

Legislation – What’s Hot

By Kelly Crouch, CFA Legislative Information Liaison

Sharon Coleman, CFA Legislative Legal Analyst

March 2022

Maryland’s Noneconomic Damages Legislation and Missouri’s Pet Breeders Week Bill

The Maryland House is considering [House Bill 1375](#), a bill that would add provisions authorizing damages for mental anguish and pain and suffering, called emotion-based or noneconomic damages, for some pets. The net result of extending emotion-based damages to pets would increase the cost of breeding and pet ownership to everyone for the benefit of the few. Compensatory damages for financial loss are already available in these cases. Courts in many states also have the discretion to award punitive damages to punish the wrongdoer for acts of gross negligence, intent, or malice. Current Maryland law allows compensatory damages up to \$10,000 for the death or injury of a pet resulting from a tortious act (Maryland Code and Court Rules, Courts and Judicial Proceedings Article, §11-110). House Bill 1375, sponsored by Delegate Nicholas Kipke (R), would amend the law to authorize noneconomic damages “for mental anguish, emotional pain and suffering, loss of companionship, comfort, and protection.” The proposed amendment also removes the \$10,000 cap for acts involving gross negligence, intent, malice, or the Maryland Declaration of Rights violations. HB 1375 has been heard by the House Judiciary Committee. The bill’s [Fiscal and Policy Note](#) by the Maryland General Assembly Department of Legislative Services explains the statutory and case law leading to this bill.

A companion bill, SB 815, sponsored by Senator Susan Lee (D), officially a “cross-filed” bill, has been heard but not yet voted by the Senate Judicial Proceedings Committee. In the Maryland General Assembly, bills designated as cross-filed have improved chances of passage of at least one of [the bills](#).

Unlike compensatory damages, emotion-based damages are generally limited to very close family members such as spouses, parents, and children. Authorizing noneconomic damages in pet cases involving torts elevates these pets above many human loved ones for whom lawmakers did not authorize such damages. Current law already elevates one class of pets above others by defining pets as domesticated animals and excluding livestock. Not all pet owners have cats and dogs; some animal owners keep livestock, snakes, or other animals as pets. That distinction will also apply to noneconomic damages if HB 1375 is enacted.

In addition to elevating the status of Kitty above many human loved ones, allowing emotion-based damages has far-reaching implications for all pet owners, especially breeders who have the additional costs involved in maintaining a breeding program and showing their cats. For veterinary medicine, if human medicine is any guide, there is no reason to believe that increased liability – and cost of care – will improve the quality of care for our pets. The impact would also extend far beyond the veterinary field. Groomers, pet-sitters, food manufacturers, and other pet-related businesses would face greater liability, the cost of which would be passed on to the consumer. Homeowners and automotive insurance premiums may go up as the awards for pet-related claims increase. Yet, the vast majority of pet owners and their animals will receive no value for the increased cost of maintaining their pets. This topic is explored further in “[Harming Pets Through the Expansion of Emotion-Based Damages](#),” available on the CFA Legislative Group Blog.

A related bill, HB 965, sponsored by Delegate Kipke, would increase the §11-110 cap of \$10,000 on compensatory damages to \$25,000 if enacted. With the cost of veterinary medicine today, \$25,000 may not be sufficient to cover the fair market value of the pet and the “reasonable and necessary cost of veterinary care” in all cases.

In Other News

Missouri Senator Elaine Gannon (R) has sponsored SB 1200 to have the second week in March designated as Pet Breeders Week. Per the proposed §9.315, “Citizens of this state are encouraged to participate in appropriate events and activities in recognition of ethical and responsible pet breeders throughout our state for the joy they bring to pet owners.”

Recent CFA Legislative Group Blog Posts:

Norway’s Unethical Breeding Case and the Revision of Animal Ordinances in Houston, Texas

Please report legislation happening in your area to the Legislative Group – legislation@cfa.org

Visit the [CFALegislativeNews](#) Facebook page and the [CFA Legislative Group Blog](#) to see the current legislative news.