

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1108 Session of 2023

INTRODUCED BY KULIK, MADDEN, HILL-EVANS, D. WILLIAMS, SANCHEZ, HOWARD, MARSHALL, WARREN, SHUSTERMAN AND WEBSTER, MAY 5, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 22, 2023

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in preliminary provisions relating to
3 divorce, further providing for legislative findings and
4 intent, for definitions and for effect of agreement between
5 parties; and, in property rights, further providing for
6 equitable division of marital property.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 3102(b) of Title 23 of the Pennsylvania
10 Consolidated Statutes is amended and the section is amended by
11 adding a subsection to read:

12 § 3102. Legislative findings and intent.

13 * * *

14 (a.1) Companion animals.--The Commonwealth recognizes that
15 companion animals are living beings that are generally regarded
16 as cherished family members that offer their owners
17 companionship, security and assistance. Companion animals occupy
18 a special category of personal property which does not include
19 inanimate personal property. Therefore, it is the policy of the

1 Commonwealth that special consideration be extended to companion
2 animals when the division of personal property is planned or
3 determined under this part.

4 (b) Construction of part.--The objectives and policies set
5 forth in [subsection (a)] subsections (a) and (a.1) shall be
6 considered in construing provisions of this part and shall be
7 regarded as expressing the legislative intent.

8 Section 2. Section 3103 of Title 23 is amended by adding a
9 definition to read:

10 § 3103. Definitions.

11 The following words and phrases when used in this part shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Companion animal." An animal that: <--

16 (1) is a domesticated, living being commonly referred to
17 as a pet; or

18 (2) has been bought, bred, raised or otherwise acquired
19 in accordance with applicable law for the primary purpose of
20 providing the owner with assistance in relation to a
21 disability, security or companionship, rather than for
22 business or agricultural purposes.

23 "COMPANION ANIMAL." AS FOLLOWS: <--

24 (1) AN ANIMAL THAT:

25 (I) IS A DOMESTICATED, LIVING BEING COMMONLY
26 REFERRED TO AS A PET; OR

27 (II) HAS BEEN BOUGHT, BRED, RAISED OR OTHERWISE
28 ACQUIRED IN ACCORDANCE WITH APPLICABLE LAW FOR THE
29 PRIMARY PURPOSE OF PROVIDING THE OWNER WITH ASSISTANCE IN
30 RELATION TO A DISABILITY, SECURITY OR COMPANIONSHIP,

1 RATHER THAN FOR BUSINESS OR AGRICULTURAL PURPOSES.

2 (2) NOTWITHSTANDING PARAGRAPH (1), AN ANIMAL THAT IS
3 USED FOR BUSINESS OR AGRICULTURAL PURPOSES, BUT THAT HAS NOT
4 BEEN INCORPORATED INTO THE FAMILY HOUSEHOLD AS A PET, MAY BE
5 CONSIDERED AS A COMPANION ANIMAL, AS DETERMINED BY THE COURT.

6 * * *

7 Section 3. Sections 3105 and 3502 of Title 23 are amended by
8 adding subsections to read:

9 § 3105. Effect of agreement between parties.

10 * * *

11 (d) Possession and care of companion animal.--

12 Notwithstanding any other provision in this part, parties may
13 enter into an enforceable agreement regarding the possession or
14 care, or both, of a companion animal. Among other things, the
15 agreement may specify the following:

16 (1) The periods of time during which each party will
17 possess the companion animal.

18 (2) The financial responsibility of each party regarding
19 the care of the companion animal.

20 § 3502. Equitable division of marital property.

21 * * *

22 ~~(g) Companion animal. Upon the request of either party, the <--~~
23 ~~court shall provide for the possession or care, or both, of a~~
24 ~~companion animal of the parties. The court shall consider all~~
25 ~~relevant factors, including the following:~~

26 ~~(1) Whether the companion animal was acquired prior to~~
27 ~~or during the marriage.~~

28 ~~(2) The basic daily needs of the companion animal.~~

29 ~~(3) The party who generally facilitates veterinary care~~
30 ~~for the companion animal.~~

1 ~~(4) The party who generally provides the companion~~
2 ~~animal with social interaction.~~

3 ~~(5) The party who generally ensures compliance with~~
4 ~~State and local regulations regarding the companion animal.~~

5 ~~(6) The party who provides the greater ability to~~
6 ~~financially support the companion animal.~~

7 (G) COMPANION ANIMAL.--

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8 (1) UPON THE REQUEST OF EITHER PARTY, THE COURT SHALL
9 PROVIDE FOR THE POSSESSION OR CARE, OR BOTH, OF A COMPANION
10 ANIMAL OF THE PARTIES IN ACCORDANCE WITH THIS SUBSECTION.

11 (2) IF THE COMPANION ANIMAL IS A SERVICE ANIMAL, AS THAT
12 TERM IS DEFINED IN SECTION 2 OF THE ACT OF OCTOBER 24, 2018
13 (P.L.733, NO.118), KNOWN AS THE ASSISTANCE AND SERVICE ANIMAL
14 INTEGRITY ACT, FOR A PARTY OR FOR AN INDIVIDUAL WHO IS UNDER
15 18 YEARS OF AGE AND IN THE CUSTODY OF THAT PARTY, THERE SHALL
16 BE A REBUTTABLE PRESUMPTION OF CUSTODY OF THE COMPANION
17 ANIMAL TO THAT PARTY.

18 (3) IF PARAGRAPH (2) DOES NOT APPLY, THE COURT SHALL
19 CONSIDER ALL RELEVANT FACTORS, INCLUDING THE FOLLOWING:

20 (I) WHETHER THE COMPANION ANIMAL WAS ACQUIRED PRIOR
21 TO OR DURING THE MARRIAGE.

22 (II) THE BASIC DAILY NEEDS OF THE COMPANION ANIMAL.

23 (III) THE PARTY WHO GENERALLY FACILITATES VETERINARY
24 CARE FOR THE COMPANION ANIMAL.

25 (IV) THE PARTY WHO GENERALLY PROVIDES THE COMPANION
26 ANIMAL WITH SOCIAL INTERACTION.

27 (V) THE PARTY WHO GENERALLY ENSURES COMPLIANCE WITH
28 STATE AND LOCAL REGULATIONS REGARDING THE COMPANION
29 ANIMAL.

30 (VI) THE PARTY WHO PROVIDES THE GREATER ABILITY TO

1 FINANCIALLY SUPPORT THE COMPANION ANIMAL.

2 Section 4. This act shall take effect in 60 days.