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Veterinary Reporting and Immunity Laws in the United States: How this Model Law Could Positively Impact National Veterinary Practices and International Animal Law

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VETERINARY REPORTING AND IMMUNITY LAWS IN THE
UNITED STATES: HOW THIS MODEL LAW COULD POSITIVELY IMPACT
NATIONAL VETERINARY PRACTICES AND INTERNATIONAL ANIMAL LAW

Rachel Al-Alami

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Abstract

This Note highlights the importance of animal law, including its impact on human violence and international businesses involving animals. The issues in veterinary reporting of suspected animal abuse must be addressed, as it has a direct effect on exposing the link between animal violence and human violence. Each state is encouraged to adopt the legislation proposed by this Note; it aims to reform the laws surrounding veterinary reporting of suspected animal abuse, and it provides veterinary professionals with immunity for reporting in good faith. This Note will discuss the background of animal law, including the current state of affairs for both U.S. veterinary reporting laws and international businesses involving animals. This Note will explore the proposed legislation, such as its advantages and effectiveness, and it will address concerns surrounding enactment of the law. This Note will conclude by examining the possible positive effects on international businesses involving animals that could stem from adopting the proposed legislation. For example, this legislation could lead to reform in agriculture or animal testing where it is utilized in cosmetics research and medical research. Establishing animal law reform with veterinary reporting laws could lead to positive changes in other areas affected by animal law.

I. Introduction

The United States Humane Society reports that nearly one-million animals are abused or killed every year.¹ These horrific acts are often accompanied with acts of abuse against humans,² as evidenced by the link between animal violence and human violence. According to one article, “the connections between animal abuse and other interpersonal violence, including violence against spouses, children, elders, and the mentally and physically challenged, are well-documented.”³ There is an extensive amount of research demonstrating how prevalent the link is between animal violence and human violence. Thus, any laws targeting animal abuse can also be used to prevent human abuse and consequently renders animal abuse reform critical.

Consider the case of the malnourished dalmatian,⁴ who almost died upon arrival. The dog was “unconscious hypothermic, hypotensive, in severe hypovolemic shock, and dying of starvation,”⁵ and the owner was completely apathetic. The dog ultimately died, but thanks to the veterinarian’s report, the owner was prosecuted. Upon investigation, “two other dogs and six children were removed from the same home.”⁶ As the article points out, had the veterinarian not

¹ Genevieve Rajewski, *CSI: Animal Abuse*, Tufts Now (Mar. 18, 2015), <https://now.tufts.edu/articles/csi-animal-abuse> (this article says these animals are killed during episodes of domestic violence).

² *See id.* (“[S]eventy-one percent of battered women report that abusers hurt, killed, or threatened their pets to control them and their children. A dozen studies reported that between 15 and 48 percent of battered women delay leaving abusive situations—or return to them—because they fear for the safety of their pets. One study reported that 41 percent of domestic-violence batterers had adult histories of animal abuse, compared with 1.5 percent of the general population.”).

³ *See id.*

⁴ Lisa M. Smith, *Animal Cruelty: Your Role in Identifying Abuse*, Today’s Veterinary Nurse (2018), <https://todaysveterinarynurse.com/articles/animal-cruelty-your-role-in-identifying-abuse/>.

⁵ *See id.*

⁶ *See id.*

made that report, the situation would have continued.⁷ For many animals and people living in abusive homes, violence is considered normal.⁸ Therefore, legislatures must intervene to protect the lives of animals and humans alike. New laws must be enacted regulating animal abuse reporting in order to prevent this dangerous cycle of abuse from continuing.

Every day across the United States, veterinary professionals treat animals that are seriously injured and, oftentimes, near the brink of death.⁹ If a veterinarian suspects an animal has been abused, which can oftentimes be difficult to determine,¹⁰ they should be afforded legal protection to report the suspected abuse. Once a report has been made, an investigation will be triggered, and other victims of abuse may be revealed.¹¹ This could possibly include other animals, such as hoarding situations, and possible human victims of elder abuse, domestic violence,¹² and child abuse.¹³ These animals are victims of abuse and neglect, and they have no

⁷ *See id.*

⁸ *Animal cruelty and human violence FAQ*, The Humane Society of the United States (last visited Mar. 4, 2021), <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq>.

⁹ *Animal Cruelty Facts and Stats: What to know about abusive victims and legislative trends*, The Humane Society of the United States (last visited Dec. 4, 2020), <https://www.humanesociety.org/resources/animal-cruelty-facts-and-stats> (stating “The shocking number of animal cruelty cases reported every day is just the tip of the iceberg—most cases are never reported.”).

¹⁰ *See id.* (stating “one of the most challenging aspects of a physical examination on an injured patient is distinguishing accidental injury from non-accidental injury.”).

¹¹ *See id.* (The article points out that “in one study, 71 percent of domestic violence victims reported that their abuser also targeted pets.”).

¹² *See id.* (stating “intentional cruelty to animals is strongly correlated with other crimes, including violence against people,” and “sufferers of a hoarding disorder may impose severe neglect on animals by housing far more than they are able to adequately take care of.”).

¹³ *Reporting Animal Cruelty, The Role of the Veterinarian: Establishing Protocols to Identify and Report Suspected Animal Cruelty in Massachusetts*, Cummings School of Veterinary Medicine, Animal Rescue League of Boston, Animal Folks (2018) https://vet.tufts.edu/wp-content/uploads/MA_Reporting-Manual-August-2018.pdf, (detailing a common story of an animal brought in for euthanasia. The veterinarian was told it was from old age, but evidence showed there was blunt force trauma. Further investigation uncovered a boy being abused, who was thankfully saved from future abuse, unlike the dog that was euthanized).

voice to speak out against this cruelty. Veterinary professionals must act as advocates and fight to keep these animal abuse victims safe. If it turns out that there was no underlying abuse, this will emerge during the investigation. In the end, it is better to be safe than sorry. To prevent both animal abuse and abuse of humans, the best tools a veterinary professional can be equipped with is consistent reporting requirements,¹⁴ legal support, and legal protection.

Currently, states vary as to how they approach veterinary reporting of suspected animal abuse.¹⁵ Veterinary professionals must be familiar with the laws of their practicing state.¹⁶ If they are not familiar with these laws, they could suffer legal consequences for trying to do the morally right thing and report suspected abuse.¹⁷ Therefore, the legislation proposed by this Note includes an immunity provision which is meant to protect veterinary professionals from civil liability when they report suspected abuse in good faith. To account for the range in severity of abuse found in cases, the proposed legislation will include both a permissive reporting provision and a mandatory

¹⁴ Tony McReynolds, *Reporting animal abuse just got easier*, American Animal Hospital Association (Dec. 27, 2017) <https://www.aaha.org/publications/newstat/articles/2017-12/reporting-animal-abuse-just-got-easier/>, Phil Arkow statement, “Unlike the simplified statewide hotlines for child abuse, domestic violence, and abuse, the animal protection field is extremely fragmented with no national or statewide coordination of services. Each local agency operates independently with its own varying degree of enforcement powers, resources, training, organizational capacity, and program priorities.”).

¹⁵ *Veterinarians Dealing with Suspected Animal Abuse Could Be First Responders to Family Violence*, NC State Veterinary Medicine (Dec. 9, 2014) <https://cvm.ncsu.edu/veterinarians-dealing-with-suspected-animal-abuse-could-be-first-responders-to-family-violence/> (noting that one challenge veterinarians face is that animal abuse laws vary by state).

