



State of Louisiana  
**Animal Welfare Commission**

*Office of the Governor*

3101 W. Napoleon Avenue, Suite 102, Metairie, LA 70001

(504) 219-4593

***Meeting Minutes***

July 10, 2010

**I. Call to order**

**Gary Balsamo** called to order the regular meeting of the Louisiana Animal Welfare Commission at 9:00 AM on July 10, 2010, in room 173, Bienville State Office Building, Baton Rouge, LA.

**II. Roll call**

The following persons were present: Dr. Amy Grayson (LVMA representative), Ms. Mary Lee Oliphant-Wood (commercial breeder representative), Ms. Joelle Rupert (humane organization representative), Lt. Paul Edmondson, Louisiana State Police Representative, Dr. Gary Balsamo (Governor's Office of Community Programs representative), Dr. Brian Melius (small animal practice), Dr. A. Philip Dupont (LVMA representative), Mr. Hilton Cole (Animal control representative).

Mr. Pinckney Wood (humane organization representative), Ms. Susan Schneider (Louisiana QH Association representative), Ms. Amy Cannizaro Burriss (at-large), Mr. J.T. Lane (DHH representative), Ms. Margaret George (humane organization representative),

The Louisiana Thoroughbred Breeders' Association slot remains vacant.

**III. Approval of minutes from last meeting**

The minutes from the last meeting were read and corrected. Dr. Melius explained that Ms. George and Dr. Dupont had agreed to work on the policy statement for tethering, not Ms. George and Dr. Melius. The minutes, specifically section IV. c, second paragraph, were corrected to read as follows:

"A discussion then took place concerning tethering. A general opinion surfaced among the membership that tethering may be required in certain circumstances. The commission should draft an explicit policy statement specifying situations in which tethering is acceptable, clearly explaining humane requirements for tethering. Ms. George and Dr. Dupont agreed to work on this policy statement."

The minutes were then approved by vote of the Commission as read. Motion made by Dr. Dupont, seconded by Dr. Melius.

**IV. Open issues**

- a) Pinckney Wood was absent but submitted a written review of the actions of the Louisiana legislature in the most recent session, as well as a summary of LAWC activities in supporting animal related legislation. The report is included below:

LAWC LEGISLATIVE ACTIVITY REPORT – from Pinckney Wood,  
Chairman, Legislative Committee

The LAWC was active in the 2010 Regular Session of the Louisiana Legislature. Following are the principal results:

HB 829 (poisoning of animal to be a felony) by Representative Tony Ligi

This was the only LAWC sponsored bill this year. When I broached the subject with Mr. Ligi, I included the following paragraph to justify the need for appropriate legislation in this regard:

“Acts of intentionally (and unjustifiably) poisoning an animal (e.g., with intent to maliciously kill a dog, or with intent to cause serious physical distress to a racehorse to deter its ability to run and consequently lose a race, or with intent to kill a protected wild bird of prey, etc.), surely should be classified as acts of aggravated cruelty, not simple cruelty.”

Mr. Ligi agreed to author a bill that simply moved the existing wording on poisoning from sub-Section A (simple cruelty) to sub-Section B (aggravated, i.e., felony, cruelty). There was concern expressed by some legislators about which animals the part on poisoning would apply to. Mr. Ligi wanted to define “domestic animal” (which is in the existing law) to which the wording on poisoning applied. I cautioned him strongly that any attempt to define “animal” in the law could have very undesirable, unintended consequences. He sought advice from HSUS. The wording they offered, which was a definition of “domestic animal” based on an Oregon law, I recognized as not suitable, so I offered the following draft legislation:

Proposed new paragraph under aggravated cruelty (R.S. 14:102.1(B)):

B.(2) Any person who poisons, or attempts to poison, an animal shall also be guilty of aggravated cruelty to animals.

(a) The poisoning of an animal is the intentional and unjustifiable placing of a substance, known to effectively cause suffering or death, in such a way that the animal consumes, or is likely to consume, the substance; or the unjustifiable administering of a drug or other substance that is known to effectively cause acute or chronic impairment whereby suffering or death is, or is likely to be, a consequence.

(b) For the purposes of this paragraph, an animal is any farm animal, equine, dog, cat, or bird, or any owned animal other than those here specified.

