

EMS Treatment and Transportation of Peace Officers' Animals

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Issue

Provide summaries of legislation on emergency medical services (EMS) personnel providing treatment and transportation for injured peace officer animals, specifically (1) Massachusetts' [2022 Mass. Acts Ch. 23](#) (a.k.a. "Nero's Law") and (2) Connecticut's [SB 932](#) (2023).

Summary

Nero's law generally requires the emergency treatment and transportation of police dogs by EMS personnel as well as the adoption of related policies and procedures. It also excludes this care from being treated as veterinary medicine and provides immunity from different types of liability for good faith actions. Connecticut's SB 932 (2023) has substantively similar provisions with the principal differences being that it (1) provides EMS personnel with discretion on providing treatment and transportation; (2) appears to encompass more types of law enforcement, animals, and EMS personnel; and (3) does not address liability.

Background and Legislative History

Massachusetts' legislation is reportedly based on a 2018 incident in which Nero, a police dog, was shot assisting in serving a search warrant. Although ambulances were at the scene, state law at the time did not allow first responders to treat or transport him, and so Nero had to be sent to an animal hospital in a police cruiser (see, e.g., this [press release](#) and this [article](#)).

In 2022, the Massachusetts General Court enacted [SB 2573](#) (2021) and the governor signed the bill into law. Prior to this, the state legislature had considered similar proposals, specifically [SB 1606](#) (2021), [HB 2547](#) (2021), [SB 1431](#) (2019), [SB 2423](#) (2019), and [HB 4230](#) (2019).

Provisions in Connecticut’s SB 932 (2023) were purportedly based on Nero’s incident (see, e.g., this [testimony](#)). The Public Safety and Security and Appropriations committees issued joint favorable reports on this bill, but the Judiciary Committee took no further action afterwards. During past sessions, the General Assembly considered similar legislation, specifically proposed [HB 5569](#) (2021), [HB 6364](#) (2019), and proposed [HB 6526](#) (2019).

Bill Summaries

Table 1 summarizes the four distinct parts of Nero’s law and the analogous provisions in SB 932 (i.e., SB 932, §§ 1 & 4, are excluded; for information on them, see OLR’s [Bill Analysis](#)).

Table 1: Summaries of Bills on EMS Treatment and Transportation of Peace Officers’ Animals

	Nero’s Law	SB 932 (2023)
Treatment and Transportation	<p>Requires EMS personnel to provide emergency treatment to a police dog injured in the line of duty and transport the dog by ambulance to a veterinary care facility equipped to treat dogs.</p> <p>However, EMS personnel are not required to transport the dog if doing so would inhibit their ability to provide emergency medical attention or transport to a person who requires such services.</p> <p>Additionally, the Department of Public Health (DPH) may grant a waiver to the requirements if compliance is a public safety risk based on regulations it must develop (MGL 111C § 9A).</p>	<p>Starting July 1, 2024, authorizes EMS personnel to provide emergency treatment to a peace officer’s animal that is injured while it is on duty and under an officer’s supervision. It also allows EMS personnel to transport the injured animal by ambulance to a veterinary facility equipped to provide it with emergency treatment consistent with DPH regulations.</p> <p>Prohibits the EMS personnel from treating or transporting the animal if it would inhibit their ability to provide emergency medical attention or transport to a person requiring their services (§ 2).</p>

Table 1 (continued)

	Nero's Law	SB 932 (2023)
Policies and Procedures	<p>Requires DPH, in consultation with the Massachusetts Veterinary Medical Association and state police's K9 unit, to develop the following policies and procedures:</p> <ol style="list-style-type: none"> 1. appropriate training of EMS personnel to provide police dogs basic first aid, cardiopulmonary resuscitation, and life-saving interventions, including administering naloxone; 2. safe handling procedures for injured police dogs, including the use of a box muzzle and response coordination with a law enforcement official trained in handling them; 3. identification of veterinary facilities that provide emergency treatment for injured police dogs; 4. decontamination of stretchers, the patient compartment, and any contaminated medical equipment; and 5. sterilization of the EMS vehicle interior, including sanitizing all allergens and disinfecting for human transport (MGL 111C § 9A). 	<p>Requires DPH to adopt regulations by July 1, 2024, on the emergency treatment of peace officers' animals. Specifically, the regulations must cover the following:</p> <ol style="list-style-type: none"> 1. training emergency services personnel in basic first aid, cardiopulmonary resuscitation, and life-saving interventions for the animals; 2. safe handling procedures for the animals; 3. identifying veterinary facilities that provide emergency treatment for them; and 4. decontaminating and sterilizing equipment and vehicles after transporting them (§ 2).

Table 1 (continued)

	<u>Nero’s Law</u>	<u>SB 932 (2023)</u>
Veterinary Medicine Exclusion	Exempts providing care under Nero’s Law from the statutory definition of practicing veterinary medicine (MGL 112 § 58).	Specifies that an EMS personnel’s treatment of a peace officer’s animal is not deemed to be the practice of veterinary medicine (§ 3). (Under existing law, practicing veterinary medicine requires licensure.)
Liability Immunity	Immunizes from personal liability (1) certain EMS personnel certified, accredited, approved, or authorized under state law for rendering emergency first aid, cardiopulmonary resuscitation, transportation, or other EMS to an injured police dog and (2) emergency medical technicians and additional personnel for transporting an injured police dog to a veterinary care facility. Further immunizes them from liability to a veterinary care facility for its expenses if, under emergency conditions, they cause the admission of an injured police dog. However, immunity only applies to actions done in the performance of their duties and in good faith (MGL 111C § 21).	None. (Connecticut’s Good Samaritan provides immunity to EMS personnel and others for providing certain medical aid, but this law is limited to treatment of humans (CGS § 52-557b).)

Related Definitions

Under Nero’s Law, a “police dog” is a dog owned by a police department or police agency of the commonwealth, or any political subdivision, that is used for official duties. “EMS personnel” are generally EMS first response service employees and certified emergency medical technicians ([MGL 111C § 1](#)).

For purposes of SB 932 (2023), existing law designates the following people as “peace officers”: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers,

constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer’s Office, motor vehicle inspectors in the Department of Motor Vehicles who have received Police Officer Standards and Training Council certification, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum ([CGS § 53a-3\(9\)](#)). Additionally, “emergency medical services personnel” means a certified emergency medical responder, emergency medical technician, advanced emergency medical technician, emergency medical services instructor, or a licensed paramedic ([CGS § 20-206jj\(5\)](#)).

Additional Information

Massachusetts’s DPH has issued several administrative materials since Nero’s law was enacted. Specifically, the following:

1. [Administrative Requirement Manual AR 1-522G](#): Decontamination and Sterilization Cleaning Procedures for Ambulance Equipment and Interiors (8/10/22),
2. [Statewide Point-of-Entry Plan for Police Dogs](#) (8/10/22),
3. [Administrative Requirement Manual AR 2-270](#): Training Requirements for Police Dog (K9) Treatment and Transport for EMS Personnel (2/3/23), and
4. [Statewide Treatment Protocols K9-K9.10](#) (2/10/23).

Among other things, AR 2-270 requires ambulance services to have their certified EMTs successfully complete training on the police dog treatment protocols by February 10, 2024, unless the service has obtained a DPH waiver. News reports indicate that this effectively delays full implementation of Nero’s law until that date (see, e.g., this [article](#)).

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