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The Kentucky Law Update: Continuing Legal Education for All Kentucky Lawyers

The Supreme Court of Kentucky established the Kentucky Law Update (“KLU”) Program as an element of the minimum continuing legal education system adopted by Kentucky attorneys in 1984. Per Supreme Court Order 2021-26, the 2021 Kentucky Law Update program will be presented as an on demand program, available for free remotely to all Kentucky Bar Association members from September 1 through December 31, 2021. This program offers every Kentucky attorney the opportunity to meet the 12.0 CLE credit requirement, including the 2.0 ethics credit requirement – at your home/office and at no cost! Judges can also earn continuing judicial education credits at the Kentucky Law Update.

About the Handbooks and Presentations

Handbook materials are the result of the combined efforts of numerous dedicated professionals from around Kentucky and elsewhere. The KBA gratefully acknowledges the following individuals who graciously contributed to this publication:

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KBA Animal Law Section                   Kentucky Bar Foundation
KBA Bankruptcy Law Section               Kentucky Court of Appeals
KBA Criminal Law Section                 Kentucky Lawyer Assistance Program
KBA Elder Law Section                    Lawyers Mutual of Kentucky
KBA Ethics Committee                     Legislative Research Commission
KBA Immigration & Nationality Law Section Supreme Court of Kentucky
KBA Office of Bar Counsel                Volunteers of America Mid-States
Kentucky Administrative Office of the Courts

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A special thank you to all of the organizations, authors, presenters, moderators and other 2021 Kentucky Law Update program volunteers will appear in the January 2022 issue of the *Bench & Bar*.

**CLE and Ethics Credit**

Completing all sessions qualifies attorneys for 18.00 CLE credits, including up to 6.00 ethics credits. One credit is awarded for each 60 minutes of actual instruction as noted on the agenda provided on the KLU webpage.

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Kentucky Judges, don’t forget you can claim CJE credit for attending this program.

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The 2021 Kentucky Law Update is your program and your input is valued and needed. PLEASE take a few minutes to complete the evaluation questionnaire upon completion of all on demand programming. The evaluation is available online here. We appreciate your assistance in improving this service.
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I. COMPANION ANIMAL LEGAL ISSUES

A. Veterinary Malpractice

Simply put, like any other tortious negligence, veterinary malpractice occurs when a veterinarian is negligent. It is important to note that like a personal injury medical malpractice claim, veterinary malpractice can take many forms and include claims for everything from substandard surgical care resulting in the need for additional corrective care, to improper injections resulting in death. Veterinary malpractice clients are by and large equine professionals and companion animal owners.

Most veterinarians will have professional malpractice coverage for “veterinary incidents” for themselves individually or as named insureds on their respective hospital or clinic’s policies.

Animals, under Kentucky law, are considered personal property. Because of this, damages are typically limited to the fair market value of the animal if the veterinary incident results in the death of the animal, or the diminution in value if the animal is injured, plus costs of care and recovery after the injury if the animal survives.

For the majority of clients, their veterinary malpractice claim won’t involve a million-dollar Thoroughbred racehorse. Instead, they will call you when they sought care for a companion animal and the veterinarian’s negligently performed a surgery, such that the standard of care fell below that typically expected of a veterinarian. And perhaps the veterinarian failed at a corrective surgery as well, causing your potential client to incur over $20,000 in medical bills.

Fair market value simply isn’t the right yard stick for measuring damages when they relate to companion animals. Kentucky is one of just a few states that allows for non-economic damages for the loss of an animal. This precedent comes from a landmark animal case, Burgess v. Taylor, in which the owner of pet horses sued boarders who sold the horses for slaughter. Burgess v. Taylor, 44 S.W.3d 806 (Ky. 2001). Plaintiff Taylor needed to board her horses, and in exchange for the consideration of their use and enjoyment, the Defendants agreed to board them. This is a common practice in the horse world. Unfortunately, the intended boarders almost immediately sold the horses for slaughter. The Defendants then went to great lengths to deceive Taylor about the horses’ whereabouts, even enlisting others to participate in the deception. After a lengthy trial, a jury awarded $50,000 in compensatory damages and $75,000 in punitive damages. The Kentucky Court of Appeals held the tort of intentional infliction of emotional distress (“IIED”) depends on the conduct of the
wrongdoer and not the subject of the conduct. Thus, egregious conduct involving an animal can lead to a successful and potentially significant intentional infliction of emotional distress claim.

