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National Council of Insurance Legislators (NCOIL)

Dog Breed Insurance Underwriting Study & Breed Protection Model Act

**Sponsored by Asm. Kevin Cahill (NY) – NCOIL Vice President*

**Co-sponsor: Rep. Tammy Nuccio (CT)*

**Draft as of ~~October 18~~June 14, 2022. To be ~~introduced and discussed and considered~~ during the Property & Casualty Insurance Committee meeting on ~~November 18~~July 16, 2022.*

Section 1. Title

This Act shall be referred and cited to as the [State] Dog Breed Insurance Underwriting ~~Study & Breed~~ Protection Act

Section 2. Restrictions on Dog-Breed Discrimination in Homeowners and Renter's Insurance Policies

(A) With respect to homeowners' insurance policies and renter's insurance policies as defined in section ___ of the insurance law, no insurer shall refuse to issue or renew, cancel, or charge or impose an increased premium or rate for such policy or contract, or exclude, limit, restrict, or reduce coverage under such policy or contract based solely upon harboring or owning any dog of a specific breed or mixture of breeds.

(B) The provisions of this section shall not prohibit an insurer from refusing to issue or renew or from canceling any such contract or policy, nor from imposing a reasonably increased premium or rate for such a policy or contract based upon the designation of a dog of any breed or mixture of breeds as a dangerous dog pursuant to section xxxxxxx, based on sound underwriting and actuarial principles reasonably related to actual or anticipated loss experience subject to the applicable provisions of xxxx.

Section 3. ~~Collection and Report of Data by the Department~~

~~(A) An insurance company offering homeowner's insurance coverage or renter's insurance coverage that issues a policy or contract insuring against liability for injury to a person or injury to or destruction of property arising out of the ownership, lease, or rental of residential property shall, to the best of its ability, for any claim involving a dog-related incident, record circumstances relating to the incident, including, but not limited to:~~

- ~~(1) The breed of dog, and, if the breed was made by visual identification, who made the identification: the adjuster, the owner, or the insured;~~
- ~~(2) where the owner or insured obtained the dog from: a pet store, a breeder, an animal shelter or rescue, a friend or acquaintance, or found the dog as a stray;~~
- ~~(3) the sex of the dog and whether the dog was spayed or neutered;~~
- ~~(4) whether the person injured by the dog was observed engaging in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog;~~
- ~~(5) the type of injury sustained by the victim, such as a bite or fall;~~
- ~~(6) whether the incident occurred on the insured's property or another location, and if so where; and~~
- ~~(7) any obedience training or previous claims or past complaints against the dog.~~

~~(B) This information shall be collected for a 2-year period beginning on xxxxx and shall be reported annually to the Department. The Department shall make the information available on the Department's website by xxxx and shall update the information each xxxxxx. The Department shall report the information, in an aggregated & de-identified manner, to the legislature by xxxx. The information or data collected by the Department as well as that reported to the Legislature shall not be released or published in any way that violates the confidentiality or proprietary status or nature of the data.~~

Drafting Note: 'Department' refers to the chief insurance regulatory agency of [state]

Section 34. Rules

The Insurance Commissioner shall have the authority to promulgate rules that are not inconsistent with and necessary to administer and enforce the provisions of this Act

Section 45 Effective Date

This act shall take effect six months after passage ~~immediately~~ and shall apply to all policies issued, renewed, modified, altered or amended on or after such date.