

STATE OF NEW YORK

4084

2023-2024 Regular Sessions

IN SENATE

February 2, 2023

Introduced by Sens. BRISPORT, SALAZAR -- read twice and ordered printed,
and when printed to be committed to the Committee on Judiciary

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 Assem-
bly, 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.

19 3. A person who with no justifiable purpose intentionally, recklessly
20 or negligently, by act or omission causes physical injury or serious
21 physical injury to a companion animal shall be liable in damages for:
22 the expenses of veterinary and other special medical care required;
23 mental distress or emotional harm suffered by the owner or members of
24 the owner's household caused by the physical injury or serious physical

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

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1 injury to the companion animal; and other reasonable damages resulting
2 from the intentional, reckless or negligent act or omission.

3 4. A person who with no justifiable purpose intentionally or reckless-
4 ly, by act or omission causes the serious physical injury or death of a
5 companion animal may be liable in punitive damages.

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

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

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

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