

Representative Craven and other members of the House Judiciary Committee:

Regarding: Opposition to House Bill 5926 “An Act Relating to Animals and Animal Husbandry – Cruelty To Animals”

Dear Rep. Craven:

I write in opposition to this bill. I think it should probably go without saying that pets are important and valued members of many families (including my own). I believe the sponsors of this legislation have a good intent, but I worry that the impact of this legislation will result in shuttered businesses and substantial increases to veterinary and other pet services costs – which itself is already extremely high relative to just a few years ago.

As noted, I believe the sponsors intent with this bill is a good one. No pet should die due to malpractice or negligence. The genesis of this bill is fairly well documented. It is very clear that the pet’s death was the result of a veterinary accident (and one that happened two years prior to the death of the animal). While we can all hope that such a thing never happens to our own animal, the reality is that, like all humans, veterinarians can make mistakes. In this case, the doctor has already attended to additional training, etc. in an effort to make sure this never happens again. Moreover, although not overtly stated, it would seem that the family already has an actionable claim for economic damages.

If this legislation were to become law, it would likely put my business out of business. It’s plausible that for every pet a veterinarian / pet care services provider sees, they are taking an added risk (of potentially \$7,500) for doing nothing more than what they do today. Facilities like mine (daycare / boarding facility), have open play environments. Doing this comes with risks: Dogs naturally play with their teeth and their claws – both of which are sharp and can cause injury. We articulate these risks with our customers beforehand and we explain how our liability cannot extend to injuries that happen in the course of ordinary business. Customers accept this risk when they move forward with using our services. There are other risks too: elderly pets present risks simply by their age, smaller dogs or breeds without “coats” are susceptible to weather risks, etc. Some of these injuries could be considered “serious” as defined in the bill (especially injuries to areas prone to bleeding that would require stitches – ears, for example). While the bill requires a fact-finder to make a discernment of negligence, the reality is that the litigious nature of the dynamic coupled with the costs to defend against an accusation would be far too substantial for any company to absorb and would likely put the price for providing a related service (understanding the financial element this bill contemplates) well out of reach for most customers.

I cannot speak for the veterinary community, but I am personally concerned that *they* would be less inclined to support some of my pets that have known issues or are elderly out of fear that they could be the defendant in a lawsuit after the fact. In other words, my

dogs who need the most amount of care and are the most vulnerable would not be likely to find a physician willing to take the risk of servicing them.

Again, I appreciate the sponsor point of view. My dogs are my family and their loss is extraordinarily painful (regardless of the cause). Moreover, I understand the instinct to want someone to pay for the harm that they either directly or indirectly caused. The important element that I would remind the legislature is that there's a trade off for to satisfy that instinct. In the case of my business: It wouldn't matter whatever reasonable steps I take to make sure a dog isn't injured by another dog. If a dog is seriously injured, we would still need to go through a litigious process. That financial cost is simply too high for me to continue operating. I would imagine that would be the case for most every pet service business in the State.

Respectfully,

Robert O. Wheeler  
Pawtucket  
401-533-3963