¹⁶ Gary J. Patronek, *Issues for Veterinarians in Recognizing and Reporting Animal Neglect and Abuse*, 5 *Society and Animals* 3 (1997) (stating “[F]or veterinarians faced with making animal abuse reports, there are substantial local differences in the type of agencies or individuals responsible for receiving reports of alleged animal abuse. Depending on the community, this can include animal shelters, animal control officers, local or state police, state veterinarians, human societies, and sheriffs. Therefore, veterinarians may be unaware of the appropriate agency responsible for investigating animal cruelty in their community.”).

¹⁷ *Veterinarians Dealing with Suspected Animal Abuse Could Be First Responders to Family Violence*, NC State Veterinary Medicine, *supra* note 15 (noting that “veterinarians in Massachusetts are legally obligated to report incidents of suspected animal abuse. Failure to comply with the Protecting Animal Welfare and Safety (PAWS) Act could result in disciplinary action from the state’s Board of Veterinary Medicine.”).

reporting provision. States are encouraged to adopt this proposed legislation, as it will aid their practicing veterinary professionals in the fight against abuse.

The subsequent hope is that other countries will follow in the footsteps of the United States¹⁸ and take similar action to protect their animals and humans.¹⁹ Currently, countries vary from having no animal welfare legislation at all to having extensive animal welfare legislation, and everything in between.²⁰ By adopting the legislation proposed by this Note, the United States would set a precedent for other countries.²¹ It could also strengthen the trend towards affording animals more rights under the law in general. For example, enacting laws on veterinary reporting requirements might lead to the enactment of laws regarding better rights for animals utilized in research and testing.²² A later section of this Note will explore possible positive implications for international businesses involving animals that could stem from enacting the proposed legislation.

¹⁸ Stephen J. Hadley, *America's Role in the World: Submitted Statement of Madeleine K. Albright and Stephen J. Hadley Committee on Armed Services*, United States Institute of Peace (Mar. 21, 2017) <https://www.usip.org/publications/2017/03/americas-role-world> (stating: "Over the past seventy years, Democratic and Republican administrations alike have understood that American security and prosperity at home are linked to economic and political health abroad, and that America does better when other countries have the incentive and the capacity to work alongside us in tackling global challenges.").

¹⁹ *Animal Rights Law*, International Society for Animal Rights (last visited Jan. 11, 2021), <https://isaronline.org/>. The International Society for Animal Rights is a nonprofit corporation in the United States, "whose sole mission is to use education and law to advance animal rights." *Id.* This American group is already working towards reforming animal law on a global scale. *Id.*

²⁰ *Animal Legislations in the World at National Level*, Global Animal Law Association (Jan. 1, 2020), <https://www.globalanimallaw.org/database/national/index.html>.

²¹ *Recognizing abuse in animals and humans: Comprehensive Guidance for the Veterinary Team*, Animal Welfare Foundation (Jan. 2016), <https://www.animalwelfarefoundation.org.uk/wp-content/uploads/2017/12/20160415-AWF-Recognising-abuse-in-animals-and-humans-v10-web.pdf> (stating "Currently, there is no mandatory reporting by vets of animal abuse in the UK.").

²² *Legislation and Regulations in Laboratory Animal Welfare*, American Veterinary Medical Association (last visited Jan. 11, 2021), <https://www.avma.org/resources/animal-health-welfare/legislation-and-regulations-laboratory-animal-welfare> (stating that "The Animal Welfare Act (AWA) is the federal law governing the care and use of laboratory animals in the United States. The AWA covers all warm-blooded animals excluding farm animals, horses not used for research, and mice, rats, and birds bred for use in research.").

Part I of this Note provides an introduction, while Part II explores the link between animal violence and violence against humans, as well as the history behind humane societies. Part II also discusses the responsibility of veterinary professionals to report and explores the current legislative trends among the states as well as the current state of international business involving animals. A proposed model law is provided in Part III, and its advantages and effectiveness are discussed. This model law would provide all veterinary professionals immunity for reporting suspected abuse, but it would not require them to report abuse unless it crosses the threshold of cruelty. Part III includes a section addressing some concerns that may be raised when enacting the legislation, and it ends with a section considering possible implications the law might have on international businesses affected by animal law. Part IV will conclude the Note. To create uniformity among the states and to combat the effects of animal abuse, as well as abuse of humans,²³ the states are highly encouraged to adopt the model law discussed below.

II. Background

A. *The Link Between Animal Violence and Human Violence*

A great deal of research has been conducted exposing the link²⁴ between violence against animals and violence against humans.²⁵ The most common example is the correlation between serial killers and their abuse of animals during their formative years.²⁶ Some studies have been

²³ National Link Coalition, *Working together to stop violence against people and animals* (last visited Dec. 4, 2020), <http://nationallinkcoalition.org/> (stating animal abuse is seen “as a sentinel indicator, ‘the tip of the iceberg,’ and often the first sign of other family and community violence.”).

²⁴ Sierra E. Ashby, *Article: Emphasizing the Link: Kentucky Needs to Enact Cross Reporting Statutes to Combat All Forms of Abuse*, 5 J. Animal and Environmental L. 39, at 41 (2013).

²⁵ Cynthia Hodges, *The Link: Cruelty to Animals and Violence Towards People*, Animal Legal & Historical Center (2008), <https://www.animallaw.info/article/link-cruelty-animals-and-violence-towards-people> (stating “[C]hild and animal protection professionals are aware of this connection, and recognize that both child and animal abuse are linked in a self-perpetuating cycle of violence.”).

conducted that explore the effects that witnessing or experiencing abuse at a young age has on a person.²⁷ These studies demonstrate that when children experience abuse or witness abuse, whether it be abuse of other humans in the home or abuse of pets, those children tend to become abusive or become victims of abuse in the future.²⁸ Research shows that there are certain factors indicative of abuse in the home.²⁹

The National District Attorneys Association lists factors that can be seen in animal cruelty cases during the duration of an abusive relationship between two people.³⁰ Some examples of these factors include: “abusing animals as punishment for unwanted behavior from people, abusing

²⁶ *The Link Between Human & Animal Violence*, Veterinary Social Work (last visited Dec. 4, 2020), <https://vetsocialwork.utk.edu/about-us/the-link-between-human-animal-violence/> (stating “In the mid-1980s the FBI began noticing and paying attention to the fact that serial killers often had histories of abusing animals in early childhood. Since then, more and more research has been conducted about the link between human and animal violence. This type of violence often occurs in family violence situations, where animals become victims of perpetrators like their human beings do. More and more states now have felony level animal cruelty statutes to acknowledge the true danger often associated with this form of violence. Many states are also adopting cross reporting laws where human and animal welfare professionals must report suspected violence across species.”).

²⁷ Dorothy Otnow Lewis, Ernest Moy, Lori D. Jackson, Robert Aaronson, Nicholas Restifo, Susan Serra, and Alexander Simos, *Biopsychosocial Characteristics of Children Who Later Murder: A Prospective Study*, 142 *Am. J. Psychiatry* 1161 (2007) (noting that “Much has been written about the association of parental brutality and homicidally aggressive behavior. King noted that the nine adolescent murderers he studied were ‘often singled out for abuse.’ The presence of repeated violence and abuse in the environment of many adolescent murderers led Pfeffer (25) to view much of the adolescent’s assaultive and homicidal behavior as an attempt to master the trauma he has experienced by controlling and victimizing others.”).

²⁸ *See id.* One study found “One of the most direct consequences of witnessing violence may be the attitudes a child develops concerning the use of violence and conflict resolution... suggest that children’s exposure to adult domestic violence may generate attitudes justifying their own use of violence.” *Id.*

²⁹ *See id.* (stating “Some findings point to different factors for boys and girls that are associated with witnessing violence. In general, boys have been shown to exhibit more frequent problems and ones that are categorized as external, such as hostility and aggression, while girls generally show evidence of more internalized problems, such as depression and somatic complaints. There are also findings that dissent from this general trend by showing that girls, especially as they get older, also exhibit more aggressive behaviors... The longer the period of time since exposure to a violent event the fewer effects a child experiences.”).

