



May 22, 2023

RE: MI H.B. 5525, Civil procedure: civil actions; remedies for harm, injury, or death of a service animal; provide for. Amends 1961 PA 236 (MCL 600.101 - 600.9947) by adding sec. 2980.

Dear House Judiciary Committee Members,

The American Veterinary Medical Association (AVMA) opposes H.B. 5525, which would provide, among other forms of relief, non-economic damages in civil litigation for the injury or death of a service animal. We believe this bill would unintentionally result in harm to service animals and set a dangerous precedent that would harm companion animals and hinder the delivery of veterinary care.

Indeed, this bill would create an extremely strong disincentive for veterinarians to provide any care for any service animals. This disincentive would extend to anyone that provided products or services for service animals.

As veterinarians, we love our pets, know the importance of the human-animal bond, and fully understand the emotional impact that the loss of a pet can have on an animal's owners. However, allowing for emotion-based damages for the loss of pets does not redress that loss, and if applied broadly will instead increase the cost of veterinary care — resulting in decreased access to care. AVMA opposes any provision that will result in an owner's inability to obtain care for their pets or working animals.

AVMA also believes there are serious unintended consequences involved with legislation seeking to award non-economic damages for the loss of a companion animal. For example, this bill does not define the term "owner." It could be one person, an unmarried couple, a family of five, or even a corporation. When damages are limited to economic measures it really does not matter, as they can only be compensated once. Under this legislation, there is no limitation on who may recover damages. It simply says a person is liable to the owner of a service animal for damages that result from an injury/death to the service animal. Therefore, with a family of five, there is the potential of up to five claims. This potential for the multiplication of claims is one of the reasons that courts and legislatures across the country have rejected providing for such non-economic damages.

In our legal system, damages based on emotional attachment are generally awarded in cases involving the loss of a close family member. By changing state law to allow compensation for the loss of animal companionship, this legislation will place a greater value on human-animal relationships than other relationships that exist between humans, such as non-next of kin relatives, close friends, or unmarried partners. The latter relationships are not automatically, similarly compensated through non-economic damage awards. There are good reasons Michigan has declined to expand such damages to include litigation involving pets in the past.

The AVMA believes the interests of animals and their owners are well protected by the current legal

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framework. Michigan's animal cruelty statute (M.C.L.A. 750.50b) provides for criminal punishment that includes potential fines of up to \$5,000 in addition to imprisonment of up to 10 years. In addition, this statute permits the court to order the defendant to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the animal.

Awarding non-economic damages for emotional attachments between owners and their service animals, however, is misguided. The result will not be improved quality of animal care, but rather increased cost of veterinary and other services for pets, and far fewer owners being able to afford to provide the care their pets need and deserve.

Sincerely,

A handwritten signature in black ink that reads "Janet D. Donlin". The signature is written in a cursive style with a large, looped initial "J".

Dr. Janet D. Donlin
Chief Executive Officer
American Veterinary Medical Association