1. Evidence.

It is imperative to obtain all evidence relating to the client’s claim.

Be prepared, however, to pay for a copy of the records. Practitioners may rely upon KRS 422.317 to obtain, on a client's behalf, the first free copy of a patient's medical record. That statute further provides “A copying fee, not to exceed one dollar ($1) per page, may be charged by a health care provider for furnishing a second copy…” However, for obtaining a client’s records from a veterinarian, KRS 321.185(4) states “Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.”

Have a veterinarian review the records. Like a medical malpractice claim, the records are not dispositive and frequently contain inaccuracies. The case will very likely require expert testimony from a qualified veterinarian. At the outset, however, such feedback can aid you to reverse engineer just what happened if you have the assistance of a trained veterinary professional.

2. Sample veterinary records authorization.

Just as a practitioner would have a new client execute appropriate medical authorizations, direct your new veterinary malpractice client to execute an authorization for you to obtain his or her records from the veterinarian’s office.

Hon. Ruth Bader Ginsburg
Martin Ginsburg
130 Fairfax Avenue, Suite LL-B
Louisville, KY 40207

To Whom It May Concern:

Pursuant to KRS 321.185, we hereby request [offending veterinarian’s office] to release any and all veterinary records as well as any and all itemized billing statements relating to Ozzy and Middy to our attorney or her law firm, Nolia G. Batey, BATEY BROPHY & O’DEA, PLLC.

________________________________________________________________________
Hon. Ruth Bader Ginsburg Date

________________________________________________________________________
Martin Ginsburg Date
3. Sample veterinary records request letter.

Then send the request to the appropriate treating veterinarian’s office.

Dear Records Custodian,

This law firm represents Ruth Bader Ginsburg and Martin D. Ginsburg with respect to their companion animals, Ozzy and Middy, concerning treatment while in your custody, care, and control on or about October 3, 2020 through October 6, 2020.

Please provide us with a copy of any and all records relating to Ozzy and Middy, as well as itemized billing statements from October 3, 2020 – present.

Please email all records and billing statements to me as soon as possible at nbatey@bateybrophy.com, via fax at (502) 470-3634, or via USPS at the following address: Batey Brophy & O’Dea, PLLC, ATTN: Nolia G. Batey, 130 Fairfax Avenue, Suite LL-B, Louisville, KY 40207.

Time is of the essence. Please contact me right away with any questions or concerns.

B. Protective Orders/EPOs/IPOs/DVOs: Domestic Violence and Animals

1. Description of EPOs/IPOs/DVOs.

Emergency protective orders (EPO) and temporary interpersonal protective orders (TIPO) are temporary, ex parte orders of protection. An EPO is an emergency protective order and will be converted to a domestic violence order (DVO) after a hearing in which the judge finds that an act of domestic violence occurred. A full hearing is scheduled within 14 days of requesting an EPO. A judge who receives a petition for an EPO or a TIPO must determine whether there is an “immediate and present danger” of domestic violence or dating violence and abuse or stalking.

The full hearing only takes place after a respondent is served. If respondent is not served by the court date, the court can keep an EPO in place for up to six months while regularly reviewing the case at scheduled hearing dates, usually in two-week increments.

2. Obtaining a DVO.

a. To obtain an EPO or a DVO, the petitioner’s relationship with the respondent must meet the definition of family
member, married or ex-spouse, who lived together as a couple, or have a child in common.

b. To file a request for an EPO, the petitioner must show there has been an act of domestic violence by the respondent. The state of Kentucky only grants EPOs when there are signs of physical injury, serious physical injury, sexual assault, sexual abuse, or the threat of physical injury, serious physical injury, sexual assault, or sexual abuse.

c. There are two kinds of DVOs in Kentucky.
   i. No contact order: No contact between petitioner and respondent.
   ii. No unlawful contact order: This allows you to still have contact with the respondent but stops the respondent from committing any further threats or acts of violence.

d. The judge can order the following requirements for protection in an EPO or DVO:
   i. No contact.
   ii. No further violence.
   iii. No disposing or damaging of property.
   iv. Stay a specific distance from residence, school, work, minor child, family member.
   v. Vacate residence.
   vi. Temporary custody.
   vii. Maintain distance of up to 500 feet.
   viii. Enter any other orders as needed.