³⁰ Allie Phillips and Randall Lockwood, *Investigating & Prosecuting Animal Abuse: A Guidebook on Safer Communities, Safer Families & Being an Effective Voice for Animal Victims*, the National District Attorneys Association (2013), <https://www.sheriffs.org/publications/NDAA-Link-Monograph.pdf> (listing factors of animal abuse cases that are also known as being factors for human violence).

animals out of jealousy of the relationship between the animal and human victims, and animals caught in the cross fire of violence towards people.”³¹ This link between animal victims and human victims is one of the most important reasons this type of legislation targeting animal abuse is so crucial. The desire to protect animals and humans dates back centuries ago; even humane societies were created for the purpose of protecting both animals and children.³²

1. The History Behind Humane Societies

In 1877, American Humane was formed “to prevent cruelty, abuse, neglect, and exploitation of children and animals and to assure that their interests and well-being are fully, effectively, and humanely guaranteed by an aware and caring society.”³³ The American Humane website provides an extensive timeline of their history, which includes a number of laws being passed and a great deal of cases being prosecuted.³⁴ They were an organization formed specifically to protect those who cannot protect themselves. They have been a driving force in the fight to protect both animals and children alike. Humane societies play a vital role in cross-reporting legislation. As early as 1950, “American Humane issued standards for child protective services (“CPS”) which clearly defined physical abuse, neglect, and emotional abuse and identified a three-stage process of child protective work, including fact-finding, diagnosis, and

³¹ *See id.*

³² *American Humane was the First to Serve in Promoting and Nurturing the Bond Between Animals and Humans*, American Humane (last visited Dec. 4, 2020), <http://americanhumane.org/about-us/history/>.

³³ *See id.*

³⁴ *See id.*

treatment.”³⁵ A number of states have enacted cross-reporting legislation to target the correlation of abuse between animals and humans.³⁶

2. *Cross-reporting Legislation*

Cross-reporting legislation typically involves social service departments communicating amongst each other as mandated reporters of abuse.³⁷ For example, in states that have enacted a cross-reporting provision, CPS reports cases of child abuse to humane societies, while humane societies report cases of animal abuse to CPS. West Virginia, Illinois, and Connecticut are the only states with “full mandated two-way cross reporting...All other states with cross reporting statutes have either one-way or permissive reporting systems, or a mix of both types.”³⁸ This type of cross-reporting legislation demonstrates the trend towards affording animals more legal rights than merely viewing them as property. Cross-reporting legislation is not the only type of legal protection that can be enacted; many states also have legislation regarding veterinary reporting which the remaining states can enact as well. This is because research has shown that other violence in the home can be uncovered through investigating signs of animal abuse, and vice versa.³⁹

³⁵ *See id.*

³⁶ *Cross-reporting of animal and child abuse*, American Veterinary Medical Association (Apr. 2018) <https://www.avma.org/advocacy/state-local-issues/cross-reporting-animal-and-child-abuse> (stating “In recent years, a number of researchers have studied and analyzed the co-occurrence of animal abuse and domestic violence. In the wake of these studies, state legislatures have introduced and adopted bills which mandate the cross-reporting of animal and child abuse between animal health care providers, animal control agencies, child health care providers, and child protection agencies.”).

³⁷ *Mandatory Reporters of Child Abuse and Neglect*, Children’s Bureau (last visited Mar. 4, 2021) <https://www.childwelfare.gov/pubPDFs/manda.pdf> (stating “The Federal Child Abuse Prevention and Treatment Act requires each State to have provisions or procedures for requiring certain individuals to report known or suspected instances of child abuse and neglect.”).

³⁸ Ashby, *supra* note 24.

³⁹ *Cross-reporting of animal and child abuse*, American Veterinary Medical Association, *supra* note 36.

3. *Uncovering Violence Through Investigations*

Together, the National District Attorneys Association and the American Society for the Prevention of Cruelty to Animals (“ASPCA”) wrote a guidebook for criminal justice professionals on understanding the link between animal violence and human violence.⁴⁰ This guidebook includes a collection of extensive data supporting the assertion that both types of violence are highly correlated.⁴¹ Ample research shows that both victims of domestic violence⁴² and victims of child abuse⁴³ have pets who also experience violence in the home. This research also shows that, oftentimes, when children witness animal abuse, they go on to become abusers themselves.⁴⁴ This demonstrates how imperative it is to prevent violence before it continues to spread and perpetuate a cycle.

Enacting the proposed legislation will reform veterinary reporting legislation. It will empower veterinary professionals to report signs of abuse as they notice them, which will in turn

⁴⁰ Allie Phillips, *Investigating & Prosecuting Animal Abuse: A Guidebook for Criminal Justice Professionals*, the National District Attorneys Association and the American Society for the Prevention of Cruelty to Animals (June 2014), <https://ndaa.org/wp-content/uploads/The-Link-Monograph-2014-3.pdf>.

⁴¹ *See id.* Under the section titled ‘The Importance of the Link’, this article says “when any form of violence is present in a home, others may be at risk.” *Id.* It goes on to point out that “those who understand this linkage of crimes towards animals and people are in a better position to prevent future violence and protect their communities.” *Id.*

⁴² *See id.* Under the section titled ‘Domestic Violence and the Link’, this article cites a study conducted in 2006 by Carlisle-Frank, Frank & Nielsen that says: “In a study of battered women in several northeastern states, 48% of respondents reported that animal abuse had occurred ‘often’ during the past 12 months, and another 30% reported that the abuse occurred ‘almost always’. Types of animal abuse reported included punching, hitting, choking, drowning, shooting, stabbing, and throwing the animal against a wall or down stairs. Respondents reported that animal cruelty incidents coincided with violence outbursts against human family members 51% of the time.” *Id.*

⁴³ *See id.* Under the section titled ‘Child Abuse and the Link’, the article cites a study conducted in 2007 by Ascione et al. which states: “67% of children residing in family violence shelters reported witnessing abuse of their family pet, almost 60% of children were very upset about the harm to their pet(s), and 37% of the shelter children progressed to harming or killing pets.” *Id.*

⁴⁴ *See id.*

stop the cycle of abuse from continuing.⁴⁵ It could also prevent future violence, as demonstrated by the research on child abuse victims who witness animal abuse in the home.⁴⁶ That is why the veterinary professional plays such a crucial role in reporting; they could be the last person to see the animal alive.⁴⁷ Being a veterinarian requires complying with a professional and ethical responsibility to report signs of abuse.⁴⁸

B. The Veterinary Professionals Role in Reporting

Veterinarians and veterinary professionals are in a special role to notice signs of abuse and become mandated reporters of abuse.⁴⁹ Veterinarians in particular have a specialized knowledge of veterinary medicine and can distinguish between injuries to understand if a client is telling the truth or being dishonest.⁵⁰ They are also in a special position to be made aware of abuse; however, statistics show they often do not make reports when they suspect abuse.⁵¹ One

⁴⁵ *Animal Cruelty and Neglect FAQ*, The Humane Society of the United States (2020), <https://www.humanesociety.org/resources/animal-cruelty-and-neglect-faq>. Under the section titled ‘Why Would Anyone Be Cruel to Animals?’, this article states “Animal cruelty, like any other form of violence, is often committed by a person who feels powerless, unnoticed or under the control of others. The motive may be to shock, threaten, intimidate or offend others or to demonstrate rejection of society’s rules. Some who are cruel to animals copy acts they have seen or that have been done to them. Others see harming an animal as a safe way to get revenge against—or threaten—someone who cares about that animal.” *Id.*

⁴⁶ *See id.*

⁴⁷ *What to Expect If You Report Suspected Animal Abuse or Neglect: Demystifying the Legal Process*, Humane Society Veterinary Medical Association (last visited Dec. 4, 2020), https://www.hsvma.org/assets/pdfs/hsvma_webinar_reporting_animal_cruelty_handout.pdf (stating that “animal abuse is often happening at the same time as other forms of violence; it may be the only form seen by outsiders.”)

