

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1108 Session of  
2023

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

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 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  
20 Commonwealth that special consideration be extended to companion

1 animals when the division of personal property is planned or  
2 determined under this part.

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

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

9 § 3103. Definitions.

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

13 \* \* \*

14 "Companion animal." An animal that:

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

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

22 \* \* \*

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

25 § 3105. Effect of agreement between parties.

26 \* \* \*

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

28 Notwithstanding any other provision in this part, parties may  
29 enter into an enforceable agreement regarding the possession or  
30 care, or both, of a companion animal. Among other things, the

1 agreement may specify the following:

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

4       (2) The financial responsibility of each party regarding  
5 the care of the companion animal.

6 § 3502. Equitable division of marital property.

7       \* \* \*

8       (g) Companion animal.--Upon the request of either party, the  
9 court shall provide for the possession or care, or both, of a  
10 companion animal of the parties. The court shall consider all  
11 relevant factors, including the following:

12       (1) Whether the companion animal was acquired prior to  
13 or during the marriage.

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

15       (3) The party who generally facilitates veterinary care  
16 for the companion animal.

17       (4) The party who generally provides the companion  
18 animal with social interaction.

19       (5) The party who generally ensures compliance with  
20 State and local regulations regarding the companion animal.

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

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