

HOUSE No. 1561

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:	DATE ADDED:
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/14/2019</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/24/2019</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/27/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>1/31/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2019</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>1/29/2019</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)

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 2014
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.

6 (a) As used in this section, the term "animal-companion" shall mean a dog, cat or any
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
14 the reasonably expected society, companionship, comfort, protection and services of the
15 deceased animal to his or her human companions; reasonable burial expenses of the deceased
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
20 causes or procures to be injured, an animal-companion shall be liable in damages for the
21 expenses of veterinary and other special medical care required; the loss of reasonably expected
22 society, companionship, comfort, protection and services of the injured animal to his or her
23 human companions; court costs and attorney's fees; and other reasonable damages resulting from
24 the willful, wanton, reckless or negligent act or omission. Non-economic damages shall have a
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.