There was, I heard, opposition directly from the Secretary of the Department of Agriculture, Mike Strain, over the inclusion of "equine". This is something that we need to resolve. We need to know their "reasoning". I asked Mary Lee Oliphant-Wood to broach this with the Department of Agriculture, since she has a contact in the department. We have yet to receive a response.

I am aware that we have a representative of the community of horsemen and horsewomen on the LAWC in the person of Susan Schneider of the Louisiana Quarter Horse Breeders Association; and I will seek her assistance also in resolving this difficulty.

In reaction to the opposition from the Department of Agriculture, Mr. Ligi removed the bill from further consideration by the Legislature.

On the greater subject of Cruelty to Animals Law revision, I have been holding in reserve a draft for a basic over-all modification of the law that includes defining the word "animal" for the purposes of the law. However, I have been waiting to move with it because most of the reliable, seasoned legislators I have worked with in the past are no longer in the legislature because of term limits. Some may return, but presently, there is a crop of "green" legislators that it would be ill-advised to work with until new and solid working relationships may be formed. I happened to mention to Mr. Ligi that we shouldn't deal with defining "animal" in the law until the matter can be dealt with adequately. He has said that he wants to look at this with the goal of presenting a relevant bill next year. This forces us, as the LAWC, to get into this with him as soon as we can. I will try to set up an appointment to visit with him one-on-one.

SB 73 (prohibition of gas chambers for "euthanasia") by Senator David Heitmeier

This bill originally sought to prohibit the use of gas chambers which would be effective as of 2015.

Your LAWC Legislative Committee offered advice that resulted in a "phase out" of three years, rather than five years. This has been enacted by the Legislature. I know an immediate ban would have been our preference, but at least we succeeded in cutting two years out of the "phase out" period. Hopefully the LAWC can further influence any animal control facilities that are still using gas chambers to get rid of them as soon as possible.

HB 313 (regulation of dog breeders by local jurisdictions) by Representative Gary Smith

The LAWC has from the beginning intended to have dog breeder regulation under the authority of the LAWC. Our intent in this regard would have been circumvented by this bill.

I pressed Mr. Smith to change his bill in favor of having regulation of dog breeders under the authority of the LAWC rather than local jurisdictions. He was apparently working with the HSUS. HSUS has a state representative, Julia Breaux, that has been actively lobbying at the Legislature over the past several sessions. Their not letting us know about their legislative proposals prior to asking legislators to introduce bills has been a problem, not just for the LAWC, but for constructive (not destructive) progress in animal-related legislation. Much of my work in the past two session has been toward heading-off counter-productive legislative efforts.

Mary Lee was in touch with an AKC legislative person who contacted Mr. Smith about his bill. Because of input to Mr. Smith from the dog breeding community, he ultimately "pulled" his bill.

At first Mr. Smith did not seem interested in my input about dog breeder regulation through the LAWC, and was just pushing ahead with the bill he introduced. In the end, he e-mailed me and expressed his willingness to work with me on this issue. I will be pursuing this with him.

HB 428 (hold fee of \$100 per animal per day on animals in cruelty cases) by Representative Walt Leger

This was a most unreasonable bill which would, in many cases, force individuals accused of cruelty to animals to give up their animal(s) because they couldn't afford to pay \$3,000 per animal for each of the 30-day-block holding periods until the ultimate disposition of the animals was determined by the court. This would have been expedient for, and to the excess benefit of, those holding the animals, but it would have violated the basic rights of animal owners accused of (but not convicted of) cruelty to animals.

I succeeded in getting the specified fee requirement of \$100 per animal per day (to be paid in 30-day blocks) removed.

The enacted bill was left with minor adjustment in the process of holding animals and payment of fees.

This whole matter in Louisiana law is something that the LAWC should work to improve.

HB 219 (regulation of tethering at the state level) by Representative Karen St. Germain

I kept interest in this legislation, but did not become actively involved.

The bill was enacted into law.

This bill was not addressed by the LAWC. It was enacted.

The final disposition of bills, and the final content of the enacted bills, may be found on the website of the Louisiana Legislature:  
<http://www.legis.state.la.us>.

Ms. Joelle Rupert offered to help Pinckney in defining an “animal” as the definition related to animal cruelty legislation.

The chairman agreed to send every shelter a summary of new legislation enacted during the session, with special stress on the requirements for euthanasia.