⁴⁸ *See id.*

⁴⁹ *See id.* A survey conducted by Landau in 1999 found “87% of responding veterinarians had treated abused patients; 60% had treated an animal they suspected had been severely or intentionally abused; 50% had seen from one to three abuse cases a year; 20% had clients they suspected were being abused themselves.” *Id.*

⁵⁰ Smith, *supra* note 4 (describing how veterinarians can distinguish between injuries stemming from an accident and injuries stemming from nonaccidental injury in a section titled “Nonaccidental Injury”).

⁵¹ Lori R. Kogan, *Survey of Attitudes Toward and Experiences with Animal Abuse Encounters in a Convenience Sample of US Veterinarians*, 250 J. of the Am. Veterinary Med. Ass’n 6, 688 (2017), <https://avmajournals.avma.org/doi/10.2460/javma.250.6.688>.

study published in the Journal of the American Veterinary Medical Association (AVMA) says that 87% of practicing veterinarians reported having encountered at least one case of animal abuse, yet only 55.8% of these veterinarians indicated that they had reported at least one case.⁵²

These statistics demonstrate the importance of laws mandating veterinary reporting of suspected abuse. It is a pervasive problem within the veterinary community⁵³ that must be made a priority and must be addressed immediately. Veterinary professionals are not only in a unique role to discover abuse; they also have a responsibility to report such abuse.⁵⁴ While the AVMA does consider it to be a veterinarian's responsibility to report suspected abuse, oftentimes it still goes unreported. Veterinarians must be afforded with legal protection that shields them from liability if they report suspected abuse. This concern is addressed by the good faith reporting provision in the proposed legislation. Under the proposed legislation, receptionists and veterinary technicians would also have a responsibility to report abuse, in addition to veterinarians.

1. Professional and Ethical Responsibility to Report

Veterinarians have both a professional responsibility and an ethical responsibility to make a report when they suspect an animal is a victim of abuse.⁵⁵ These responsibilities are imposed on

⁵² *See id.*

⁵³ *What to Expect If You Report Suspected Animal Abuse or Neglect: Demystifying the Legal Process*, Humane Society Veterinary Medical Association, *supra* note 47.

⁵⁴ *50-State Survey of Statutes and Regulations Requiring Veterinarians to Report Suspected Animal Abuse and Cruelty & Providing Immunity from Civil and Criminal Penalties for Veterinarians in Connection with Reporting*, Humane Society Veterinary Medical Association (last visited Mar. 4, 2021) https://www.hsvma.org/assets/pdfs/state-laws_040109.pdf (stating the American Medical Association has a written policy on Animal Abuse and Neglect: "The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. When these situations cannot be resolved through education, the AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities. Disclosure may be necessary to protect the health and welfare of animals and people.").

⁵⁵ *Animal Abuse Resources for Veterinarians*, American Veterinary Medical Association (2020), <https://www.avma.org/resources-tools/animal-health-and-welfare/animal-welfare/animal-abuse-resources-veterinarians>.

them because of their profession.⁵⁶ The Humane Society Veterinary Medical Association (“HSVMA”) discusses the professional, ethical, and community responsibility that veterinary professionals have when it comes to reporting suspected abuse.⁵⁷ It is important that veterinary professionals report abuse when they suspect it. Not only are they experts in veterinary science, but they are also likely the only people who will see the abuse, other than the owners.⁵⁸ These veterinary professionals could be the last person to see the animal alive if they are sent home to spend even another day with their abuser. It is important that veterinarians are not the only persons covered by the proposed legislation; veterinary technicians and receptionists should also be provided with the same protections, as exemplified in previous cases.

2. *Koller v. Schmaing*

In *Koller v. Schmaing*, an Oregon case, a receptionist at a pet clinic suspected her supervising veterinarian was committing abuse.⁵⁹ During her employment, Defendant Koller saw the Plaintiff-veterinarian treat animals in a way that she thought was unethical and abusive. The Defendant thought the Plaintiff “would sometimes get frustrated and become violent, angry, and

⁵⁶ *Principles of veterinary medical ethics of the AVMA*, American Veterinary Medical Association (last visited Mar. 4, 2021) <https://www.avma.org/resources-tools/avma-policies/principles-veterinary-medical-ethics-avma> (“Veterinarians are members of a scholarly profession who have earned academic degrees from comprehensive universities or similar educational institutions. Veterinarians practice veterinary medicine in a variety of situations and circumstances. Exemplary professional conduct upholds the dignity of the veterinary profession. All veterinarians are expected to adhere to a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (PVME).”).

⁵⁷ *See id.*

⁵⁸ Colleen Marion, *Veterinary Reporting of Animal Welfare Concerns*, 56 *The Canadian Veterinary J.* 8, 879 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4502861/> (stating “in severe abuse cases, animals may present to officers or a veterinary clinic deceased, or may need to be euthanized because they are in such a severe state of illness/injury that it is inhumane for them to continue to live.”).

⁵⁹ *Koller v. Schmaing*, 254 Or. App. 115, 296 P.3d 529 (2012).

threatening toward an animal that he was treating.”⁶⁰ The Defendant met with an attorney to prepare a complaint against the Plaintiff to the Oregon veterinary board. When the Plaintiff found out, he asked the Defendant to sign a declaration outlining his innocence, which she ultimately refused to sign. The Plaintiff immediately fired the Defendant, and she subsequently filed a wrongful termination suit against the Plaintiff. The trial court found for the Defendant on the wrongful discharge counterclaim.⁶¹

This case demonstrates the importance of including all veterinary professionals within the proposed legislation. The immunity provision would have shielded the Defendant in *Koller* from being wrongfully discharged, saving the Defendant a great deal of time, money, and resources. While the Plaintiff could have still wrongfully discharged the Defendant, it would have been a clear-cut victory for the Defendant if the proposed legislation had been enacted in that state. If veterinarians were the only professionals protected in the proposed legislation, other workers such as receptionists and veterinary technicians would not be able to report their supervising veterinarians for suspected abuse. Thus, the immunity provision is vital within the model law. Before discussing the proposed legislation, it is helpful to analyze the current legal framework.

