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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
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<tbody>
<tr>
<td>Michael J. Soter</td>
<td>8th Worcester</td>
</tr>
<tr>
<td>David F. DeCoste</td>
<td>5th Plymouth</td>
</tr>
<tr>
<td>Shawn Dooley</td>
<td>9th Norfolk</td>
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<tr>
<td>Ryan C. Fattman</td>
<td>Worcester and Norfolk</td>
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<tr>
<td>Joseph D. McKenna</td>
<td>18th Worcester</td>
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<tr>
<td>Alyson M. Sullivan</td>
<td>7th Plymouth</td>
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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 Official Edition, is hereby amended by striking out the first sentence.

2 SECTION 2. Said chapter 272, as so appearing, is hereby amended by inserting after 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 warm-blooded, domesticated non-human animal dependent on one or more human persons for food, shelter, veterinary care, or companionship. Animal-companion shall 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.

  (d) Damages under this section for injuries sustained by an animal shall be recovered in
an action of tort by the aggrieved or a guardian ad litem or next friend, commenced within three
years from the date of injury or from the date when the aggrieved or 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.