sup>109</sup>

## OREGON

Veterinarians must report aggravated animal abuse.<sup>110</sup> Veterinarians and veterinary technicians may report known or reasonably believed abandoned, neglected, or abused animals to peace officers, animal control officers, or officers of private organizations devoted to humane treatment of animals, and they are immune from civil or criminal liability.<sup>111</sup> Veterinarians must report to the Dean of the College of Veterinary Medicine at Oregon State University any incidences of treating animals that have been injured by a trapping device.<sup>112</sup>

Reports must include: (a) The name and description of each animal involved; (b) The address and telephone number of the owner or other person responsible for the care of the animal; (c) The nature and extent of the suspected aggravated animal abuse; (d) Any evidence of previous aggravated animal abuse; (e) Any explanation given for the suspected aggravated animal abuse; and (f) Any other information that the person making the report believes may be helpful in establishing the cause of the suspected aggravated animal abuse or the identity of the person causing the aggravated animal abuse.<sup>113</sup> Veterinarians with reasonable grounds and who act in good faith and make a report are not liable in any civil or criminal proceeding.<sup>114</sup>

Generally, a public or private official with reasonable cause to believe that an animal has suffered aggravated animal abuse may immediately report to a law enforcement agency, either verbally or in writing.<sup>115</sup> The official is not liable in civil or criminal proceedings if the official acts in good faith and has reasonable grounds for making the report.<sup>116</sup> This also applies to social workers who are employees of the Department of Human Services, and they also have immunity.<sup>117</sup>

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<sup>107</sup> OKLA. STAT. TITLE. 21 § 1680.3 (2006)

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> OR. REV. STAT. § 686.455(1-2) (2003)

<sup>111</sup> OR. REV. STAT. § 686.445(1-2) (2003)

<sup>112</sup> *Id.*

<sup>113</sup> OR. REV. STAT. § 686.455(2) (2003)

<sup>114</sup> OR. REV. STAT. § 686.465 (2003)

<sup>115</sup> OR. REV. STAT. § 609.654(1-2) (2007)

<sup>116</sup> OR. REV. STAT. § 609.654(3) (2007)

<sup>117</sup> OR. REV. STAT. § 609.656 (2015)

## PENNSYLVANIA

There is no mandated reporting. Veterinarians, veterinary technicians, or veterinary assistants may report in good faith and in the normal course of business a suspected violation of cruelty to animals.<sup>118</sup> This does not apply to an act or omission that is intentionally designed to harm or an act or omission that is gross negligence or willful, wanton, or reckless conduct.<sup>119</sup>

## RHODE ISLAND

Veterinarians, veterinary technicians, animal shelters, animal kennels, or other person entrusted with the care or custody of an animal must report to the police (local or state), animal control officials, or officers of a private organization devoted to the humane treatment of animals, the condition of any animal that the parties entrusted with the animal know or reasonably believe to be abandoned neglected, or abused.<sup>120</sup> A failure to report must be fined at no more than \$500.<sup>121</sup>

Any person entrusted with the care and custody of an animal is not liable for either criminal or civil liability arising out of any reports made concerning any animal that the veterinarian knows or reasonably believed to be abandoned, neglected, or abused.<sup>122</sup> A veterinarian is immune from suit for making the report, absent bad faith or malice.<sup>123</sup>

## SOUTH CAROLINA

Any person, including a veterinarian, an animal control officer or agent of the SCSPCA, another similar society, who, in good faith and without compensation for services provided and acting with malice, recklessness, or gross negligence, renders emergency care or treatment to a domestic animal, is not liable for civil or criminal liability for injuries, harm to the animal, or any act to provide or arrange for further medical treatment or care for the animal.<sup>124</sup>

## SOUTH DAKOTA

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

## TENNESSEE

A state, county, or municipal employee of a child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who, with knowledge of or observes an animal that the person knows or reasonably suspects has been a victim of cruelty,

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<sup>118</sup> 18 PA. CONS. STAT. ANN. § 5556(a) (2017)

<sup>119</sup> 18 PA. CONS. STAT. ANN. § 5556(b) (2017)

<sup>120</sup> R.I. GEN. LAWS § 4-1-26.1(a) (2018)

<sup>121</sup> *Id.*

<sup>122</sup> R.I. GEN. LAWS § 4-1-37 (2018)