C. The Current Status on Veterinary Reporting Laws

Currently, all fifty states have felony provisions within their animal cruelty legislation. However, until August 2020, Kentucky had a law prohibiting veterinarians from reporting abuse.⁶²

⁶⁰ *See id.*

⁶¹ *See id.*

⁶² Nicole Pallotta, *New Kentucky Law Allows Veterinarians to Report Animal Cruelty*, Animal Legal Defense Fund (July 9, 2020), <https://aldf.org/article/new-kentucky-law-allows-veterinarians-to-report-animal-cruelty/#:~:text=Summary%3A%20Kentucky%20has%20amended%20its,from%20reporting%20suspected%20animal%20cruelty.&text=On%20April%2024%2C%202020%2C%20Kentucky,to%20report%20suspected%20animal%20cruelty>. Kentucky was the only state to have a law prohibiting veterinarians from reporting suspected abuse due to confidentiality concerns. *Id.* The article states: “On April 24, 2020, Kentucky Governor Andy Beshear signed

These legislative changes demonstrate the movement towards protecting animals and providing them with rights of their own. According to the Legal & Historical Animal Center: “About twenty states place a mandatory duty upon veterinarians to report suspected abuse, and about 14 states have no laws allowing or requiring reporting.”⁶³ For example, California, Colorado, and Illinois all have laws with mandatory reporting provisions. Other states have legislation regarding voluntary or permissive reporting; these states include Georgia, Maryland, and Maine. While there are a variety of different veterinary reporting laws among the states, some general trends are evident.⁶⁴

1. Legislative Trends Among the States

While the states do vary on their approach regarding veterinary reporting and immunity laws, a report by the AVMA presents three major trends among the states⁶⁵: (1) some states have laws that require veterinary professionals to report suspected abuse, (2) some states have no laws regarding reporting, and (3) some states have laws permitting reporting (but not requiring it). The states also vary as to whether they provide any immunity to veterinary professionals who do report

Senate Bill 21 into law, which empowers veterinarians to report suspected animal cruelty. Before the passage of this important legislation, Kentucky was the only state that explicitly prohibited veterinarians from alerting authorities that an animal in their care may be the victim of abuse.” *Id.*

⁶³ Rebecca F. Wisch, *Table of Veterinary Reporting Requirement and Immunity Laws*, Animal Legal & Historical Center (2020), <https://www.animallaw.info/topic/table-veterinary-reporting-requirement-and-immunity-laws#:~:text=Veterinarian,Mandatory%20Duty,hours%20after%20treatment%20or%20examination> (containing an exhaustive list of all fifty states and each of their legislation regarding veterinary reporting, as well as whether the state has an immunity provision in their legislation).

⁶⁴ Lora Dunn, *The veterinarian’s duty to report animal cruelty in the U.S.*, *Animal Legal Defense Fund* (2016) <https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1096&context=animsent>, (stating “...the majority of states have spoken on the issue of veterinary reporting: 15 states actually require veterinarians to report suspected animal cruelty, and 14 additional states explicitly permit such reporting”).

⁶⁵ *Abuse Reporting Requirements by State*, American Veterinary Medical Association (last visited Dec. 4, 2020), <https://www.avma.org/resources-tools/animal-health-welfare/abuse-reporting-requirements-state>.

suspected abuse. These variations among the states can be seen in how they approach veterinary reporting and even animal abuse related offenses in general.

Statistics show that several veterinarians encounter abuse on a daily basis, but most of them do not make reports.⁶⁶ This could be a result of the varying legislations among the states. To create efficiency in the prosecution of animal abuse cases and ensure that violence is prevented in the future, the states are encouraged to adopt the proposed legislation discussed below. By reforming national veterinary reporting and immunity laws, the United States could lead the effort to reform these laws internationally. In turn, that could also lead to improvements in regulating other areas of international business that involve animals and animal rights. Thus, the proposed legislation could positively impact animal laws throughout the world.

D. The Current State of International Businesses Involving Animals

There are a number of international businesses affected by animal law, such as agriculture businesses, cosmetics businesses, medical research, and more. International agriculture trade⁶⁷ has become an increasingly important area,⁶⁸ especially in the fight to end world hunger.⁶⁹ It involves livestock animals, which are sometimes protected under various agriculture laws. Oftentimes

⁶⁶ Kogan, *supra* note 51.

⁶⁷ *The National Agricultural Law Center*, University of Arkansas System, Division of Agriculture Research & Extension (last visited Jan. 11, 2021), <https://nationalaglawcenter.org/overview/international-trade/> (stating “International agricultural trade involves many different areas of international and domestic law, including international treaties and agreements, domestic trade laws, and general policy decisions.”).

⁶⁸ Lekhnath Chalise, Kim A. Ha, Mildred Haley, and Russell Knight, *U.S. Exports for Most Major Meat Commodities Grew in 2018*, Economic Research Service United States Department of Agriculture (May 1, 2019) <https://www.ers.usda.gov/amber-waves/2019/may/us-exports-for-most-major-meat-commodities-grew-in-2018/>.

⁶⁹ *Food security, Better agro-food policies are crucial to improving global food security*, Organisation for Economic Co-operation and Development (last visited Jan. 11, 2021), <http://www.oecd.org/agriculture/topics/food-security/> (noting that “Challenges to achieving food security will be compounded by a growing world population with an increasing appetite for meat and fish, alongside demands from competing agricultural products such as cotton and biofuels.”).

cosmetics businesses test products on animals,⁷⁰ and medical research is conducted utilizing animals as subjects.⁷¹ This has prompted multiple countries to enact directives over the years regulating animal experiments or banning them altogether.⁷² The one thing that these various areas of international business have in common is that they are all affected by animal law.

One illustration of negative implications that stem from the current global approach to animal legislation involves the exportation of cosmetics products.⁷³ Several countries have either banned animal testing for cosmetics or the marketing and sale of cosmetics tested on animals.⁷⁴ Many other countries are in the process of doing the same thing.⁷⁵ This means the United States cosmetic companies that violate these practices cannot sell their products in those countries.⁷⁶ This

⁷⁰ *About Animal Testing*, Humane Society International (Oct. 21, 2012), <https://www.hsi.org/news-media/about/> (noting that “For nearly a century, drug and chemical safety assessments have been based on laboratory testing involving rodents, rabbits, dogs, and other animals.”).

⁷¹ *See id.* (stating that “The term ‘animal testing’ refers to procedures performed on living animals for purposes of research into basic biology and diseases, assessing the effectiveness of new medicinal products, and testing the human health and/or environmental safety of consumer and industry products such as cosmetics, household cleaners, food additives, pharmaceuticals and industrial/agro-chemicals. All procedures, even those classified as ‘mild,’ have the potential to cause the animals physical as well as psychological distress and suffering. Often the procedures can cause a great deal of suffering. Most animals are killed at the end of an experiment, but some may be re-used in subsequent experiments.”). A list of common animal procedures is provided, as well as the various types of animals used. *Id.*

⁷² *International Animal Testing Programs*, People for the Ethical Treatment of Animals (last visited Jan. 11, 2021) <https://www.peta.org/issues/animals-used-for-experimentation/us-government-animal-testing-programs/international-animal-testing-programs/> (stating “Some rights for animals have been granted under the German and Swiss constitutions, and Europe has banned the sale of animal-tested cosmetics products. In addition, a Europe-wide directive requires the use of non-animal methods where they exist.”).

⁷³ *Animal Rights and the Implications for Business*, Business Ethics by Rice University (last visited Jan. 11, 2021) <https://opentextbc.ca/businessethicsopenstax/chapter/animal-rights-and-the-implications-for-business/> (stating “In cosmetic testing, the United States has relatively few laws protecting animals, whereas about forty other nations have taken more direct action.”).

⁷⁴ *See id.* (stating “In 2013, the European Union banned animal testing for cosmetics and the marketing and sale of cosmetics tested on animals. Norway and Switzerland passed similar laws.”).

⁷⁵ *See id.* (stating “Outside Europe, a variety of other nations, including Guatemala, India, Israel, New Zealand, South Korea, Taiwan, and Turkey, have also passed laws to ban or limit cosmetic animal testing.”).

⁷⁶ *See id.* (stating “U.S. cosmetic companies will not be able to sell their products in any of these countries unless they change their practices.”).

example highlights the necessity for uniformity in international animal law, which would have prevented this negative implication altogether. Thus, global animal law would benefit from reform. The first step towards this reform could involve the implementing the proposed legislation, which may positively impact international businesses affected by animal law.

