ASSEMBLY, No. 5459

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 14, 2026

Sponsored by:
Assemblyman CODY D. MILLER
District 4 (Atlantic, Camden and Gloucester)

SYNOPSIS

"Moksha's Law"; expands recovery of damages in civil action arising from death of certain animals.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning civil actions for damages for the death of certain animals and designated Moksha's Law, supplementing Title 2A of the New Jersey Statutes, and repealing R.S.4:19-8.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that:

a. Pets and service animals are valuable and treasured members of many New Jersey families.

b. Under current law, when negligence, recklessness, or intentional misconduct leads to the death of a pet or service animal, families are extremely limited in what damages they may receive from wrongdoers through a civil action.

c. These limited damages do not adequately compensate families for the loss of their pet or service animal.

d. In McDougall v. Lamm, 211 N.J. 203 (2012), the New Jersey Supreme Court exacerbated this issue by holding that a pet owner may not recover for the emotional distress caused by the traumatic death of their pet.

e. The purpose of "Moksha's Law" is to fill this gap, supersede McDougall, and provide structured, fair compensation to New Jersey families when negligence, recklessness, or intentional misconduct leads to the death of their pet or service animal.

2. a. Definitions.

As used in this section:

"Domestic companion animal" means an animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

"Emotional support animal" means an animal that provides emotional, cognitive, or other similar support to an individual with a disability and that does not need to be trained or certified.

"Service animal" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990," 42 U.S.C. s.12101 et seq., and any regulations under the act.

b. Cause of action. A person who has a right of ownership in a domestic companion animal, emotional support animal, or a service animal that dies due to the intentional, reckless, or negligent actions of another person may bring a civil action to recover compensatory and noneconomic damages sustained by that person. A civil action may be brought under this section only if the domestic companion animal, emotional support animal, or service animal had been normally maintained in or near the household of the owner.

c. Damages.

(1) Compensatory damages awarded pursuant to this section include, but shall not be limited to, veterinary expenses, burial expenses, and the fair market value of the domestic companion animal, emotional support animal, or service animal. Compensatory damages in an action involving a service animal may, in addition to any other compensatory damages, include the cost of the service animal and any specialized training the service animal received.

(2) Noneconomic damages awarded pursuant to this section shall be limited to compensation for the loss of companionship, love, and affection of the domestic companion animal, emotional support animal, or service animal.

(3) A court shall award reasonable attorney's fees and other litigation costs reasonably incurred.

(4) If the domestic companion animal, emotional support animal, or service animal died due to the intentional actions of another person or by a dog previously declared by a municipal court to be vicious or potentially dangerous pursuant to P.L.1989, c.307 (C.4:19-17 et seq.), a court may award punitive damages in an action brought pursuant to this section.

d. Exclusions. This section shall not apply to:

(1) an action for professional negligence against a veterinarian licensed pursuant to Title 45 of the Revised Statutes while following accepted standards of practice of the profession, unless the action is over an act of gross negligence or willful or wanton misconduct;

(2) an action for negligence against the State or a political subdivision of the State or an employee, officer, or agent thereof while acting within the scope of the employee's, officer's, or agent's employment or official duties;

(3) an action for negligence against an employee of or volunteer for a county society for the prevention of cruelty to animals or a non-profit corporation that is organized to promote the interests of, and protect and care for, animals, while acting within the scope of the employee's or volunteer's employment or duties; or

(4) an action over the killing of a domestic companion animal, emotional support animal, or a service animal that was chasing, worrying, wounding or destroying livestock at the time of the domestic companion animal, emotional support animal, or service animal's death pursuant to R.S.4:19-9.

e. Availability of other remedies. The remedies provided in this section are in addition to any other remedies allowed by law.

3. Section 4:19-8 of the Revised Statutes is repealed.

4. This act shall take effect immediately and shall apply to all causes of action arising prior to, on, or after the effective date for which the applicable statute of limitations has not expired.

STATEMENT

This bill expands the recovery of damages in a civil action arising from the death of certain animals.

Under the bill, a person who has a right of ownership in a domestic companion animal, emotional support animal, or a service animal that dies due to the intentional, reckless, or negligent actions of another person may bring a civil action to recover compensatory and noneconomic damages sustained by that person. The domestic companion animal, emotional support animal, or service animal must have been normally maintained in or near the household of the owner.

A court may award compensatory damages including, but not limited to: (1) veterinary expenses; (2) burial expenses; and (3) the fair market value of the domestic companion animal, emotional support animal, or service animal. A court may also award noneconomic damages for the loss of companionship, love, and affection of the domestic companion animal, emotional support animal, or service animal. In addition to compensatory and noneconomic damages, a court must award reasonable attorney's fees and other litigation costs reasonably incurred. If the animal was killed by a dog previously declared to be vicious or potentially dangerous or due to the intentional actions of another, a court could also award punitive damages.

Certain actions are excluded under the bill:

- Actions for professional negligence against a veterinarian licensed and following accepted standards of practice of the profession unless the action is over an act of gross negligence or willful or wanton misconduct;
- Actions for negligence against the State or a political subdivision of the State or an employee, officer, or agent thereof while acting within the scope of the employee's, officer's, or agent's employment or official duties;
- Actions for negligence against an employee of or volunteer for a county society for the prevention of cruelty to animals or a non-profit corporation that is organized to promote the interests of, and protect and care for, animals, while acting within the scope of the employee's or volunteer's employment or duties; and
- Actions over the killing of a domestic companion animal, emotional support animal, or a service animal that was chasing, worrying, wounding or destroying livestock at the time of the domestic companion animal, emotional support animal, or service animal's death.

The remedies provided under the bill are in addition to any other remedies allowed by law. The bill would take effect immediately and apply to all causes of action arising prior to, on, or after the effective date for which the applicable statute of limitations has not

expired. The bill would supersede the ruling of the New Jersey Supreme Court in McDougall v. Lamm, 211 N.J. 203 (2012).

The bill is designated "Moksha's Law" in recognition of Moksha, a Chihuahua mauled to death by a negligently supervised pit bull. Due to the limited damages available for the wrongful death of a domestic companion animal under current law, Moksha's family was unable to hold the owners of the pit bull accountable for Moksha's death.