<sup>123</sup> *Id.*

<sup>124</sup> S.C. CODE ANN. § 47-1-75 (2002)

abuse, or neglect, must make a report to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county.<sup>125</sup> The report must be faxed within 2 days (if written) or by phone.<sup>126</sup> If two or more employees of a state, county, or municipal child or adult protective services agency are present and jointly have knowledge of known or suspected animal cruelty, abuse, or neglect, a report may be made by one person.<sup>127</sup>

## **TEXAS**

A veterinarian who in good faith and in the normal course of business reports to the appropriate governmental entity a suspected incident of animal cruelty is immune from civil or criminal liability.<sup>128</sup>

## **UTAH**

A veterinarian who in good faith and in the normal course of business reports a suspected case of animal cruelty to law enforcement or the property authorities is immune from civil or criminal liability.<sup>129</sup>

## **VERMONT**

Veterinarians are immune from monetary liability for reporting suspected cases of cruelty to animals in good faith and in the normal course of business to any humane officer or local board of health officer or agent.<sup>130</sup>

## **VIRGINIA**

Veterinarians may make reports of sick or injured animals or cases of suspected animal cruelty, and they are not liable for reports about sick or injured animals or animal cruelty made in good faith and with properly exercised judgement.<sup>131</sup>

Animal control officers and law enforcement officers are mandated reporters of child abuse or neglect and must report immediately to the local department of the county or city wherein the child resides, wherein the abuse or neglect is believed to have occurred, or to the Department's toll-free child abuse and neglect hotline.<sup>132</sup> The initial report may be verbal but must be reduced to writing by the child abuse coordinator.<sup>133</sup> A mandated reporter who makes a report, provides records or information, or who testifies in any judicial proceeding arising from the report,

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<sup>125</sup> TENN. CODE. ANN. § 38-1-402(a) (2006)

<sup>126</sup> TENN. CODE. ANN. § 38-1-402(b) (2006)

<sup>127</sup> TENN. CODE. ANN. § 38-1-403(c) (2006)

<sup>128</sup> TEX. OCC. CODE. ANN. § 801.3585 (2007)

<sup>129</sup> UTAH CODE ANN. § 58-28-602 (2006)

<sup>130</sup> VT. STAT. ANN. § 14-360.1 (2007)

<sup>131</sup> VA. CODE ANN. § 3.2-6507 (2008); VA. CODE ANN. § 54.1-3812.1 (2016)

<sup>132</sup> VA. CODE ANN. § 63.2-1509(A) (2019)

<sup>133</sup> *Id.*

records, or information, is immune from any civil or criminal liability, or administrative penalty or sanction, absent bad faith or malice.<sup>134</sup>

## WASHINGTON

Veterinarians are immune from civil or criminal liability for actions taken under the “Prevention of Cruelty to Animals” chapter of law, but not for reporting.<sup>135</sup> There is no requirement that veterinarians report animal cruelty.

## WEST VIRGINIA

Veterinarians must report to a humane officer any animal found, reasonably known or believed to be abandoned, neglected, or cruelly treated, and are not subject to any civil or criminal liability for such reporting.<sup>136</sup> Humane officers, pursuant to an investigation of animal cruelty, with a reasonable suspicion that a minor child, or incapacitated or elderly person, is the victim of abuse or neglect or has a suspicion of domestic violence, must report the suspicion and the grounds.<sup>137</sup> Humane officers are mandated reporters of child neglect or abuse, incapacitated adult abuse, or nursing home facility resident abuse, and they must report the abuse.<sup>138</sup>

An adult protective service worker, who, in response to another report, forms a reasonable suspicion that an animal is the victim of cruel or inhumane treatment, must report the suspicion within 24 hours to a humane officer.<sup>139</sup> Law enforcement officers, who, pursuant to a domestic violence incident response, form a reasonable suspicion that an animal is a victim of cruel or inhumane treatment, must report the suspicion and the grounds to the county humane officer within 24 hours of the alleged domestic violence incident.<sup>140</sup> Child protective service workers, who, in a response to another report, forms a reasonable suspicion that an animal is the victim of cruel or inhumane treatment, must report the suspicion and the basis to the county officer within 24 hours of the response to the report.<sup>141</sup>

## WISCONSIN

Veterinarians with reason to believe that an animal has been in a fight must report the matter to the local humane officer or to a local law enforcement agency in writing with a description and location of the animal, any injuries, and the name and address of the owner or person in charge of the animal, if known.<sup>142</sup>

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<sup>134</sup> VA. CODE ANN. § 63.2-1509(C)

<sup>135</sup> WASH. REV. CODE § 16.52.210 (1987)

<sup>136</sup> W. VA. CODE § 7-10-4a(a) (1991)

<sup>137</sup> W. VA. CODE § 7-10-2(b) (1991)

<sup>138</sup> W. VA. CODE § 49-2-803 (2018); W. VA. CODE § 9-6-9 (2012)

<sup>139</sup> W. VA. CODE § 9-6-9a (2012)

<sup>140</sup> W. VA. CODE § 48-27-702 (2006)

<sup>141</sup> W. VA. CODE § 49-2-806 (2015)

<sup>142</sup> WIS. STAT. § 173.12 (2016)

## WYOMING

There is no mandated reporting of animal abuse, no immunity for making a report, and no cross-reporting.