3. Description of TIPO/IPO.

A TIPO is a temporary interpersonal protective order. The judge will order an interpersonal protective order (IPO) after a hearing in which the judge finds that an act of interpersonal violence occurred. An individual in a dating relationship or a victim of sexual assault or stalking may obtain a TIPO/IPO.

KRS 456.010 defines “dating violence and abuse” as physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury,
sexual abuse, or assault occurring between persons who are or have been in a dating relationship. A “dating relationship” is defined in the statute as a relationship between individuals who have or have had a relationship of a romantic or intimate nature.

4. Practice tips.

As counsel for a petitioner, you should ask whether the petitioner has pets in the home. A petitioner should include incidents of pet abuse or threatened abuse in the alleged victim’s complaint or petition and request that the court include companion animals in the property or “other relief” section of the protection order to protect the pets. You may not be able to ask about incidents not referenced in the petition during the hearing.

It has been reported that up to 48 percent of victims do not leave their abusive situation for fear of leaving a pet behind. Discussing pets as part of safety planning helps reduce the likelihood that a victim may decide not to leave the abusive home.

In the petition and order, you should explicitly request that all pets (companion animals, etc.) are included in the order of protection.

5. Comparable analysis of other states.

a. Illinois.

Illinois law allows a court to issue an order of protection if the court finds that the petitioner has been abused by a family or household member. It also allows for the protection of animals in domestic violence situations. The court can:

\[g\]rant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

b. Indiana.

Indiana law allows a court to grant *ex parte* orders for protection in cases of domestic or family violence. A court may grant a petitioner the exclusive possession, care, custody, or control of any animal owned, possessed, kept, or cared for by the petitioner, respondent, minor child of
either the petitioner or respondent, or any other family or household member. Additionally, the court may prohibit a respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of an animal.

c. Michigan.

Michigan law on personal protection orders can apply to several categories of individuals: (1) a spouse or former spouse; (2) a person with whom the petitioner has a child in common; (3) a person in a dating relationship with petitioner; or (4) an individual who resided or is residing in the same household as the petitioner. The orders may restrain or enjoin those mentioned individuals from engaging in the following actions if that person has the intent to cause the petitioner mental distress or to exert control over the petitioner with respect to an animal in which the petitioner has an ownership interest: (1) injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal; (2) removing the animal from the petitioner's possession; or (3) retaining or obtaining possession of the animal. Section 30 describes the criteria under which a petitioner is deemed to have an ownership interest in an animal.

d. Ohio.

In 2014, Ohio law was amended to allow a court to grant a protection order that may require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; and authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent. “Companion animal” is defined as any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. The term “companion animal” does not include livestock or any wild animal.

e. Tennessee.

Under Tennessee's Domestic Abuse Act, the definitional section states that “abuse” includes inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor. Section 606(9) allows the court to direct the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. Further, in no instance shall the animal be placed in the care, custody, or control of the respondent, but shall instead be placed in the
care, custody, or control of the petitioner or in an appropriate animal foster situation.

f. Virginia.

In 2014, Virginia amended its Protective Order laws to grant petitioners possession of any "companion animal," so long as the petitioner is considered the owner. Companion animals include any family pets, such as dogs, cats, hamsters, etc., but do not include farm animals. To be considered an owner, a petitioner must either have a property interest in the animal, keep or house the animal, have the animal in their care, or have acted as a custodian of the animal. This new provision is now included in Virginia's Emergency Protective Orders, Preliminary Protective Orders, and Protective Orders.

g. West Virginia.

In 2020, amendments to West Virginia law allowed the terms of a protective order to include awarding the petitioner the exclusive care, possession, or control of any animal owned, possessed, leased, kept or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and prohibiting the respondent from taking, concealing, molesting, physically injuring, killing or otherwise disposing of the animal and limiting or precluding contact by the respondent with the animal.

