WHEREAS, the existing legal and legislative framework that defines the relationship between livestock producers and their animals, pet owners and their pets, and animal enterprises including but not limited to those defined in Section 2 of the Animal Welfare Act, (7USCS § 2132) maintains a healthy balance between the rights of these individuals and enterprises and the responsible care and well-being of all animals; and

WHEREAS, this balance, coupled with the strict, consistent and ongoing enforcement of anti-cruelty laws promotes the responsible care of animals, deters abuse and promotes owners access to affordable veterinary care; and

WHEREAS, this legal balance is currently being threatened by a growing movement whose ultimate objective is to give pets, livestock and other animals the same or similar legal rights and standing as people; and

WHEREAS, some are attempting to further their objectives by advocating legislation that would reclassify pets, livestock or other animal “owners” as “guardians”, claiming that reclassification is just a harmless recognition of the increasing value and relationship we now place on pets, livestock and other animals; and

WHEREAS, guardianship statues would undermine the protective care that owners can provide for their animals and the freedom of choice owners now are free to exercise, and could permit third parties to petition courts for custody of a pet, livestock or animal for which they do not approve of the husbandry practices; and

WHEREAS, guardianship status would permit challenging in a court of law the course of treatment an animal’s owner and veterinarian decide on, or permit animal owners and veterinarians to be sued for providing what another individual may regard as inadequate care; and

WHEREAS, some are advocating legislation to expand tort law to permit the recovery of losses for emotional distress and loss of companionship – legally called non-economic damages – against veterinarians, livestock producers, animal enterprises and others that provide animals with goods and services, even though such recovery is typically not available for injuries to close relatives in marital and parental relationships; and
WHEREAS, the cumulative impact of these initiatives would be counterproductive because it would limit – or even eliminate – the animal owners’ ability to freely choose appropriate treatment for their animals, set off a chain of events that would inevitably increase the cost of livestock production and the cost of the animal’s well-being, and as a result would ultimately erode access to affordable and high quality animal health care; and

BE IT NOW THEREFORE RESOLVED, that The Council of State Governments opposes legislation that reclassifies pet, livestock or animal owners as guardians or that otherwise alters the legal status of the animals; and

BE IT FURTHER RESOLVED, that The Council of State Governments opposes legislation permitting the recovery of non-economic damages for the loss or injury of a pet, livestock or other animal. The tort of negligent infliction of emotion distress should not be expanded to allow people to recover emotional distress damages in litigation involving animals. Loss of companionship, a measure of damages arising out of marital and parental relationships, should not be recoverable in litigation involving animals, particularly when it is not available for the loss of close family relatives.

Adopted this 29th Day of September, 2004 at the CSG Annual Meeting and State Trends Leadership Forum
In Anchorage, Alaska

Governor Frank Murkowski
2004 CSG President

State Senator John Hottinger
2004 CSG Chair