III. The Proposed Law & Analysis

A. *The Proposed Legislation*

There are multiple goals the proposed legislation aims to achieve. First, the purpose of the proposed legislation is not only to protect animals from any and all abuse, including abuse from veterinarians themselves, it is also to create a uniform approach among the states for reporting suspected abuse, with a focus on veterinary professionals. This is because veterinary professionals are in a special position to notice signs of abuse and make reports, which in turn trigger investigations. The second goal of the proposed legislation is to provide veterinary professionals with immunity if they make a report in good faith.

This proposed legislation will include all veterinary professionals, including veterinary technicians and receptionists. It has a permissive reporting section which allows veterinary professionals to report signs of abuse. It also has a mandatory reporting section which requires veterinary professionals to report signs of abuse that cross a threshold into aggravated animal cruelty, and more serious crimes such as that. Both the permissive reporting section and the mandatory reporting section provide immunity for making reports in good faith.

The following is the model law that the states are encouraged to adopt:

The proposed statute is titled: “Veterinary Reporting of Suspected Abuse and Good Faith Immunity.”

(1) Definitions:

- (a) “Animal” is defined to include any living creature, other than humans, inside of the home, as well as any kept as a pet outside of the home.
- (b) “Veterinary professionals” include veterinarians, veterinary technicians, and receptionists and other faculty at veterinary establishments (such as emergency clinics, pet clinics, and animal hospitals).
- (c) “Animal Enforcement Agents” or “Animal Enforcement Agencies” include police officers, peace officers, animal control officers, and officers of private organizations devoted to humane treatment of animals (and other enforcement agencies deemed to be included on a state-by-state basis).
- (d) “Abuse” is defined as depriving an animal of minimum care or causing the animal any unnecessary pain and suffering where reasonable remedy and relief is attainable.
- (e) “Minimum care” is defined as any care sufficient to preserve the health and well-being of an animal, including, but not limited to, food, water, shelter, and veterinary care.
- (f) “Abandon” is defined as leaving behind an animal alone or permitting the animal to be left alone in circumstances which might cause harm to the animal.
- (g) “Neglect” is defined as failure to provide adequate food, water, shelter, or veterinary care needed for survival.
- (h) “Aggravated animal cruelty” is defined as maliciously killing an animal, or intentionally or knowingly torturing an animal.

- (i) “Malicious” is defined as intentionally acting with a reckless and wanton disregard of life.
 - (ii) “Torture” is defined as acting with the purpose of causing pain.
- (2) Veterinary professionals may report to animal enforcement agencies any animal that they know or reasonably believe to be abandoned, neglected, or otherwise abused. Any veterinary professional making a report under this section is immune from any civil liability if they do so in good faith.
- (3) Veterinary professionals who reasonably believe that an animal is the victim of aggravated animal cruelty shall immediately report the suspected aggravated animal abuse to an animal enforcement agency. Any veterinary professional making a report under this section is immune from any civil liability if they do so in good faith.

Oregon⁷⁷ and Maine⁷⁸ are two states that have enacted legislation very similar to this proposed legislation. There are also some other provisions that would be beneficial to enact along with this model law, including a cross-reporting provision and an enforcement provision.

1. Optional Provisions

a. Cross-reporting Provision

The following is a proposed cross-reporting provision,⁷⁹ that the states are encouraged to adopt:

⁷⁷ O.R.S. § 686.442; O.R.S. § 686.445.

⁷⁸ 7 M.R.S.A. § 4018.

⁷⁹ An Act Concerning Cross-Reporting of Child Abuse and Animal Cruelty, Pub. Act No. 11-194 (Act effective Oct. 1, 2011). This Connecticut statute is similar to the proposed cross-reporting provision above.

- (1) An animal enforcement agent, as defined above, who has reasonable cause to suspect or believe that an animal is being abused or neglected or is in danger of being abused or neglected must immediately make a written or oral report to the Department of Children and Family Services.
- (2) An enforcement agent for the Department of Child and Family Services, who has reasonable cause to suspect or believe that a child is being abused or neglected or is in danger of being abused or neglected must immediately make a written or oral report to the animal enforcement agency, as defined above.

b. Enforcement Provision

The following is an enforcement provision, that the states are encouraged to adopt:

- (1) To aid in the enforcement of this legislation, a designated prosecutor will be appointed in this State to pursue claims against offenders suspected of committing animal abuse. That prosecutor will work with animal enforcement agents and animal enforcement agencies to investigate and prosecute animal abuse reports.

There are several advantages to the proposed legislation discussed above, and there are also several reasons why the current legislation should be reformed.

B. The Advantages of this Legislation

One reason the current legislation among the states should be reformed is because the discrepancies in legislation in turn creates discrepancies regarding when animal abuse is reported and what types of abuse are reported. It is imperative to ensure these signs of abuse are being reported and investigated, as highlighted by the link between human violence and animal

violence.⁸⁰ Another reason to reform current legislation is because veterinarians are not actually reporting abuse as often as they should.⁸¹ An article by the Humane Society-Veterinary Medical Association provides some explanation as to some why veterinarians do not report abuse.⁸² This includes fear of losing clients (which is addressed later in the chilling effects section) among other things.⁸³ The proposed legislation aims to decrease the concerns about reporting and increase the number of reports being made. To aid in reaching these goals, the proposed law includes all veterinary professionals instead of merely including veterinarians. It also includes an immunity provision for reporting in good faith.

2. *The Importance of the Immunity Provision*

The good faith immunity provision provides veterinary professionals with an incentive to report cases of suspected abuse, which is imperative to the effectiveness of veterinary reporting legislation. An issue of *Today's Veterinary Nurse* says: “consistent mandatory reporting and immunity laws in all fifty states would be helpful to remove the fear that prevents many veterinarians from reporting.”⁸⁴ This immunity provision is extended to all veterinary professionals instead of only veterinarians. Thus, it creates a protection for all veterinary professionals to report abuse, which would have been extremely beneficial in the *Koller* case.⁸⁵ The immunity provision

⁸⁰ *The Link Between Human & Animal Violence*, Veterinary Social Work, *supra* note 26.

⁸¹ *What to Expect If You Report Suspected Animal Abuse or Neglect: Demystifying the Legal Process*, Humane Society Veterinary Medical Association, *supra* note 47.

⁸² *See id.* (providing four concerns as to why veterinarians are not reporting abuse which include concerns about time commitment, concerns about monetary services, fear for their personal safety, and fear of losing clients).

⁸³ *See id.*

⁸⁴ Smith, *supra* note 4.

⁸⁵ *Koller v. Schmaing*, 254 Or. App. 115, 296 P.3d 529 (2012).

was not the only provision that was contemplated as an addition to the model law. States could also consider adopting the enforcement provision and the cross-reporting provision to make their veterinary reporting legislation even more effective.

C. The Effectiveness of this Legislation

Ordinarily, animal abuse offenders get away without repercussions for their crimes, and they never have to face the consequences of their actions.⁸⁶ This is because, under the current laws, prosecutors rarely take on animal abuse cases.⁸⁷ Oftentimes, they are overwhelmed by the number of cases involving human violence and do not have enough time or resources to take on cases involving nonhuman violence. If the proposed legislation were to be adopted, it would be far more effective if the enforcement provision was adopted as well. With this additional provision, there is a designated group whose sole mission is to seek justice for these animal abuse cases. This will eliminate the need for prosecutors to take on these cases, since the enforcement provision provides resources to pursue those claims. Enacting the proposed cross-reporting provision would also assist in investigations.

