



**OPPOSE HB1309 – An Act Relative to Damages for the Malicious Injury to Pets
(Rep. Callahan)**

Referred to Joint Committee on Judiciary

PROBLEM:

This bill equates loss of animals with loss of people by calling for damages for emotional distress or loss of companionship in cases of injury or death of an animal. Animals are often kept as cherished pets but they are property and should not be given legal status equal to humans.

HISTORY:

Animal welfare proponents are in favor of judicious breeding, proper veterinary care, appropriate grooming and training of animals owned as personal property. Animal right proponents, are often seen aligning themselves on the public front with Animal Welfare/Animal Protection groups, yet they have an entirely different long term objective of giving animals rights equivalent to those of humans and as such should not be owned, bred, eaten or handled in any way by humans.

WHAT THIS BILL DOES:

1. Raises the legal status of dogs, cats, birds, horses, rabbits, guinea pigs or other animals to the same status humans have in case of loss or injury.
2. Amends Chapter 140, Section 174, Recovery of Penalties, to allow lawsuits in district courts for emotional distress and loss of companionship when an animal is injured or killed.

WHY YOU SHOULD OPPOSE:

1. Animals should not be placed on the same legal plane as humans.
2. Animals are the property of their owners.
3. Current law is adequate in case of injury to an animal (Chapter 272 Section 85A).
4. It opens the door for lawsuits against veterinarians and therefore would drastically raise the price of veterinary care by creating a need for malpractice insurance at a level similar to that for human doctors.
5. It opens the door for lawsuits in cases where an animal is accidentally run over by a car or injured in some other accident, putting pet care professionals and the general public at risk of frivolous but expensive lawsuits.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

Virginia Rowland, President; Blacksplate@aol.com; 978-424-1044

Holly Stump, Legislative Specialist; hollystump@hickoryhillkennel.com; 978-356-1644

MassFed: 03/11/09

HOUSE No. 1309

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer M. Callahan

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 passage of the accompanying bill:

An Act relative to damages for the malicious injury to pets.

Jennifer M. Callahan 18th Worcester
Bruce E. Tarr First Essex and Middlesex
Denise Provost 27th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 3865 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO DAMAGES FOR THE MALICIOUS INJURY TO PETS.

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

Chapter 140 of the General laws is hereby amended by inserting after section 174D the following section:-
Section 174E. In suits for damages for malicious injury or the killing of a pet, such damages may include emotional distress and loss of companionship.