



**OPPOSE SB851 – An Act Relative to the Wrongful Death or
Injury of Animal Companions**
[Sen. Keenan (D)]
Referred to Joint Committee on the Judiciary

WHAT THIS BILL DOES:

This bill equates the loss of animals with the 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 *rights* proponents feel that animals should have the same legal rights as humans.

WHAT THIS BILL DOES:

1. It 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. It allows up to \$25,000 in punitive damages for non-economic damages plus economic damages when an animal is killed or injured and charges are pursued.
3. It allows an action of tort by a “guardian ad litem or next friend” of an animal
4. It opens the door for lawsuits against veterinarians.
5. It opens the door for lawsuits in cases where an animal is accidentally run over by a car or when an animal is injured or killed in an accident.

WHY YOU SHOULD OPPOSE THIS BILL:

1. Animals should not be placed on the same legal plane as humans.
2. Animals should not be afforded a guardian ad litem.
3. Animals are the property of their owners.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners
Virginia Rowland, President; blacksplate@aol.com; 978-424-1044
Rebecca Leonard, Treasurer; rebeccaleonard@verizon.net; 508-653-6139

07/27/15

SENATE NO. 851

SENATE DOCKET, NO. 209 FILED ON: 1/14/2015

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

SECTION 1. Section 85A of chapter 272 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the first sentence.

SECTION 2. Said chapter 272, as so appearing, is hereby amended by inserting after section 85A the following section:-
Section 85A 1/2.

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

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

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

(e) Damages under this section for injuries sustained by an animal's human companion shall be recovered in an action of tort, commenced within two years from the date of injury or death or from the date when the human companion knew, or in the exercise of reasonable diligence should have known, of the factual basis for a cause of action, or within such time thereafter under section 4, 4B, 9 or 10 of chapter 260

(f) Damages under this section for injuries sustained by an animal shall be recovered in an action of tort by a guardian ad litem or next friend, commenced within two years from the date of injury or from the date when the guardian ad litem or next friend knew, or in the exercise of reasonable diligence should have known, of the factual basis for a cause of action, or within such time thereafter under section 4, 4B, or 9 of chapter 260