- b) The commission then discussed the creation of position statements regarding laws addressing tethering animals and euthanasia procedures. Since the legislature had recently addressed these activities and enacted laws in the recent session, members agreed to table further discussion until the laws were studied more thoroughly.
- c) Mr. J.T. Lane was not present; therefore discussion of the creation of an LAWC website was postponed until the ensuing meeting. Ms. Oliphant-Wood added that the website could be used to display available programs for spay/neuter, microchipping, or adoption in each parish.
- d) Dr. Balsamo reported that Mr. Wood had received word from former commissioners Dr. Robert Gros and retired Judge Sol Gothard, that both men agreed to serve on the Board of Directors of the recently incorporated Louisiana Animal Welfare Foundation. Identification of the members of the foundation could play an integral role in identifying the desired 20 individuals dispersed in all areas of the state that would act as operatives in investigating reports of animal cruelty.
- e) Dr. Balsamo then presented the commission the 2010 *Louisiana Animal Shelter Inspection Program Annual Report*, dated July 10, 2010. Ms. Joelle Rupert moved that the report be approved and distributed to government bodies and the Louisiana legislature. The motion was seconded by Dr. Brian Melius and the motion passed unanimously.

#### V. New business

- a) The commission discussed the proposed LAWC newsletter. Ms. George was not present so setting a date for the first publication was tabled until the next meeting. The commission discussed the creation of additional publications. Lt. Edmondson recommended the creation of laminated information sheets on animal cruelty for distribution to law enforcement officers throughout the state, in addition to the creation of an animal cruelty handbook.
- b) Dr. Balsamo reported that he had not had time to work on the development of the continuing education seminar for law enforcement, due to his work in the inspection program. He stated that he needed other commission members to take a more active role. Hilton Cole suggested that the commission should approach the State Veterinary Licensing Board about offering continuing education credits related to animal control/animal cruelty/euthanasia/rabies control/animal hoarding to certified animal euthanasia technicians and veterinarians, but he also recognized that the emphasis should initially be on educating law enforcement entities. No deadline for any of these procedures or programs was set.

- c) Ms. Oliphant Wood distributed a copy of a law that limits the liability for injury or death due to the inherent unpredictability of farm animal behavior. This law limits the liability of a farm animal sponsor or professional, who rides, trains, boards, medically treats, shoes or manages a show where these activities occur. The law does not limit liability where faulty equipment is used, negligence is used in determining who participates in the activities, environmental hazards are present, wanton disregard for safety is evident, or where the professional or sponsor intentionally injures the participant. Ms. Oliphant-Wood provided this legislation and pointed out that similar parallel legislation is needed to protect those who train pet animals, such as dog obedience trainers, especially when trainers guide owners in training their own animals. Ms. Oliphant-Wood stated that liability concerns are severely limiting animal training in the state. Several trainers have been sued recently and many of the incidents appear to be frivolous. Ms. Oliphant-Wood provided several examples. Since many animals are placed in shelters or are stranded due to lack of training, this issue of liability should be considered by the legislature. Ms. Oliphant –Wood offered to investigate the possibility of authoring a law and having the proposed legislation reviewed by attorneys.
- d) Dr. Balsamo then brought up the problem of animal cruelty referrals. He stated that he periodically receives reports of animal cruelty related to a multitude of topics. Many relate to improper activities at pet shops and grooming facilities. Dr. Balsamo stated that perhaps LAWC should look into initiating a licensing program for pet shops and grooming parlors, since these businesses are not regulated by anyone professionally. A program like this is included with the shelter inspection program in New Jersey. Licensing fees actually support the program and pay the salaries of inspectors. Lt. Edmondson suggested that the persons that LAWC identifies around the state, could, with proper training, be issued a commission as a special officer. Lt. Edmondson also mentioned that LAWC could use funds to support OT for off duty officers to conduct the investigations. Hilton stated that a rate of \$30.00 per hour could be paid for cruelty investigations.
- The general consensus of the commission was that regulation of pet shops and groomers could be more easily initiated and enforced than regulation of breeders, and that the commission might pursue such legislation in the near future.
- Compensation of cruelty investigations was considered a separate issue and the commission concluded that this subject should be pursued in the future.

## **VI. Adjournment**

Lt. Edmondson moved that the meeting be adjourned, seconded by Ms. Rupert. After a vote by the Commission the meeting was adjourned at noon.

Minutes submitted by: Gary Balsamo

Minutes are to be approved at the ensuing Commission meeting.