Typically, humane agencies investigate animal abuse claims through their humane agents and other peace officers, as designated by each state's statute(s).⁸⁸ States vary as to whether they merely permit cross-reporting between agencies, whether they require it, or whether they are

⁸⁶ *What to Expect If You Report Suspected Animal Abuse or Neglect: Demystifying the Legal Process*, Humane Society Veterinary Medical Association, *supra* note 47 (stating "Do not assume this will be vigorously investigated—you may have to follow up" under a subsection titled "What can you expect after you report suspected cruelty?").

⁸⁷ *See id.*

⁸⁸ *See id.*

completely silent on the topic.⁸⁹ The most effective way to combat the negative effects of violence against both animals and humans is to enact two-way mandated cross reporting, such as what is proposed in the optional provision above.⁹⁰ By enacting this type of cross reporting provision, it will effectively create transparency among the various social service departments, specifically in the investigations being conducted. Adopting enforcement provisions and cross-reporting provisions are just two ways to make the proposed legislation more effective at achieving its goals. Additionally, requiring practicing veterinary professionals to partake in a program specializing in abuse training is another way to make the proposed legislation more effective.

1. Training Programs for Veterinary Professionals

Veterinarians have admitted that a lack of training in noticing signs of abuse has led to some suspected cases going unreported.⁹¹ It is imperative that veterinarians are trained in noticing signs of abuse, as they may be the only person aware of the situation and thus the only person who

⁸⁹ *State Cross-Reporting Mandates by Profession*, National District Attorneys Association (last updated Jan. 2014), <https://ndaa.org/wp-content/uploads/Cross-Reporting-Mandates-by-Profession-and-State-Jan-2014-Jennifers-updates.pdf>.

⁹⁰ Humane Care for Animals Act, Sec. 18, 510 ILCS 70/18 (Act effective Aug. 14, 2009).this Illinois statute is similar to the cross-reporting provision provided in the legislation proposed by this note. *Id.*

⁹¹ R E Landau, *A survey of teaching and implementation: the veterinarians' role in recognizing and reporting abuse*, 215 J. Am. Vet Med. Ass'n 328 (Aug. 1, 1999). This article provides that "Thirty-one North American veterinary schools and a sample of large and small animal practitioners in Indiana were surveyed to understand to what degree current veterinary curricula prepare students to recognize abuse of animal patients and human clients and to what extent practitioners recognize and report their suspicions of abuse to appropriate authorities. The data indicates a discrepancy between beliefs about prevalence of abuse and the amount of time spent educating veterinary students to recognize and report that abuse. I hypothesize that: 1) practicing veterinarians are reluctant to report suspicions of domestic family violence directed against animals, children, or spouses for various reasons (e.g., lack of adequate training, fear of litigation, time constraints, fear that violence will escalate, belief that it is not their place to intervene, lack of contact information, fear of losing a client's business); 2) practicing veterinarians (in large and small animal practices) may not be aware that animal patients and human clients may have been abused and being unfamiliar with this diagnosis, are unfamiliar with the mechanism for reporting the abuse, especially when it involves human victims; and 3) veterinary school curricula could be modified so that veterinary students are trained to recognize human and animal abuse, thereby reducing risks to animal patients, other animals in the household, and human clients." *Id.*

is able to seek help.⁹² Presently, veterinary schools do not adequately prepare students to notice and understand signs of abuse, so they are not always aware of situations when outside intervention is needed.⁹³ One suggestion is modifying veterinary school curriculum to correct this problem.⁹⁴ Alternatively, states could require veterinarians to take a training course before becoming licensed. This training course could provide veterinarians and veterinary professionals with specialized training to notice the different signs of abuse. These trained veterinarians would be better mandated reporters with this specialized knowledge,⁹⁵ and they would likely feel more confident in their abilities as such.⁹⁶ While there are several ways to increase the effectiveness of the proposed legislation, there are also some concerns that must be addressed.

⁹² *See id.* (stating “Many families seeking assistance from domestic violence agencies are known to local humane societies or animal control officials because of previous incidents of animal abuse. This is because pets are often the first victims of family disputes that erupt into violence. Analysis of domestic violence statistics indicates that veterinarians potentially treat hundreds of thousands of abused pets each year. Because veterinarians may be the first or only individuals to have access to abusive family situations, it is important for veterinarians to be aware of potential signs of abuse of pets and their owners and to be familiar with the mechanisms for reporting suspected incidents of abuse.”).

⁹³ *See id.*

⁹⁴ *See id.*

⁹⁵ *Animal Abuse Reporting*, American Animal Hospital Association (Nov. 2015) <https://www.aaha.org/about-aaha/aaha-position-statements/animal-abuse-reporting/> (stating “Veterinarians should seek education about animal cruelty and the profession should provide training on the recognition, documentation, and reporting of animal abuse and the development of forensic models. Collaboration with animal and human welfare groups, law enforcement, and other professionals within communities is crucial to improve response and reduce the incidence of animal abuse.”).

⁹⁶ *Veterinary Resources for Recognizing and Reporting Animal Cruelty and Neglect*, American Society for the Prevention of Cruelty to Animals (last visited Mar. 4, 2021) <https://www.aspcapro.org/resource/veterinary-resources-recognizing-and-reporting-animal-cruelty-and-neglect> (stating “While practicing veterinary medicine, veterinarians may encounter patients with suspicious injuries or conditions. Knowing the basics of recognizing and reporting animal cruelty and neglect can help veterinary professionals know what steps they can or should take in order to protect animals in their care.”).

D. Addressing Concerns

1. Possible Chilling Effects

One concern veterinary professionals must consider is that they could face “chilling effects” stemming from increased reporting of abuse. Chilling effects describe the phenomenon of veterinary businesses suffering from a loss of patients after legislation such as this one is adopted. If legislation was enacted that made it mandatory for veterinary professionals to report suspected abuse, it would be more likely that pet clinics would see these “chilling effects.” Therefore, their veterinary businesses would suffer adverse consequences from a law requiring reporting in all cases of suspected abuse. Since the proposed legislation has a permissive reporting provision for acts of neglect and abandonment, veterinary professionals can use their discretion in deciding when to do so.

Many cases of animal neglect can be resolved by educating the pet owner on the best courses of caring for their pet.⁹⁷ For example, if a pet develops arthritis because the owner never cuts their nails, then the best course of action may be for the vet to schedule recurring appointments to clip the pet’s nails. This takes care of the issue stemming from the neglect of the animal without resorting the owner for such neglect. Resolving issues in this manner is important because it will help prevent “chilling effects” while simultaneously promoting veterinary professionals to address any suspected abuse. It is important to address these possible chilling effects,⁹⁸ because one

⁹⁷ *Animal Abuse – What Veterinarians Can Do*, Canadian Veterinary Medical Association (last visited Jan. 11, 2021) <https://www.canadianveterinarians.net/policy-advocacy/animal-abuse> (stating “Some cases of animal abuse, particularly neglect, may be resolved through client education... When education fails, or intentional abuse is suspected, a report should be filed with the appropriate authorities for investigation.”).

⁹⁸ Phil Arkow, Paula Boyden and Emily Patterson-Kane, *Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect*, American Veterinary Medical Association (last revised Feb. 4, 2011), <https://ebusiness.avma.org/Files/ProductDownloads/AVMA%20Suspected%20Animal%20Cruelty.pdf>.

concern of veterinarians that have cited as to why they do not report abuse is the fear of losing clients.⁹⁹ Another concern to consider when enacting the proposed legislation is how resources will be allocated to aid in the fight against animal cruelty.

