



HouseJudiciary@rilegislature.gov

March 4, 2025

Representative Robert E. Craven, Sr.
Chair, House Judiciary Committee
Rhode Island State House
Providence, RI 02903

Re: House 5926 – An Act Relating To Animals and Animal Husbandry – Cruelty to Animals

Dear Chair Craven:

The American Property Casualty Insurance Association (APCIA)¹ opposes H.5926. While this bill is well-intentioned and the circumstances leading to its filing are tragic, its unintended consequences would be significant -- upending over one-hundred years of state case law precedent and increasing, likely dramatically, the cost of pet care in Rhode Island. Only two states (Illinois and Tennessee) currently have statutes allowing for limited non-economic damages in pet cases.

The 2003 Rhode Island Supreme Court case of *Hey v. Moran*² explains the issue well:

Historically, under Rhode Island law, a dog is classified as personal property, Harris v. Eaton, 20 R.I. 81, 84, 37 A. 308, 309 (1897) (interpreting G.L. ch. 93, § 7), and a plaintiff's damages for its wrongful injury are limited to the fair market value of the property prior to its loss. See Goodbody Co. v. Parente, 116 R.I. 437, 440 n. 2, 358 A.2d 32, 33 n. 2 (1976).

.... A fundamental tenet of tort law is that a tortfeasor should pay for the damages proximately caused by his or her tortious conduct in order to make whole the person who has suffered from such conduct. While we recognize the enormous capacity for humans to form emotional bonds with animals, we know of no precedent in Rhode Island that would permit a pet owner to recover damages for mental suffering and anxiety or loss of companionship, or other noneconomic damages, when a pet is negligently injured or killed.

Similarly, it would appear from a review of decisions of other states that pets or companion animals are treated as personal property, and damages for noneconomic injuries caused by negligence generally are not allowed.

¹ Representing nearly 65% of the U.S. property casualty insurance market, APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers. APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association. APCIA members represent all sizes, structures, and regions, which protect families, communities, and businesses in the U.S. and across the globe. Several APCIA members are located in Rhode Island and many more do business here. Together, APCIA members write almost 68.5% of the commercial insurance sold in the state.

² *HEY v. MORAN*, No. 2002-569-Appeal. (PC 01-3682) (R.I. Nov. 25, 2003), <https://casetext.com/case/hey-v-moran>

The Court goes on to explain that allowing for emotional distress damages would raise several concerns including “the difficulty of quantifying damages, the risk that a tortfeasor will be exposed to unrealistic damage claims, … and the potential impact on the veterinary profession.”

Creating a new cause of action and increasing the potential for large verdicts based on novel considerations in H.5926 will undoubtedly increase litigation, which comes with a cost. These numbers are dated (2006), but illustrative of the snowball effect we’re likely to see:

Defending [medical] malpractice claims is expensive. The cost of defending a physician against a malpractice claim is approximately \$30,000 if the case never goes to trial and almost \$95,000 where the case goes to a jury and the doctor prevails. Only 4% of malpractice payments are jury trial verdicts. Currently, some physicians pay nearly \$280,000 per year for malpractice insurance. While increases in physician liability insurance rates are multifactorial, “rising malpractice payments are believed to be the primary contributor to the growth of malpractice premiums.” … Doctors pass increased malpractice premiums along to their patients. Not only do patients pay higher fees due to doctors’ higher malpractice liability premiums, patients pay overall higher fees in having to pay for unnecessary “defensive medicine” as well.³

Current costs of veterinary care and veterinary malpractice insurance are relatively low, though as anyone with a pet knows, veterinary bills are not insignificant. Dramatically increasing the risk of large veterinary malpractice verdicts is likely to increase the cost of veterinary malpractice insurance, just like the observations in the quote above. And those costs are likely to be passed along to pet owners. A significant rise in said costs could have the unintended consequence of making pet care cost-prohibitive for many Rhode Islanders.

While it is essential to assure that veterinary care in Rhode Island is held to a high standard and that pets are protected, we urge Legislators to also consider the consequences of adding significant costs into the veterinary care system. Instead, we urge Legislators to create a study commission to better understand the scope of the problem and find cost-effective ways to protect pets from harm.

Very truly yours,



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³ Veterinary Medicine: External Pressures on an Insular Profession and How Those Pressures Threaten to Change Current Malpractice Jurisdiction, Eichinger, 67 Mont. L. Rev. 231 (Summer 2006),
<https://www.animallaw.info/article/veterinary-medicine-external-pressures-insular-profession-and-how-those-pressures-threaten#FNRF25325148630>