

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #7

February 23, 2023

S. 1968
A.3798

By: Senator Sepulveda
By: M. of A. L. Rosenthal

Senate Committee: Health
Assembly Committee: Higher Education
Effective Date: One year after becoming
law

AN ACT to amend the public health law and the education law, in relation to authorizing emergency medical service personnel to provide basic first aid to cats and dogs under certain circumstances.

LAW AND SECTION REFERRED TO: Sections 3013 and 3018 of the Public Health Law, and sections 6702, 6703 and 6705 of the Education Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

This bill amends the Public Health Law and the Education Law by enabling a certified first responder, an emergency medical technician (“EMT”) or an advanced emergency medical technician (“AEMT”) to provide basic first aid to an animal in an emergency situation and by extending “good Samaritan” protections for those actions to insulate the first responder, EMT or AEMT, acting reasonably and in good faith, from civil liability arising out of providing medical assistance to a cat or dog in an emergency. This bill will allow any certified first responder, EMT or AEMT who is responding to an emergency to perform certain basic first aid procedures on a cat or dog, under the limited circumstances set forth in the bill which are intended to protect both human and animal victims on the scene of any emergency.

First responders, EMTs and AEMTs responding to emergencies direct their first actions to determining whether there are people who need immediate medical assistance, to providing that assistance at the scene of the emergency, and to providing for transport to a medical facility if needed. However, on the scene of an emergency they frequently also encounter animals, usually dogs and cats, which are the pets of the people involved in the emergency. A typical emergency situation involving pets is a residential fire at which family members likely to suffer from fire and smoke related injuries include both the humans and animals. There are many other

similar situations in which human and animal family members suffer relatively minor injuries, but there are also emergency situations in which humans and animals suffer serious injuries and are all in need of medical assistance at the scene.

Currently, no state law allows a first responder, an EMT or an AEMT to provide emergency medical services to an animal.¹ This bill would allow these designated personnel to provide that medical care by adding them in an additional category of “exempt persons” under N.Y Education Law Section 6705, which defines the non-veterinarians who may practice veterinary medicine (provide medical treatment to an animal) under certain circumstances.

The medical services that may be provided by a first responder, EMT or AEMT are limited to providing “basic first aid” to the animal. As defined in the legislation, “basic first aid” means only: (a) opening and manually maintaining an airway; (b) providing mouth to mouth or mouth to barrier ventilation; (c) administering oxygen; (d) maintaining ventilation by mask; (e) controlling hemorrhage with direct pressure; (f) immobilizing fractures; (g) bandaging; and (f) administering naloxone. These are a non-invasive and life-saving measures, and procedures that the first responder, EMT or AEMT is typically trained to perform on a human patient.

The bill would specifically allow a first responder, EMT or AEMT to administer naloxone hydrochloride (“Narcan”) - an opioid antagonist that can rapidly reverse an opioid overdose and is effective in dogs as well as in humans - to a dog or cat if doing so is authorized by law, rule or regulation, and upon the direction of a licensed veterinarian. Exposure to narcotics may happen to a police dog during a drug search, or it may happen to a pet in the area where narcotics are being stored or used.² Narcan must be administered more quickly than a dog can usually be rushed to a veterinary hospital, and so quick administration of Narcan can save the lives of these dogs. This bill will allow administration of Narcan by a non-veterinarian first responder, EMT or AEMT, as directed by a licensed veterinarian.

Very importantly, this bill ensures that providing basic first aid to animals will not impact the medical treatment provided to human victims at the site of an emergency, because it allows a first responder, EMT or AEMT to provide treatment to a dog or cat only if no human persons require medical attention at the time. The bill also protects the animals receiving medical treatment from a non-veterinary medical professionals, by allowing the first responder, EMT or AEMT to provide this basic first aid only if they are trained to provide it to a human. In addition, the emergency medical personnel are required to communicate with and consult a licensed veterinarian on the care they are providing to the animal.

As is the case with humans treated at the scene of an emergency, the medical care provided to a dog or cat by a first responder, EMT or AEMT is just the immediate care needed

¹ Under current law, providing medical treatment to an animal is part of the practice of veterinary medicine (N.Y. Educ. Law §6701), and only a licensed veterinarian (N.Y. Educ. Law §6702(1)) or a licensed veterinary technician acting under the supervision of a veterinarian (N.Y. Educ. Law § 6708) is permitted to provide that medical treatment.

² Bruce, Lauren, “PVM PROVIDES Training on Opioid-reversal Drug Narcan to Protect Police Dogs from Opioid Overdoses,” Purdue University College of Veterinary Medicine, Newsroom 2017. <https://vet.purdue.edu/newsroom/2017/pvr-a2017-narcan-training.php>, last viewed 5/10/2021.

before the animal is transported to a licensed veterinarian. To ensure that dogs and cats receiving the medical treatment authorized by the bill, by first responders, EMTs and AEMTs, the legislation requires that the Commissioner of the NYS Education Department enact regulations to implement the provisions of the bill.

Several other states have already recognized the need to extend the authorization of trained EMS personnel to provide emergency medical services to animals at the scene of emergencies, and Colorado, Maryland, Ohio, Wisconsin and California have enacted laws³ very similar to the provisions of S.1968 / A.3798. These new laws and the proposed law in New York all strike a careful balance between the need to provide life-saving medical care to dogs and cats in an emergency, and the need to ensure that medical professionals trained to treat humans will be able to do so without harm. . . to people or animals.

For the reasons set forth in this Memorandum in Support, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

³ “K9 Treatment Laws for EMS & First Responders,” April 22, 2019, Working Dog HQ, <https://workingdoghq.com/k9-treatment-laws-for-first-responders/>, last viewed 5/10/2021.