

STATE OF NEW YORK

6027--B

2021-2022 Regular Sessions

IN SENATE

March 30, 2021

Introduced by Sens. BRISPORT, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law, in relation to establishing a cause of action in tort for the wrongful injury to or death of a companion animal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general obligations law is amended by adding a new
2 section 11-108 to read as follows:

3 § 11-108. Wrongful injury or death of companion animal. 1. As used in
4 this section:

5 (a) the term "companion animal" shall have the same meaning as such
6 term is defined in subdivision five of section three hundred fifty of
7 the agriculture and markets law; and

8 (b) the terms "physical injury" and "serious physical injury" shall
9 have the same meaning as such terms are defined in subdivisions nine and
10 ten, respectively, of section 10.00 of the penal law.

11 2. A person who with no justifiable purpose intentionally, recklessly
12 or negligently, by act or omission causes the death of a companion
13 animal shall be liable in damages for: the fair monetary value of the
14 deceased companion animal to his or her owner; mental distress or
15 emotional harm suffered by the owner or members of the owner's household
16 caused by the death of the companion animal; the expenses of veterinary
17 and other special medical care required; and other reasonable damages
18 resulting from the intentional, reckless or negligent act or omission.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 3. A person who with no justifiable purpose intentionally, recklessly
2 or negligently, by act or omission causes physical injury or serious
3 physical injury to a companion animal shall be liable in damages for:
4 the expenses of veterinary and other special medical care required;
5 mental distress or emotional harm suffered by the owner or members of
6 the owner's household caused by the physical injury or serious physical
7 injury to the companion animal; and other reasonable damages resulting
8 from the intentional, reckless or negligent act or omission.

9 4. A person who with no justifiable purpose intentionally or recklessly,
10 by act or omission causes the serious physical injury or death of a
11 companion animal may be liable in punitive damages.

12 5. In any action brought under this section, the court may award
13 reasonable attorneys' fees to a prevailing plaintiff.

14 6. An action for recovery of damages under this section may be brought
15 in any court of competent jurisdiction.

16 7. No action shall be brought under this section against a veterinari-
17 an for injury or death sustained during the course of the lawful treat-
18 ment of a companion animal.

19 § 2. This act shall take effect immediately and shall apply to causes
20 of action under section 11-108 of the general obligations law as added
21 by section one of this act which arise on or after such date.