



**OPPOSE SB958 - An Act Relative to the Wrongful Death or  
Injury of Animal Companions – Sen. John Keenan (D)**

**OPPOSE HB1561 – An Act Relative to the Wrongful Death or  
Injury of Animal Companions – Rep. Michael Soter (R)**

Referred to Joint Committee on the Judiciary

**WHAT THESE BILLS DO:**

These bills elevate the loss of animals to a similar position to the loss of humans. They allow for damages for emotional distress of loss of companionship in cases of injury or death of an animal for a period of three years.

1. They raise the legal status of dogs, cats, birds, horses, rabbits, guinea pigs or other warm-blooded animals to the same status humans have in case of loss or injury.
2. They allow up to \$25,000 in non-economic damages plus economic damages when an animal is killed or injured.
3. They allow an action of tort by a “guardian ad litem or next friend” of an animal.

**WHY YOU SHOULD OPPOSE THESE BILLS:**

Laws governing animal ownership and animal care have been remarkably consistent for over two hundred years. These laws are based on agreement that pets are the legal property of their owners. Under this system, owners whose pets are negligently injured or killed can recover the economic value of a pet, the cost of any veterinarian bills resulting from injury, and in some instances, other reasonable and necessary costs arising out of the injury. These types of damages are called "economic damages" because they are of a determinable dollar value.

In addition to these "economic" damages, if a defendant is found to have acted with malice and intended to injure or kill the plaintiff’s pet, punitive damages may be awarded in an effort to punish and deter future actions motivated by malice.

These bills would add a third type of award — "non-economic" damages, named so because they attempt to cure intangible harms, such as pain and suffering, which cannot be determinable. Non-economic damages are typically not available in cases involving damage to personal property (remember, animals are considered property under the law). This principle has provided the justification for courts to reject compensation for emotional loss in pet injury and death cases.

Legal scholars and animal experts agree that noneconomic damages for pet injury and death would have major “unintended” consequences. Greater legal liability would increase expenses for all parties that will ultimately be passed down the animal care chain to animal owners. It would also increase risks to public health. For example, the potential for non-economic damages would subject veterinarians to more lawsuits, requiring them to buy more malpractice insurance, increasing the cost of veterinary care. Higher pet care costs would make some owners delay veterinary care and thus increase public health risks. Non-economic damages would increase litigation and cost for all parties, including pet sitters, dog parks, and even non-dog owners who might cause accidental injuries.

**FOR MORE INFORMATION:**

Massachusetts Federation of Dog Clubs and Responsible Dog Owners  
Mrs. Rebecca Leonard, 5inWayland@gmail.com; 508-653-6139  
Mr. John W. Seeley, acjohn@aol.com, 978-456-8644

04/03/19

**SENATE . . . . . No. 958**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John F. Keenan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the wrongful death or injury of animal companions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>Kris MacDonald</i>	<i>66 Grogan Ave, Quincy MA 02169</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>1/31/2019</i>

**SENATE . . . . . No. 958**

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By Mr. Keenan, a petition (accompanied by bill, Senate, No. 958) of John F. Keenan, Kris MacDonald, Patrick M. O'Connor and Ryan C. Fattman for legislation relative to the wrongful death or injury of animal companions. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 882 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to the wrongful death or injury of animal companions.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 85A of chapter 272 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out the first sentence.

3           SECTION 2. Said chapter 272, as so appearing, is hereby amended by inserting after  
4 section 85A the following section:-

5           Section 85A 1/2. (a) As used in this section, the term "animal-companion" shall mean a  
6 dog, cat or any warm-blooded, domesticated non-human animal dependent on one or more  
7 human persons for food, shelter, veterinary care, or companionship. Animal-companion shall  
8 not include animals that are the subjects of legal, humane farming practices, legal, humane  
9 biomedical research practices or activities regulated by the federal Animal Welfare Act.

10 (b) A person who by willful, wanton, reckless or negligent act or omission kills or causes  
11 or procures the death of an animal-companion shall be liable in damages for the fair monetary  
12 value of the deceased animal to his or her human companions, including damages for the loss of  
13 the reasonably expected society, companionship, comfort, protection and services of the  
14 deceased animal to his or her human companions; reasonable burial expenses of the deceased  
15 animal; court costs and attorney's fees; and other reasonable damages resulting from the willful,  
16 wanton, reckless or negligent act or omission. Non-economic damages shall have a cap value of  
17 \$25,000.

18 (c) A person who by willful, wanton, reckless or negligent act or omission injures, or  
19 causes or procures to be injured, an animal-companion shall be liable in damages for the  
20 expenses of veterinary and other special medical care required; the loss of reasonably expected  
21 society, companionship, comfort, protection and services of the injured animal to his or her  
22 human companions; court costs and attorney's fees; and other reasonable damages resulting from  
23 the willful, wanton, reckless or negligent act or omission. Non-economic damages shall have a  
24 cap value of \$25,000.

25 (d) Damages under this section for injuries sustained by an animal shall be recovered in  
26 an action of tort by the aggrieved or a guardian ad litem or next friend, commenced within three  
27 years from the date of injury or from the date when the aggrieved or guardian ad litem or next  
28 friend knew, or in the exercise of reasonable diligence should have known, of the factual basis  
29 for a cause of action.

**HOUSE . . . . . No. 1561**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Soter***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the wrongful death or injury of animal companions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>

**HOUSE . . . . . No. 1561**

By Mr. Soter of Bellingham, a petition (accompanied by bill, House, No. 1561) of Michael J. Soter and others for legislation relative to the wrongful death or injury of animal companions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 882 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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2 Official Edition, is hereby amended by striking out the first sentence.

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7 warm-blooded, domesticated non-human animal dependent on one or more human persons for  
8 food, shelter, veterinary care, or companionship. Animal-companion shall not include animals

9 that are the subjects of legal, humane farming practices, legal, humane biomedical research  
10 practices or activities regulated by the federal Animal Welfare Act.

11 (b) A person who by willful, wanton, reckless or negligent act or omission kills or causes  
12 or procures the death of an animal-companion shall be liable in damages for the fair monetary  
13 value of the deceased animal to his or her human companions, including damages for the loss of  
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16 animal; court costs and attorney's fees; and other reasonable damages resulting from the willful,  
17 wanton, reckless or negligent act or omission. Non-economic damages shall have a cap value of  
18 \$25,000.

19 (c) A person who by willful, wanton, reckless or negligent act or omission injures, or  
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21 expenses of veterinary and other special medical care required; the loss of reasonably expected  
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25 cap value of \$25,000.

26 (d) Damages under this section for injuries sustained by an animal shall be recovered in  
27 an action of tort by the aggrieved or a guardian ad litem or next friend, commenced within three  
28 years from the date of injury or from the date when the aggrieved or guardian ad litem or next  
29 friend knew, or in the exercise of reasonable diligence should have known, of the factual basis  
30 for a cause of action.