

2024 Regular Session

HOUSE BILL NO. 854

BY REPRESENTATIVES GEYMANN, AMEDEE, BACALA, BAYHAM, CHASSION,
COX, HORTON, JACOB LANDRY, MCCORMICK, AND VENTRELLA

1 AN ACT

2 To enact R.S. 56:125.1, relative to wildlife possession; to provide for an exemption to
3 Wildlife Rehabilitation Program rules for possession of wildlife; to provide for strict
4 liability of anybody in possession of certain animal species that cause damages to a
5 person or property; to provide for a limitation of liability; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:125.1 is hereby enacted to read as follows:

9 §125.1. Wildlife Rehabilitation Program; exemption

10 A. Notwithstanding any local ordinance, administrative rule, or any other
11 provision of law to the contrary, individuals may possess in captivity certain sick,
12 injured, or orphaned wildlife while providing care for such wildlife for a period of
13 up to ninety days as provided for in this Section:

14 (1) Wildlife included under this Section shall be limited to the following
15 species: squirrel, opossum, rabbit, or chipmunk, with such possession limited to one
16 animal or litter of animals per individual.

17 (2) A raccoon or skunk that is sick, injured, or orphaned may also be
18 possessed pursuant to the provisions of this Section upon notification to the
19 Department of Wildlife and Fisheries of possession of the wildlife and upon receipt
20 of information regarding rabies vector species and a list of available wildlife
21 rehabilitators.

1 (3) Individuals in possession of any of these animals shall be held strictly
2 liable for any damages for injuries to persons or property caused by the animal.

3 B. To continue to possess the wildlife beyond ninety days from finding the
4 sick, injured, or orphaned wildlife all of the following shall occur:

5 (1) The individual has satisfied wildlife rescuer training requirements. The
6 curriculum shall be offered online and shall cover at a minimum safety
7 considerations, wildlife husbandry requirements, transfer of diseases, and notice that
8 a person possessing an animal pursuant to this Section is held strictly liable for any
9 damage or injury the animal causes.

10 (2) The individual applied for a Special Purpose and Possession permit.

11 (3) A Louisiana licensed veterinarian has determined that the animal is
12 medically non-releasable or exhibits signs of adjusted life in captivity.

13 C.(1) If the conditions of Subsection B of this Section have been met, the
14 Department of Wildlife and Fisheries shall issue a Special Purpose and Possession
15 permit and the individual shall be able to continue to possess the animal for the
16 duration of its natural life.

17 (2) Any animal possessed pursuant to the provisions of this Section shall be
18 spayed or neutered. Rabies vector species shall also be microchipped by a Louisiana
19 licensed veterinarian.

20 D. A Louisiana licensed veterinarian shall not be liable to any person for any
21 injury, illness, death, loss, civil penalty, or damage as a result of any act or omission
22 in determining that the animal is medically non-releasable or exhibits signs of
23 adjusted life in captivity as required by the provisions of this Section. However, this
24 limitation of liability shall not be applicable if the damage, injury, or loss was caused
25 by the gross negligence or willful or wanton misconduct of the licensed Louisiana
26 veterinarian.

27 E. It shall be unlawful for an individual exempted under the provisions of
28 this Section to use the wildlife in any manner for the purposes of exploitation,
29 including for any promotional or commercial purpose, or for the purposes of pet

1 trade. Any such act shall be grounds for seizure of the wildlife by the department
2 and revocation of any issued permit.

3 F. The Wildlife and Fisheries Commission shall adopt rules pursuant to the
4 Administrative Procedure Act to implement the provisions of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____