## INDIANA (2018)

### IC 31-33-8 Chapter 8. Investigation of Reports of Suspected Child Abuse or Neglect

#### IC 31-33-8-7.5 Reporting of observed or suspected animal cruelty, abandonment, or neglect

Sec. 7.5. (a) If, during the assessment, a caseworker observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the caseworker may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:

- (1) the local law enforcement agency; or
- (2) the local animal control officer.

(b) The information provided in a report under subsection (a) must include the following:

- (1) A name and description of the animal and the animal's condition.
- (2) The name and contact number, if known, of the owner or custodian of the animal.
- (3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.
- (4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.

(c) This section does not impose a duty or obligation on the caseworker to investigate known or suspected animal cruelty, abandonment, or neglect.

(d) A caseworker who makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the caseworker made the report as a result of gross negligence or willful and wanton misconduct.

(e) The identity of any caseworker who makes a report under this section is confidential.

(f) This section does not expand or limit other laws concerning confidentiality requirements.

As added by P.L.106-2018, SEC.4.

### IC 31-33-6-1 Immunity from civil or criminal liability

Sec. 1. (a) Except as provided in subsection (b) and section 2 of this chapter, a person, other than a person accused of child abuse or neglect, who:

- (1) makes or causes to be made a report of a child who may be a victim of child abuse or neglect;
- (2) is a health care provider and detains a child for purposes of causing photographs, x-rays, or a medical examination to be made under IC 31-33-10;
- (3) makes any other report of a child who may be a victim of child abuse or neglect;
- (4) participates in or assists with an investigation by the department or a law enforcement agency resulting from a report that a child may be a victim of child abuse or neglect, including by transferring photographs, x-rays, or medical examination records completed under subdivision (2);
- (5) is a health care provider and provides professional intervention resulting from a report that a child may be a victim of child abuse or neglect, including:
  - (A) providing care or treatment to the child;
  - (B) participating in a case review concerning the child;
  - (C) providing advice or consultation concerning the child;
  - (D) disclosing medical records and other health information concerning the child, in accordance with federal or state law governing the disclosure of medical records;
  - (E) providing information to a child fatality review team; or
  - (F) recommending judicial action concerning a child; or
- (6) participates, including testifying as a witness, in any judicial proceeding or other proceeding:
  - (A) resulting from a report that a child may be a victim of child abuse or neglect; or
  - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions, even if the reported child abuse or neglect is classified by the department as unsubstantiated.

#### FLORIDA MANDATE UPDATE (2021)

SB 96, enacted in 2021, requires full two-way cross-reporting between child protective services workers and animal control officers. The new Florida Statute, Sec. 39.208, is based upon the premise that “The Legislature recognizes that animal cruelty of any kind is a type of interpersonal violence that often co-occurs with child abuse and other forms of family violence. Early identification of animal cruelty is an important tool in: safeguarding children from abuse, abandonment and neglect; providing needed support to families; and protecting animals.”

Under the new provisions:

- Anyone who investigates child abuse, abandonment or neglect and who, within the scope of his or her employment, knows or has reasonable cause to suspect animal abuse occurring at the same address shall report such knowledge or suspicion within 72 hours to a local animal control agency.
- Child protective services personnel are presumed to have made such reports or engaged in inter-agency collaboration in good faith and are immune from civil and criminal liability and administrative sanctions.
- Anyone who investigates animal cruelty who, within the scope of his or her employment, knows or has reasonable cause to suspect that a child is abused, abandoned or neglected or is in need of supervision and care shall report such knowledge or suspicion to the state central abuse hotline immediately.
- Failure to report, either by child protection or animal control investigators, is subject to penalties.
- The Department of Children and Families and statewide animal welfare and control agencies will develop a one-hour training course for all child protective investigators and animal control officers on the accurate and timely identification and reporting of child and animal maltreatment and the interconnectedness of such abuse.