C. Ownership Disputes

1. Family court: Division of property.

Pets are often utilized as bargaining tools in divorce litigation. This is true as well when unmarried, cohabitating couples part ways. There is no “best interests of the pet” standard such as what exists for minor children. Companion animals’ status as property controls unless the parties have an agreement otherwise. Practitioners should argue for a more nuanced decision akin to a ‘best interest' standard. While valuation of animals can be based on fair market value, many of us will immediately recognize that the fair market value of our companion animals is relatively minimal. However, we know the inherent value of our pets is priceless. Your client’s soon to be ex-spouse likely realizes the intrinsic value as well and may use this as leverage.

In one Jefferson family court case, retired Judge Jerry Bowles divided custody of a divorcing couple’s pets by awarding the cats to the husband and the dogs and rabbit to the wife. The husband was a pilot and worked long hours away from home while the wife
worked full time. It appears the Judge took into consideration, at least in part, the best interest of the pets. Because of his long work hours, the husband would not be home as much as the wife, so it made some sense to award him with the pets who would require less attention and maintenance – the cats. Despite the Judge’s Order, the former wife refused to return the cats and perjured herself regarding same. Ultimately, Judge Bowles upheld a commissioner’s recommendation of contempt and sentenced the wife to 30 days in jail for refusing to release the cats to the former husband. This case made national news at a time when many states were in the process of enacting pet custody legislation. Kentucky has still failed to do so.

2. Writs of possession.

Legal remedies utilizing dogs’ legal classification as property can sometimes be used to recover pets caught in the middle of legal disputes. Writs of possession are a way for an alleged owner to seek to remove an animal from someone who otherwise currently possesses it: “... in an action to recover the possession of specific personal property, the plaintiff may apply pursuant to this chapter for a writ of possession by filing a written motion for the writ with the court in which the action is brought.” KRS 425.046 outlines the required contents of a writ as well as notice to a defendant of their right to challenge the same. Further, if a plaintiff can demonstrate that a delay in issuance of the writ is likely to result in damage to an animal or an inability to locate an animal after the hearing, an ex parte writ may be issued. If an ex parte writ is issued, the defendant can still move the issuing court to quash the writ pursuant to KRS 425.081. Despite the availability of this process, some owners may find the litigation necessary to obtain a writ is cost prohibitive.


Pet trusts are legal in Kentucky and are an estate planning tool that practitioners can use with clients to create a legal obligation to care for the clients’ pet(s). Pet trusts are legally enforceable documents that ensure the client’s wishes regarding their pets will be carried out. Trusts can be specific – down to the type of food!

Under Kentucky law, pets’ trusts are codified in KRS 386B.4-080. The statute became effective July 15, 2014.

KRS 386B.4-080 Trust for care of animal:

(1) A trust may be created to provide for the care of an animal alive during the settlor’s lifetime. The trust terminates on the death of the animal or, if the trust was created to provide for the care of more than one (1) animal alive during the settlor’s lifetime, on the death of the last surviving animal.
(2) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.

(3) Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use shall be distributed to the settlor, if then living, otherwise to the settlor's successors in interest.

D. Estate Planning How Tos for Pets

Practitioners will need to work with the client to:

1. Identify a trustee, successor trustee, caregiver, and successor caregiver.
2. Describe/identify pets in detail so as to prevent fraud. Photos are ideal.
3. Describe the pet's standard of care and living.
4. Determine the amount of funds needed to care for the pet and how the funds must be distributed.
5. Determine the amount of funds needed to cover the expense of administering the trust.
6. Determine a remainder beneficiary in the event the funds in the pet trust are not exhausted.
7. Determine end of life instructions for the pet (such as cremation, burial, etc.).

The trustee should conduct regular inspection of the pet(s).

E. Practical Considerations for End of Life Planning for Pets

1. In addition to pet trusts, practitioners should discuss practical considerations concerning who would care for the pets in the event the client is no longer able to care for the pets or dies.
2. Considerations:

a. Who takes guardianship of or caregiving responsibilities for the pets right away in event of incapacity or death? The client should speak with these individuals or rescue organizations regarding this commitment.