2. *Possible Issues with Allocating Resources*

Some people may argue that it will cost too many resources to enforce the proposed legislation discussed above or to provide training courses to practicing veterinarians (resources such as money, labor, and more). Ideally, humane societies and other peace officers could assist in enforcing the law, as they are already involved in animal law enforcement. If their departments were expanded to account for this additional work, they may need to hire additional workers. This would cost monetary resources, but it would in turn create jobs and it would significantly aid in the fight against both animal cruelty and cruelty against humans, especially children. Non-profit organizations could also get involved, as well as fundraising, to try and minimize the expenditure on resources.

Additionally, these resources would be a wise investment in the long run, since preventing animal cruelty indirectly prevents other future crimes.¹⁰⁰ By allocating resources to aid in the fight against animal cruelty, it is likely that it will in turn decrease the cycle of violence with humans. This could mean less resources will need to be allocated towards investigating and prosecuting crimes against humans. This also means that potential lives could be saved, which should be the

⁹⁹ *What to Expect If You Report Suspected Animal Abuse or Neglect: Demystifying the Legal Process*, Humane Society Veterinary Medical Association, *supra* note 47.

¹⁰⁰ *See id.* (stating “Children exposed to domestic violence are at greater risk of psychological maladjustment, including a higher risk of becoming perpetrators or victims. Pet abuse is an early indicator of violence propensities. Children exposed to domestic violence were at significantly increased risk for behavioral problems, including animal abuse.”).

most important goal ultimately. Not only would the United States benefit from the proposed legislation, but international businesses could benefit as well.

E. Possible Implications for International Businesses Involving Animals

Many times, the United States is known as a leader for other countries across the world. For example, the United States is a leading agricultural exporter globally¹⁰¹ and thus it is likely considered a leader in this area.¹⁰² If the United States sets the precedent that it will continue to positively reform its animal laws, other nations are likely to follow in its footsteps. Therefore, it is crucial to consider what might stem from the United States enacting agriculture laws that regulate the industry to become more humane while simultaneously making it more effective.¹⁰³ Other countries may enact similar legislation to regulate their animal industries, creating a uniform, global approach among those industries. This could potentially include changes in legislation across the world that affect areas such as agriculture, cosmetics testing,¹⁰⁴ medical testing, and animal research.

¹⁰¹ *The National Agricultural Law Center*, University of Arkansas System, Division of Agriculture Research & Extension, *supra* note 67. <https://nationalaglawcenter.org/overview/international-trade/> (stating “the U.S. Department of Agriculture’s (USDA’s) Foreign Agricultural Service (FAS) reports that the United States is one of the world’s largest agricultural exporters, with 20% of domestic agriculture production volume being exported each year.”).

¹⁰² *Fast Facts About Agriculture & Food*, American Farm Bureau Federation (last visited Jan. 11, 2021), <https://www.fb.org/newsroom/fast-facts> (noting that “In 2018, \$139.6 billion worth of American agricultural products were exported around the world. The United States sells more food and fiber to world markets than we import, creating a positive agricultural trade balance.”).

¹⁰³ *See id.* (highlighting that “One U.S. farm feeds 166 people annually in the U.S. and abroad. The global population is expected to increase by 2.2 billion by 2050, which means the world’s farmers will have to grow about 70% more food than what is now produced.”).

¹⁰⁴ *About Animal Testing*, Humane Society International, *supra* note 70 (stating “Aside from the ethical issues they pose—inflicting both physical pain as well as psychological distress and suffering on large numbers of sentient creatures—animal tests are time- and resource-intensive, restrictive in the number of substances that can be tested, provide little understanding of how chemicals behave in the body, and in many cases do not correctly predict real-world human reactions. Similarly, health scientists are increasingly questioning the relevance of research aimed at ‘modelling’ human diseases in the laboratory by artificially creating symptoms in other animal species. Trying to mirror human diseases or toxicity by artificially creating symptoms in mice, dogs or monkeys has major scientific

The possibility that the United States would lead the way for other countries to change their animal laws is strengthened by taking the first step: enacting the proposed legislation. The more states that adopt this law, the more consistent this nation is as to how it will protect not only its animals, but its people. This is a powerful message, one that should be spread across not only this country, but all countries alike. If this proposed legislation were adopted by several states, the animal rights movement would begin to garner even more attention. By focusing first on enabling veterinary professionals to report suspected abuse, the link between animal violence and human violence can be weakened. This is an important first step in protecting both animals and humans which could lead to many more legislative reforms around the world that also aim to protect both animals and humans.

IV. Conclusion

The current state of affairs shows conflicting trends among the states as to how they approach the problem of animal abuse. Some states require veterinarians to report suspected abuse while other states merely permit reporting.¹⁰⁵ There are also states that have no laws in place on the topic.¹⁰⁶ Legislation targeting animal abuse is imperative because it also indirectly targets violence against humans. Therefore, by preventing and stopping animal abuse, it also saves victims of domestic violence, child abuse, and elder abuse.¹⁰⁷ That is why there are a number of state laws

limitations that cannot be overcome. Very often the symptoms and responses to potential treatments seen in other species are dissimilar to those of human patients. As a consequence, nine out of every 10 candidate medicines that appear safe and effective in animal studies fail when given to humans. Drug failures and research that never delivers because of irrelevant animal models not only delay medical progress, but also waste resources and risk the health and safety of volunteers in clinical trials.”).

¹⁰⁵ *50-State Survey of Statutes and Regulations Requiring Veterinarians to Report Suspected Animal Abuse and Cruelty & Providing Immunity from Civil and Criminal Penalties for Veterinarians in Connection with Reporting*, Humane Society Veterinary Medical Association, *supra* note 54.

¹⁰⁶ *See id.*

¹⁰⁷ *Animal Abuse Reporting*, American Animal Hospital Association, *supra* note 95.

that address cross-reporting between various social service departments. One reason humane societies were created in the first place was to protect the interests of both animals and children.

Veterinary professionals are in a unique position when it comes to reporting animal abuse, requiring them to be legally protected as mandated reporters of suspected abuse.¹⁰⁸ The proposed legislation includes a good faith immunity provision for all veterinary professionals who report suspected abuse to protect them from liability. This type of legislation is imperative for protecting mandated reporters. Additionally, it could have protected the Defendant in *Koller*, who was wrongfully discharged for reporting abuse.¹⁰⁹ That case in particular demonstrates the importance of including an immunity provision within legislation on mandated reporting.

While there may be concerns over the effectiveness of this model law, states are encouraged to enact the enforcement and cross-reporting provisions to make the proposed law as effective as possible.¹¹⁰ States are also encouraged to adopt training programs for practicing veterinary professionals. This training will equip them with a better knowledge to notice signs of abuse, making the proposed legislation even more effective.¹¹¹ This proposed legislation also addresses any possible concerns over chilling effects and allocating resources. The possible positive implications on areas of international business must also be factored in when comparing

¹⁰⁸ Dunn, *supra* note 64 (stating “the same logic that has been applied to reporting child abuse – that children are often unable to articulate the abuse, are fearful of retaliation for speaking up, or are simply unable to speak for themselves at all, and that child abuse is often an indicator of other potential abuse of other victims in the home, including elder neglect or spousal abuse – has also been applied to animal victims who, perhaps to an even greater extent, lack a voice to speak for themselves. To be sure, veterinarians take an oath to protect their clients’ confidentiality; however, this oath also includes a pledge to ‘solemnly swear to use their scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, and the prevent and relief of animal suffering’.”).

¹⁰⁹ *Koller v. Schmaing*, 254 Or. App. 115, 296 P.3d 529 (2012).

¹¹⁰ *Animal Abuse Reporting*, American Animal Hospital Association, *supra* note 95.

¹¹¹ *See id.*

the advantages and disadvantages of enacting the proposed legislation. Based on the foregoing reasons, the states are highly encouraged to adopt the proposed legislation.