



March 4, 2025

The Honorable Rep. Robert Craven  
Chairman, House Committee on Judiciary  
State of Rhode Island General Assembly  
82 Smith Street  
Providence, RI 02903

**LETTER OF OPPOSITION TO H5926 – AN ACT RELATING TO ANIMALS  
AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS – (Non-Economic  
Damages)**

Dear Chairman Craven and members of the House Committee on the Judiciary:

RIVMA strongly opposes the legislation outlined in the bill entitled “Bill H-5926” which is an amendment to RI General Law Chapter 4-1 entitled “Cruelty To Animals”. Similar laws have been added in three states-Tennessee, New York and Illinois. In TN, these damages are not available in actions for professional negligence against a licensed veterinarian. In IL, damages are only available in the case of “aggravated cruelty or torture.” In NY, they are only available in cases of harm inflicted against a pet through dog bites. The RI bill, as written, is not limited to these events and does not appear to exclude cases of veterinary negligence.

RIVMA is concerned that the impetus for this bill may have been a recent publicized case involving a serious veterinary surgical error. While we were equally shocked and saddened by the outcome for this patient, we recognize and are grateful that professional errors of this nature are exceedingly rare in veterinary medicine. Reacting to this tragedy by enacting a law allowing non-economic damages to be awarded in civil litigation for wrongful death or injury to pets is the wrong approach. Instead, this bill has the potential to hinder the delivery of veterinary care as it currently exists in Rhode Island in addition to harming the pet care industry as a whole.

This bill refers to “caretakers,” which is a broad term that could include pet-sitters, kennels, dog daycare facilities, groomers, breeders, neighbors, and veterinarians. The ripple effect of this bill, which increases legal exposure for these stakeholders, will inevitably lead to an increase in personal and commercial insurance rates. Those rate hikes would not be based on

a single maximum payout of a one-time \$7500. There would be a multiplier applied to an individual and small business based on the number of pets for whom they are providing coverage. This will result in a significant increase in the cost of doing business for all involved. Those costs will be passed on to the patrons of these pet-related businesses, assuming these same businesses and individuals can continue to afford to remain in business. The cost of caring for pets across all animal-related industries has sky-rocketed over the last 10 years for many reasons, including inflationary pressures, employee health insurance costs, and increased cost of living. Adding higher insurance rates will compound this by shuttering some service providers and adding higher costs for those who can remain in business. We contend that this will lead to a decrease in the quality of life for pets and their owners when there are fewer pet-care industry providers available and potentially create more patient suffering when clients simply can no longer afford to care for their pets.

The article entitled "Non-Economic Damages in Pet Litigation: The Serious Need To Preserve a Rational Rule" by Schwartz and Laird states:

*-While many proponents of non-economic damages in pet cases earnestly believe these damages will provide better treatment for animals, they have overlooked an unintended consequence of their pursuit: allowing non-economic damage in pet cases could actually have the effect of causing more suffering for pets.*

*-Although consumers will spend a lot of money for life-saving human medical procedures, many pet owners have a limit—often a few hundred dollars or less—on how much they will spend on veterinary services. With higher prices, fewer pet owners could (or would) pay for needed veterinary medicine; in turn, more animals would suffer. In effect, pet owners would be compensated for the cost of their pets health and lives. Increased veterinary prices will leave fewer owners willing or able to pay for veterinary care. As a result, more pets would suffer with untreated ailments." Also, many more pets would likely be euthanized because the costs of treatment are too high.*

*The threat of allowing pet owners to sue for non-economic damages will also, as it has done in human medicine, lead to the practice of "defensive medicine" by veterinarians. Defensive medicine is when a treatment is recommended that is not the best option for the patient but is instead intended to protect the doctor from a potential lawsuit. This could result in, as it has in human medicine, unnecessary testing and more invasive procedures. In addition, defensive medicine will reduce our ability to provide affordable, evidence-based, and timely veterinary care. Due to the broad range of resources available to pet owners as a result of socio-economic factors, veterinarians have always had to approach patient management by offering a "spectrum of care". While we would ideally refer critically ill patients to regional facilities for advanced imaging and medical/ surgical procedures, (which may be available to a small subset of pet owners), we are very often limited by the owner's finances. In those cases, we must seek alternative treatment options that may offer less assurance of success than a referral but would hopefully lead to positive patient outcomes and avoid euthanasia. This cannot exist in human medicine due to the risk of liability. Adding additional liability to the practice of veterinary medicine will most certainly lead to a higher rate of patient suffering and loss due to euthanasia.*

In the same article by Schwarz and Laird they state:

- *"The practice of defensive medicine by veterinarians who fear liability may put animals through unnecessary treatments that may cause pets discomfort or even death."*
- *"Increased insurance costs and the added pressure to see more patients to make up for lost profits will combine to prevent veterinarians from having the time to engage in pro bono activities that benefit animals, such as free spaying and neutering services, vaccination clinics, and discounts to poor families with sick pets."*
- *"Increased fears of liability may stop veterinarians from trying to save extremely ill or traumatically injured animals that may require risky treatment as their only chance at survival. Veterinarians may not risk the potential liability that may accompany risky procedures that veterinarians would not have hesitated undertaking in the past"*

RIVMA also believes that allowing non-economic damages in pet cases, even with financial caps, will legitimize their existence. Over time, those caps will likely be pushed higher and higher. Caps on non-economic damages in human medical malpractice were short-lived and now have no limits. It cannot be overstated that this type of financial escalation in liability would make veterinary medicine, as we know it, cease to exist.

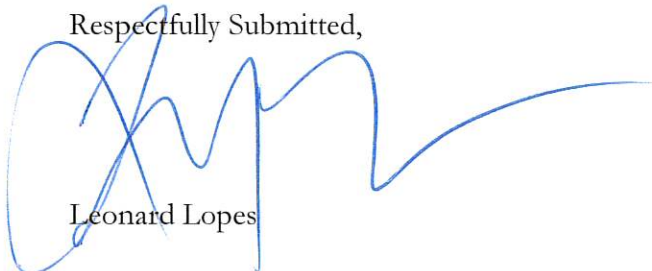
In conclusion, RIVMA opposes the passage of this amendment. We contend that it will not improve the lives of our beloved pets, which may have been the intended goal. Instead, it may have the opposite effect by creating economic pressures that will lead to fewer pet services and poorer veterinary outcomes.

In a final quote from the article by Schwartz and Lair:

*"Unfortunately, the pursuit of non-economic damages by well-intentioned animal advocates may end up harming exactly those the advocates seek to help defenseless animals."*

Feel free to contact with any questions: (401) 533-4872.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Leonard Lopes', with a long horizontal flourish extending to the right.

Leonard Lopes