   It is best to have several guardians or caregivers in place.

b. How does the guardian or caregiver get into the house?

c. Create a pet dossier for a guardian or caregiver. A pet dossier is a document that outlines important information for a guardian or caregiver. It includes information such as dietary restrictions, medications, and behavior around other animals/people. This document should be accessible to anyone who will be caring for the client’s pet.

d. Who will take guardianship permanently?

F. Sample Pet Trust Language

I further direct that a Pet Trust be established, with my Executor as Trustee and designated caretaker, subject to KRS 386B.4-080, and that $50,000 of my estate be used for the maintenance and well-being of any of my pets then living. Upon the death of my pet, I wish for any remaining funds in the trust to be donated to [insert non-profit sanctuary, for example, here].

G. IRA Funding Considerations

You can satisfy your required minimum distribution (RMD) via an IRA Charitable Rollover. This provides gifting during your lifetime from assets that would otherwise remain taxable if in your estate.

1. To qualify:

   a. You must be 70.5 years or older at the time of the gift.

   b. The transfers must originate from a traditional IRA or Roth account.

   c. Your plan provider must issue the donation directly to the charity.

   d. Your gift can be any amount up to $100,000.

   e. You will benefit from giving even if you do not itemize deductions.

2. The transfer can be made in addition to other charitable giving planned.
1. Individual retirement accounts, or IRAs, make excellent investment vehicles to get you on the road to a comfortable retirement. But how you’re taxed on IRA withdrawals varies from state to state. While Kentucky, for instance, is a tax-friendly state for retirees, changes in state tax law as of 2018 mean it’s not as friendly as it used to be.

b. As of 2018, Kentucky taxes all pension income, including traditional IRAs, at 5 percent once an exemption threshold of $31,110 is passed.


Kentucky does tax withdrawals on traditional IRAs if they are above the state’s exemption limit, although there is no tax on Roth IRA distributions, which are also federally tax-free. Many Kentuckians will not have to pay taxes on IRA distributions because their combined retirement income does not meet the state’s pension exemption limit, but a significant number will pay more in tax.

4. Additional IRA funding information to consider.

a. You can name a special trust known as a pet trust as the IRA beneficiary. A pet trust is a trust governed by Kentucky law that holds cash or other property “in trust” for the benefit and care of your pet. Typically, the trust will remain open for the life of the pet, and the trustee of the trust ensures that the money is used for the pet’s care.

b. The biggest drawback to leaving your IRA assets to your pet, either through your will or through a trust, is that the IRA funds will be subject to accelerated taxation. It is also likely that they will be taxed at the highest income tax rates. It might be advisable to leave other assets to care for your pet whenever possible.

II. LEGISLATIVE UPDATE

A. Kentucky General Assembly 2020 Legislation Enacted

More than 20 animal-related bills were filed during the 2020 session of the Kentucky General Assembly. One bill was significant for veterinarians.

Veterinarian reporting:

SB 21 amended the veterinarian-client-patient confidentiality statute (KRS 321.185) and created KRS 321.188 to permit veterinarians to report animal abuse. It states simply:

If a veterinarian finds that an animal with which he or she has a veterinarian-client-patient relationship has been
abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the veterinarian may make a report to: (1) The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care standard has been promulgated under KRS 257.196; or (2) Law enforcement for any other animal.

The bill, as introduced, mandated reporting and offered immunity for the veterinarian’s good faith reporting.

B. Selected Federal Horse Legislation Introduced in 2020

**Horseracing Integrity and Safety Act of 2020** (passed December 21, 2020)¹:

1. This bill recognizes the Horseracing Integrity and Safety Authority for purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program.

2. The authority shall establish an anti-doping and medication control standing committee and a racetrack safety standing committee to provide guidance to the authority on the development and maintenance of the programs.

3. The Federal Trade Commission (FTC) shall have oversight over the authority. The authority shall submit to the FTC any proposed rule, standard, or procedure developed by the authority to carry out the horseracing anti-doping and medication control program or the racetrack safety program. The authority shall seek to enter into an agreement with the U.S. Anti-Doping Agency or an entity equal in qualification under which the entity acts as the anti-doping and medication control enforcement agency under this bill.

