

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #30

March 30, 2026

S. 9207

By: Senator Gianaris

A. 10272

By: M. of A. Rosenthal

Senate Committee: Insurance

Assembly Committee: Insurance

Effective Date: 90 days after enactment

AN ACT to amend the insurance law, in relation to prohibiting certain restrictions as they relate to dog breed

LAW AND SECTION REFERRED TO: Insurance Law, Section 3421(1).

**THE COMMITTEE ON ANIMALS AND THE LAW
SUPPORTS THIS LEGISLATION**

S.9207/A.10272 amends Section 3421 of the Insurance Law in two important ways. First, the bill extends to renters the protection against cancellation, limitation or restriction of homeowners insurance that the current statute provides to homeowners. Second, the bill prohibits insurance companies from canceling, refusing to issue or renew, increasing premiums or otherwise limiting, restricting or reducing insurance coverage based on the breed of dog residing in the homeowners or renter's property.

The current statute only applies to homeowners; the legislation extends protection from insurance cancellation or limitations to renters, and this provision is vitally important. There is no basis to differentiate between a homeowner and a renter in the ownership of an animal and the ability to obtain insurance. Many landlords now require pet insurance, and this requirement may be included in the lease. This prohibition of insurance discrimination on the basis of breed protects both the landlord and the tenant. It is difficult enough for a renter to locate an apartment that allows pets; if a tenant cannot obtain insurance, they may be forced to give up ownership of their dog, resulting in a higher proportion of dogs being surrendered to shelters and SPCAs. With our shelters already in a state of crisis, New Yorkers must do everything possible to ensure that owners and their pets remain together in their own home.

The statute prohibits insurers from refusing to issue or renew, canceling, or charging or

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imposing an increased premium or rate for a policy or contract; or excluding, limiting or reducing coverage based “solely upon harboring or owning any dog of a specific breed or mixture of breeds.”¹ The legislation removes the word “solely” in the statute. In considering the proposed bill, it is important to observe that elimination of breed restrictions is a nationwide trend adopted by 22 states and endorsed by the American Bar Association and ASPCA, based on the fact that there is no verifiable actuarial data to support a determination that one breed is more dangerous than another.² Moreover, the concern regarding potential risks associated with certain breeds is addressed by the current statute; Insurance Law Section 3421(2) includes an underwriting provision that permits a rate increase or other restrictions on a policy if a dog has been designated as a “dangerous dog” pursuant to Section 123 of the Agriculture and Markets Law.³

Including the word “solely” in the statute, as is done in current law, allows insurance companies to consider a dog’s breed as one factor in making a determination about cancellation, increased premium, or restriction of coverage. The bill’s elimination of that word would mean that an insurance company cannot consider the dog’s breed in making a determination about coverage. Limiting an insurer’s ability to issue, renew or cancel a policy, or charge an increased premium based on the breed of dog on the premises makes sense in light of the absence of any verifiable data showing that one breed is more dangerous than another, and the nationwide trend toward eliminating breed restrictions.⁴

The proposed amendment does not change the underwriting criteria that allow insurers to

¹ New York Insurance Law, Section 3421.

² Insure Your Pet, “Dog Insurance and Breed-Specific Laws: Your Complete State-by-State Guide to BSL and Coverage Implications in 2025,” <https://www.insure-yourpet.com/2025/09/dog-insurance-and-breed-specific-laws.html><https://www.insure-yourpet.com/2025/09/dog-insurance-and-breed-specific-laws.html>, (last viewed 3/14/26); ASPCA, “Ending Breed-Specific Insurance Discrimination,” <https://www.aspc.org/improving-laws-animals/public-policy/ending-breed-specific-insurance-discrimination> (last viewed 3/14/26); Best Friends Animal Society, “Keeping Pets with their Families,” <https://bestfriends.org/network/blog/keeping-pets-their-families> (last viewed 3/14/26).

³ The National Council of Insurance Legislators (NCOIL) has adopted a model law known as the Dog Breed Insurance Underwriter Protection Act, which prohibits insurance decisions based solely on ownership of a specific dog breed, leading one commentator to observe that the practice of relying on dog breed lists to make policy determinations “may be on its way out.” Ortiz, Fran, “Eliminating Dog Breed Risk Distinctions in Homeowners and Renters Insurance Policies,” *TortSource*, Volume 25, Number 2, American Bar Association, Winter 2023.

⁴ As noted herein, this is important because there is no verifiable actuarial data that supports discrimination based on the breed of the dog. See, Ortiz, Fran, *ibid.*; Insure Your Pet, *supra* (“Recent court decisions have begun questioning breed identification accuracy and the arbitrary nature of appearance-based bans. DNA testing has revealed that visual breed identification proves accurate in only 25% of mixed-breed cases.”); Best Friends Animal Society, *supra*; ASPCA, *supra*; Wisch, Rebecca F., “Overview of States that Prohibit Breed-Specific Legislation by State Law,” Animal Legal and Historical Center, <https://www.animallaw.info/article/overview-states-prohibit-bsl> (last viewed 3/14/26).

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identify specific risks that are apparent from a particular dog's history. The bill leaves in place those provisions in the current statute that allow an insurer to deny coverage or impose a reasonable rate or premium increase for a policy or contract where a dog of any kind has been designated a "dangerous dog," based on "sound underwriting and actuarial principles reasonably related to actual or anticipated loss experience subject to the applicable provisions of Section 3425 [referring to certain property/casualty insurance policies]."⁵

The proposed legislation, together with the unchanged protection against dangerous dogs in the current statute, appropriately balances the constitutional rights of owners and their pets against the rights of the public to be safe from dogs that have been designated as "dangerous." Eliminated is the arbitrary denial of insurance coverage to an owner or renter based upon lists of dog breeds that insurers have deemed uninsurable based upon assumptions about an animal's behavior that are unsupported by any actuarial data.

The American Bar Association and the ASPCA oppose dog breed restrictions as discriminatory and violative of equal protection because they target certain breeds without considering the actual risks posed by the behavior of a specific dog.⁶ As there is no reliable actuarial data to support differential treatment, there is no basis to deny insurance coverage or charge a higher premium to the owner of a pit bull or rottweiler than the owner of a beagle. This is why twenty-two states have enacted legislation prohibiting local governments from implementing breed-specific laws.⁷ In their justification for S.9207/A.10272, the sponsors observe that the history of insurance companies discriminating against pet owners based on the breed of dog they own impedes the ability to obtain pet insurance based on "myths and stereotypes" depicting certain breeds as "inherently dangerous." Under this bill, those practices would stop.

For all of the foregoing reasons, the New York State Bar Association Committee on Animals and the Law supports this bill. We commend the bill sponsors for their hard work in devising solutions that appropriately balance the needs of pet owners, their beloved animals, and society.

⁵ New York Insurance Law, Section 3421(2).

⁶ Ortiz, *supra*; ASPCA, *supra* ("Nevada and New York...now require insurance companies to treat each dog as an individual taking into account objective factors such as if the dog has a bite history...no one should have to choose between their well-behaved dog [and] their home.").

⁷ Wisch, Rebecca F., *supra*.