

SENATE BILL 815

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2lr2811
CF 2lr2814

By: **Senator Lee**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Tortious Injury to or Death of Pet – Damages**

3 FOR the purpose of establishing that a person who tortiously causes an injury to or death
4 of a pet may be liable to the owner of the pet for noneconomic damages; establishing
5 an exception to the cap on compensatory and noneconomic damages for a tortfeasor
6 who acted with gross negligence, intent, or malice or in violation of the Maryland
7 Declaration of Rights; and generally relating to tortious injuries to or death of pets.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 11–110
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 11–110.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Compensatory damages” means:

19 (i) In the case of the death of a pet, the fair market value of the pet
20 before death and the reasonable and necessary cost of veterinary care; and

21 (ii) In the case of an injury to a pet, the reasonable and necessary
22 cost of veterinary care.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “NONECONOMIC DAMAGES” INCLUDES MENTAL ANGUISH,**
2 **EMOTIONAL PAIN AND SUFFERING, LOSS OF COMPANIONSHIP, COMFORT, AND**
3 **PROTECTION.**

4 **[(3)] (4)** (i) “Pet” means a domesticated animal.

5 (ii) “Pet” does not include livestock.

6 (b) (1) A person who tortiously causes an injury to or death of a pet while
7 acting individually or through an animal under the person’s ownership, direction, or control
8 is liable to the owner of the pet for compensatory damages **AND NONECONOMIC DAMAGES.**

9 (2) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
10 **PARAGRAPH, THE** damages awarded under paragraph (1) of this subsection may not
11 exceed \$10,000.

12 **(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY**
13 **IF THE TORTFEASOR ACTED WITH GROSS NEGLIGENCE, INTENT, OR MALICE OR IN**
14 **VIOLATION OF THE MARYLAND DECLARATION OF RIGHTS.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
16 apply only prospectively and may not be applied or interpreted to have any effect on or
17 application to any cause of action that arises before the effective date of this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2022.