4. Among the required elements of the horseracing safety program are sets of training and racing safety standards consistent with the humane treatment of horses, a system to maintain track surface quality, programs for injury and fatality analysis, investigation and disciplinary procedures, and an evaluation and accreditation program.

5. The bill sets forth other provisions regarding (1) funding, conflicts of interest, and jurisdiction; (2) registration with the authority; (3) program enforcement; (4) rule violations and civil sanctions; (5) testing laboratories; (6) review of final decisions of the authority by an administrative law judge; (7) unfair or deceptive acts or practices; and (8) agreements with state racing commissions.

¹ [https://www.govtrack.us/congress/bills/116/s4547/summary](https://www.govtrack.us/congress/bills/116/s4547/summary)
C. Kentucky General Assembly 2021 Legislation – Bills and Resolutions Passed/Adopted During the 2021 Session

1. **HB 229**: Related to the protection of agricultural animals.

   Amends KRS 512.010 to include “livestock” as defined in KRS 150.010 and “poultry” as defined in KRS 246.010 in the definition of "property" for the purposes of criminal damage to property offenses.

2. **SB 102**: Related to Kentucky-grown agricultural product.

   Amends KRS 260.016 to include Asian Carp, paddlefish, or swordfish in the definition of "Kentucky-grown agricultural product." Aquaculture producers who raise paddlefish or sturgeon in Kentucky under controlled or semi-controlled conditions shall be eligible for moneys from the Kentucky Proud™ promotion fund or the Rural 25 Development Fund as provided under KRS 248.655; however, no producer or processor of wild caught Asian carp, paddlefish, or sturgeon shall be eligible for such funds.

3. **SR 211**: Encouraging adoption from animal shelters.

   Encourages Kentuckians to adopt pets from a shelter or rescue and to learn more about their local animal shelters.

4. **HR 16, 17, and 18**: Recognizing national months for beef, pork, and chicken.

   Commends farmers, producers, and other agribusiness members.

D. Selected Bills and Resolutions Filed, but not Passed/Adopted, during the 2021 Session

1. **SB 33/HB 99**: Related to the safety of canines and felines.

   The bills, generally known as “hot car” bills, contain the same language, and would offer civil immunity for damaging a vehicle if a person enters the vehicle with the reasonable, good-faith belief that a dog or cat is in immediate danger of death if not removed. The immunity attaches if the actor follows the procedure set out in the bill. The bill only permits immunity for the removal of cats or dogs.

   Hot car bills have been filed in three legislative sessions without success.

2. **HB 26**: Related to interpersonal violence.

   Threats against a family pet are often used by an abuser to keep a victim from leaving the home. This bill, which had large bipartisan support, would amend KRS 403.720 to include violence against an animal when used as coercive conduct in the definition of "domestic
violence and abuse." It also would amend KRS 403.740 to allow a judge to award possession of a shared domestic animal to the petitioner, amend KRS 456.010 to include violence against an animal when used as coercive conduct in the definition of "dating violence and abuse," and amend KRS 456.060 to allow a judge to award possession of a shared domestic animal.

3. **HB 57** related to animal torture and **HB 215** related to aggravated animal abuse.

   a. **HB 57** would amend KRS 525.135, relating to torture of a dog or cat, to add specific acts to definition of torture; would make all violations a Class D felony; would make each act of torture prosecutable as a separate offense; would make the exemptions applicable only where there is no intent to cause, increase, or prolong the pain and suffering of the dog or cat.

   b. **HB 215** would repeal and reenact KRS 525.135 to define terms; create new crimes of animal abuse in the first degree, animal abuse in the second degree, and aggravated animal abuse; would create exceptions; create a new section of KRS Chapter 525 to authorize law enforcement and animal control officers to seize and hold animals who are victims of cruelty or abuse; would create a civil cause of action for a seizing agency to seek forfeiture and reimbursement for reasonable costs of caring for seized animals from the owner of the animal during the pendency of the criminal case against the owner; would create rules related to the custody of the seized animal; would grant liability to an organization caring for the animal; would create a new section of KRS Chapter 525 to grant civil immunity to a person who enters a car containing a dog or cat believed in good faith to be in danger of death, subject to certain parameters.

