

Proposed Legislation: Daisy’s Law - Companion Animal Family Member Act

Purpose:

To recognize companion animals as sentient beings and acknowledge their role as members of the family unit, affording them enhanced legal protections while maintaining consistency with existing legal frameworks, and to establish standards for welfare, custody, breeder accountability, and full identification and traceability.

SECTION 1. Short Title

This Act may be cited as the **“Daisy’s Law - Companion Animal Family Member Act.”**

SECTION 2. Findings and Declarations

The legislature finds and declares that:

1. Companion animals, particularly dogs and cats, play a significant and often irreplaceable role in the lives of individuals and families and are widely regarded as members of the family unit.
 2. Scientific consensus recognizes that dogs and cats are sentient beings capable of experiencing pain, fear, distress, and well-being.
 3. The current legal designation of companion animals solely as property does not fully reflect their role in modern households or adequately protect their welfare interests.
 4. The legal framework should reflect the growing societal understanding of animals as sentient beings while maintaining consistency with established legal principles.
 5. Several jurisdictions have adopted enhanced protections recognizing the welfare interests of companion animals, including best interest standards and court-appointed advocates.
 6. The absence of consistent breeder regulation and full identification and traceability contributes to animal neglect, unsafe breeding practices, illegal breeding operations, and consumer fraud.
 7. This Act seeks to modernize the legal framework governing companion animals in a manner that is practical, enforceable, and consistent with constitutional and property law.
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SECTION 3. Definitions

For purposes of this Act:

1. **"Companion animal"** means any domesticated dog or cat kept for companionship purposes.
2. **"Family member"** means a recognized relationship within a household that carries emotional, social, and caregiving significance, including companion animals, without conferring legal personhood.
3. **"Guardian"** means any person with legal responsibility for the care and well-being of a companion animal.
4. **"Best interest of the animal"** refers to a standard used in judicial and legal decisions to ensure that the welfare, health, safety, and emotional well-being of the companion animal is prioritized.
5. **"Commercial breeder"** means any person or entity breeding or selling dogs or cats above a threshold established by the appropriate state agency.
6. **"Traceability system"** means a system for identifying and tracking companion animals through mandatory microchipping, registration, and ownership records throughout the animal's lifecycle.
7. **"Shelter or rescue organization"** means any nonprofit or governmental entity that takes custody of animals for purposes of adoption, rehoming, or transfer.

SECTION 4. Legal Status of Companion Animals

(a) Companion animals shall remain classified as property under the law; however, they are recognized as **sentient beings with protected welfare interests and a distinct status within the family unit**.

(b) Guardians shall have a duty to act in the best interest of the companion animal in all matters relating to health, safety, and welfare.

(c) Companion animals shall be entitled to:

1. Protection from abuse, neglect, exploitation, and cruelty;
2. Access to appropriate and necessary veterinary care;
3. Consideration of their welfare in legal proceedings;
4. Representation through a court-appointed advocate in appropriate cases;
5. Eligibility for damages beyond market value as provided under this Act.

(d) Nothing in this section shall be construed to grant legal personhood to animals.

SECTION 5. Modification of Existing Laws

(a) All references to companion animals as property in existing law shall be interpreted to include their status as sentient beings with protected welfare interests.

(b) All laws governing companion animals shall be applied consistently with this Act.

SECTION 6. Dispute Resolution and Custody

(a) In any dispute over the custody or care of a companion animal, the court shall apply a **best interest of the animal** standard.

(b) The court may grant sole custody, joint custody, or visitation rights, taking into account:

- The emotional and physical well-being of the companion animal;
 - The history of care and primary caregiving;
 - Evidence of abuse or neglect;
 - The bond between the animal and the parties involved.
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SECTION 7. Court-Appointed Advocate

(a) In cases involving abuse, neglect, or custody disputes, the court may appoint an advocate to represent the best interests of the companion animal.

(b) The advocate may provide recommendations to the court and participate in proceedings as permitted.

SECTION 8. Breeder Regulation

(a) Any person operating as a commercial breeder of dogs or cats shall be required to obtain a valid license issued by the appropriate state agency.

(b) Licensed breeders shall:

1. Maintain minimum standards of care, including adequate housing, nutrition, and veterinary care;
2. Maintain accurate records of breeding, sale, and transfer;
3. Comply with inspection and enforcement requirements established by the state;

4. Ensure all animals are identified and registered in accordance with Section 9 prior to transfer.

(c) The appropriate state agency shall establish licensing requirements, inspection protocols, and enforcement mechanisms.

SECTION 9. Companion Animal Identification and Traceability System

(a) The state shall establish or approve a **comprehensive identification and registration system** for dogs and cats.

(b) Mandatory Identification and Registration:

All dogs and cats bred, sold, transferred, or rehomed by **commercial breeders, dealers, shelters, or rescue organizations** shall:

1. Be individually identified by a microchip prior to any transfer of ownership or adoption, unless already microchipped;
2. Be registered in an approved database prior to transfer;
3. Have all records updated upon each transfer of ownership or adoption.

(c) Full Traceability Requirement:

The system shall ensure that each dog or cat can be traced throughout its lifecycle, including:

- Breeder of origin, when known;
- Seller or intermediary;
- Shelters or rescue organizations involved in transfer;
- All subsequent owners or guardians.

(d) Recordkeeping Obligations:

Commercial breeders, dealers, sellers, shelters, and rescue organizations shall:

1. Maintain accurate and up-to-date records of all animals bred, sold, transferred, or adopted;
2. Report transfers to the approved registry within a timeframe established by regulation;
3. Ensure that all identifying information remains current.

(e) Prohibition:

It shall be unlawful to:

1. Sell, transfer, or adopt a dog or cat without proper identification and registration;
2. Provide false or incomplete information in the registry;
3. Remove, alter, or tamper with identification devices.

(f) Purpose:

The purpose of this system is to:

- Ensure full traceability of dogs and cats placed on the market;
- Prevent illegal breeding and trafficking;
- Strengthen enforcement of animal welfare laws;
- Protect consumers and animal guardians.

(g) Shelters and Rescue Organizations:

Shelters and rescue organizations shall:

1. Ensure that all dogs and cats adopted or transferred are properly microchipped;
2. Update ownership records in the approved registry at the time of adoption or transfer;
3. Maintain records sufficient to identify the source of the animal, when known.

SECTION 10. Insurance and Compensation

(a) Courts may award compensation for harm to a companion animal, including:

- Veterinary expenses;
- Reasonable noneconomic damages, subject to limits established by law;
- Loss of companionship where appropriate.

(b) Nothing in this section shall require insurers to provide coverage beyond existing law.

SECTION 11. Penalties for Harm

(a) Any person who intentionally, recklessly, or negligently causes harm, injury, or death to a companion animal shall be subject to civil and criminal penalties as provided by law.

(b) Courts may impose restitution including veterinary costs and damages.

SECTION 12. Rulemaking Authority

The appropriate state agency shall adopt regulations necessary to implement this Act.

SECTION 13. Severability Clause

If any provision of this Act is held invalid, such invalidity shall not affect other provisions.

SECTION 14. Effective Date

This Act shall take effect [insert date], with phased implementation as determined by the state.
