



AMERICAN
KENNEL CLUBSM

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March 4, 2025

The Honorable Robert Craven
House Committee on Judiciary
82 Smith Street
Providence, Rhode Island 02903

**RE: OPPOSE H. 5926 AN ACT RELATING TO ANIMAL CRUELTY – AWARDING
NON-ECONOMIC DAMAGES**

Dear Chair Craven, Vice-Chair McEntee and Members of the Committee:

The American Kennel Club writes to you today on behalf of the many responsible dog owners in Rhode Island regarding H. 5926, which would expand the relationships eligible for non-economic damages to include individuals' relationships with their pets.

Founded in 1884, the American Kennel Club (AKC) is a recognized and trusted expert in canine health, breeding, and training, and in promoting responsible dog ownership. We represent over 5,000 dog clubs nationally, including 10 clubs in Rhode Island. We are dedicated to ensuring the health and wellbeing of all dogs and to preserving each unique breed. AKC and its affiliates are committed to ensuring that all dogs are kept in safe, humane environments, and offer many programs regarding humane care and treatment of dogs. We have raised over \$68 million for canine health research projects and offer lost dog recovery services that have reunited over 500,000 dogs with their families. Moreover, we inspect thousands of kennels every year to ensure the safety and welfare of AKC-registered dogs.

The purpose of H. 5926 is to recognize that pets are held in exceedingly high esteem throughout modern American society by providing for the recovery of non-economic damages in tort cases involving serious injury or death to a pet. The bill establishes a new statutory section that:

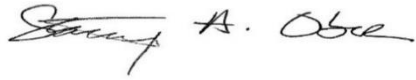
- defines “pet” as a domesticated dog or cat;
- defines “caretaker” as anyone who has temporary control, custody or supervision of the pet; and
- allows minimum and maximum compensation dollars for an owner’s subjective loss of the society, companionship, love and affection (non-economic damages) of a pet when intentional or negligent acts result in serious injury or death.

Pets deserve to be treated with dignity and respect as emotional and sentient beings. Providing for the recovery of non-economic damages in cases involving injury to a pet may sound like a good idea that simply reflects the value people place on them. ***However, AKC is opposed to H. 5926 because allowing non-economic damages in such cases will likely result in many harmful unintentional consequences for pet owners and their pets.***

- I. **Legal Status as Property Protects Pets:** Long-standing legal traditions in the United States provide that pets are considered the legal property of their owners while benefiting from laws governing their care and treatment. This does not mean that pets are offered less care; rather, it provides a strong legal framework by which animal owners derive the *right and responsibility* to care for their animals. All fifty states enforce the animal neglect and cruelty laws based upon this legal framework.
- II. **Non-Economic Damages Changes Pets' Legal Classification:** Non-economic damages are traditionally only allowed in cases involving the close family of people who have died or who have been severely injured. Non-economic damages cannot be recovered for harm to property and the law is clear that pet owners cannot recover for emotional distress based upon an alleged negligent or malicious destruction of a dog, which is deemed to be personal property. (We note the measures of economic damages that may be awarded, including fair market value or "value to the owner" in cases where the property had no fair market value; and that owners may be able to recover punitive damages for intentional torts.) Allowing H. 5926 loss of consortium noneconomic damages in cases dealing with pets would signify an implicit change to the legal classification of animals as property and destabilize the predictable and reliable system of laws that protects both animals and their owners' rights.
- III. **Harmful Unintended Consequences Are Foreseeable:** Although H. 5926 attempts to make the insurance risk manageable by imposing a cap on non-economic damages, there would be many implementation challenges. Would veterinarians engage in defensive veterinary medicine practices to avoid liability, resulting in higher costs for owners who might delay or avoid veterinary care altogether? How would jurors arrive at emotional damage awards that are satisfactory to the pet owner and unbiased as to the implicated caretaker? Some caretakers may be licensed and insured professionals, but many others would be liable for non-economic damages who are not, such as groomers, dog walkers, and dog sitters. Would a neighbor walking your dog be liable for damages if they lost control and some misfortune followed?

AKC appreciates the intent of H. 5926. However, we caution the committee of harmful unintended consequences were it to be enacted. Thank you for your consideration of our serious concerns. If I can be of assistance to the committee, kindly contact me. I can be reached at (919) 816-3348 or Stacey.Ober@akc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey A. Ober". The signature is fluid and cursive, with the first name "Stacey" written in a larger, more prominent script than the last name "Ober".

Stacey Ober, JD
Regional Manager, New England
AKC Government Relations

CC: Members of the House Judiciary Committee