

**TESTIMONY OF  
PET INDUSTRY JOINT ADVISORY COUNCIL  
ON SB 815, NON-ECONOMIC DAMAGES AWARDS  
BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 28, 2022

**Position: Opposed**

As an organization that routinely supports legislative efforts to advance the welfare of animals the Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to testify today on the proposed awarding of non-economic damages.

As the advocacy voice of the responsible pet care community, PIJAC represents the interests and expertise of retailers, companion animal suppliers, manufacturers, distributors, pet owners and others involved in the many aspects of pet care throughout the state of Maryland and across the United States. Our association works to promote animal well-being and responsible pet ownership, foster environmental stewardship, and ensure the availability of healthy pets through our work at the state and federal levels—including the United States Department of Agriculture, U.S. Fish and Wildlife Service, and the Centers for Disease Control and Prevention. PIJAC routinely advocates on legislative and regulatory proposals to advance the public interest of protecting public health and the safety, health and availability of companion animals. As such, we have an interest in legislation addressing animal abuse and efforts to prevent those who have harmed animals from doing so again.

Despite decades of pressure from animal rights activists, state legislatures and the courts have been highly consistent in recognizing that non-economic damages apply only to a very narrow group of people. We are concerned that, precisely because of this large body of legal opinion, proponents of this bill are offering Senate Bill 815 in order to create a new legal category for "Animal-companion". No such change is required in order to strengthen existing animal abuse penalties. We see this as a blatant attempt to circumvent historical legislative and judicial findings and ask the Maryland Legislature to oppose this effort.

These proposed damages for loss of companionship would be highly subjective, as the bill suggests that the "loss of comfort, protection, companionship, other special damages, services of the deceased animal to its owner" should be used to determine such an award. None of these is accompanied by any set of objective criteria or formula, leaving them to be determined on a case-by-case basis with the potential for inconsistent application. This being the case, it would only be a matter of time before certain courts and even individual judges became known for being especially friendly or unfriendly to loss of companionship claims, leading to the possibility of venue-shopping and other abuses of the system.

And where there is a new form of economic award, there follows a new legal specialization. These proposed damages wouldn't do anything to improve animal well-being or to protect pet owners – by their very nature, they could only come into effect after the fact – but they would certainly represent an attractive new opportunity for litigators to seek greatly increased awards and fees. With each new award of loss of companionship damages, the incentive to pursue such claims would increase.

This, in turn, will have an effect on the cost of many kinds of pet goods and services, as providers seek to protect themselves from claims. Insurance rates for veterinarians and other service providers will necessarily increase, leading to the same kind of “defensive medicine” that contributes to inflated health care costs for humans.

As costs increase, those who can least bear added expenses will find themselves facing a difficult choice as they consider whether or not to keep up routine veterinary care, grooming and other services. These providers represent the front line of protection for animal health; as use of their preventive services declines, so too will animal well-being.

We at PIJAC appreciate the efforts of the Maryland Senate Judicial Proceedings Committee to address and prevent animal cruelty. **However, we respectfully urge you to reject SB 815 as written.**

PIJAC and our members would welcome the opportunity to work with the Maryland Senate Judicial Proceedings Committee on meaningful solutions to prevent animal abuse in meaningful ways. We would be happy to discuss alternative ways to address this important issue at your convenience.

Thank you for your consideration of our concerns.

Respectfully Submitted,

Robert Likins  
Vice President – Government Affairs  
Pet Industry Joint Advisory Council