

SENATE, No. 4060

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED AUGUST 23, 2019

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Bars enforcement of provision in decedent's will that would require euthanasia of healthy domestic companion animal.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning domestic companion animals and
2 supplementing Title 3B of the New Jersey Statutes.

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

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7 1. a. As used in this act:

8 (1) “Fiduciary” includes executors, general administrators of an
9 intestate estate, administrators with the will annexed, substituted
10 administrators, substituted administrators with the will annexed,
11 guardians, substituted guardians, trustees, substituted trustees and,
12 unless restricted by the subject or context, temporary
13 administrators, administrators pendente lite, administrators ad
14 prosequendum, administrators ad litem and other limited
15 fiduciaries.

16 (2) “Domestic companion animal” means any animal commonly
17 referred to as a pet or one that has been bought, bred, raised or
18 otherwise acquired, in accordance with local ordinances and State
19 and federal law, for the primary purpose of providing
20 companionship to the owner, rather than for business or agricultural
21 purposes.

22 b. Any provision in a will that directs the fiduciary to euthanize
23 a healthy domestic companion animal is against public policy and is
24 void and unenforceable.

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26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill would bar the enforcement of any provision in a
32 decedent’s will that would require the euthanasia of a healthy pet.

33 The bill was prompted by reports in March 2019 that a healthy
34 Shih Tzu in Virginia was euthanized pursuant to her late owner’s
35 will. Reportedly, a local animal shelter had offered to hold the dog
36 for adoption, but the executor declined. The executor brought the
37 dog to a vet, where she was euthanized.

38 Under the bill, any provision in a will that directs the fiduciary to
39 euthanize a healthy domestic companion animal is against public
40 policy and is void and unenforceable.

41 The bill’s definition of “fiduciary” is identical to that in
42 N.J.S.3B:1-1: the term includes includes executors, general
43 administrators of an intestate estate, administrators with the will
44 annexed, substituted administrators, substituted administrators with
45 the will annexed, guardians, substituted guardians, trustees,
46 substituted trustees and, unless restricted by the subject or context,
47 temporary administrators, administrators pendente lite,

S4060 GREENSTEIN

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1 administrators ad prosequendum, administrators ad litem and other
2 limited fiduciaries.

3 The bill defines “domestic companion animal” as any animal
4 commonly referred to as a pet or one that has been bought, bred,
5 raised or otherwise acquired, in accordance with local ordinances
6 and State and federal law, for the primary purpose of providing
7 companionship to the owner, rather than for business or agricultural
8 purposes.