4. **HB 100**: Related to animal cruelty.

   The cost of caring for animals seized in animal cruelty cases can be daunting for local governments which may need to house them for more than a year before trial and provide veterinary care often at a great expense. This bill is significant because it permits the seizing agency to petition the court “to require the owner of the animal to pay into the court funds in an amount sufficient to secure payment of all reasonably anticipated costs related to the seizure and care of the animal.”

   **HB 100** would create new sections of KRS Chapter 525 to define such terms as "animal cruelty law" and describe the procedure to be followed by peace officers and animal control officers when seizing an animal subjected to cruelty, for seizing agencies to
petition a court to order payment of animal care costs by owner, to establish penalties, and to prohibit the destruction of seized animals, except for humane reasons determined by a veterinarian.

5. **HB 366**: Related to state symbols.

Would create a new section of KRS Chapter 2 to name and designate police dogs as the official working dogs of Kentucky.

6. **HB 466**: Related to assault on a service animal.

Would amend KRS 525.200 to remove the exemption of assistance dogs from the definition of a service dog.

7. **HB 516**: Related to poultry.

Would create a new section of KRS 217.005 to 217.215 to allow certain USDA-exempted poultry processors to sell to end consumers on a farm, at a farmers’ market, through delivery, or at a roadside stand.

8. **SB 57**: Related to assistance dogs.

SB 57 clarifies what constitutes an “assistance dog” and adds a definition of an “assistance-dog-in-training.” The bill would amend KRS 258.500 to prohibit the misrepresentation of assistance dogs, would allow peace officers to investigate, and would amend KRS 258.991 to remove jail penalty but retains monetary penalties.

9. **SB 59**: Related to the sale of dogs, cats, and rabbits in retail pet shops.

In several jurisdictions across the country, local and state legislation is being passed to cut off the pipeline from “puppy mills” to retail pet stores and encourage pet shops to work with local shelters to increase pet adoptions.

The bill would create a new section of KRS Chapter 258 to define “animal shelter,” “breeder,” “broker,” and “retail pet shop.” It also would prohibit retail pet shops from selling dogs, cats, and rabbits, but allows retail pet shops to collaborate with animal shelters to showcase dogs, cats, or rabbits. SB 59 would require retail pet shops to maintain records documenting the source of each dog, cat, or rabbit it sells for at least one year and would amend KRS 258.990 to include a penalty for retail pet shop operators who violate this Act.

10. **SB 82**: Related to animal ownership.

Several municipal and county ordinances in Kentucky ban certain dog breeds within their boundaries. These ordinances have been
problematic for governments and owners because they are often based on anecdotal evidence about a dog breed and disrupt the lives of owners who consider their pets as family members.

**SB 82** would create a new section to enable local governments to legislate enforcement action for dog safety and welfare, so long as that the ordinance, regulation, or policy does not regulate ownership of a dog based on its breed or perceived breed and is consistent with state law.

11. **SB 205**: Related to animal control officers.

**SB 205** would have created a new section in KRS Chapter 258 to require the Department of Agriculture to provide continuing education on criminal and law enforcement procedures and investigatory practices to animal control officers.

12. **SB 210**: Related to state symbols.

**SB 210** would create a new section of KRS Chapter 2 to name and designate as the official pets of Kentucky domestic cats and dogs that reside in or have been adopted from Kentucky animal shelters or rescue organizations.

13. **SCR 69**: Establishment of an Abandoned Horse Task Force.

This resolution would have established a task force in an attempt to resolve problems of abandoned horses on reclaimed mine sites and other remote areas of the state. In 2016, the Free Roaming Horse Task Force was created but did not create a plan to resolve the issue.

14. **HR 51**: Urging the United States Congress to support the Green New Deal.

This resolution advocated for supporting the “Green New Deal” based on the effect climate change has on agriculture, outdoor sports such as hunting and fishing, rural culture, and other resources.

15. **HR 95**: Expressing opposition to President Biden’s executive order on climate change and the use of social costs for calculating damages from emitting greenhouse gases.

This resolution opposed the President’s Executive Order 13990, which directs federal agencies to measure the long-term economic damage arising from an increase in specific greenhouse gases such as carbon and nitrogen-oxides.