

SENATE, No. 945

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

SYNOPSIS

Imposes certain registration and reporting requirements to prevent illegal trade of tigers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning tigers, supplementing Title 23 of the Revised
2 Statutes, and amending P.L.1979, c.304.

3

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

6

7 1. (New section) As used in this act:

8 “Application” means an application submitted to the department
9 for a certificate of registration for a tiger.

10 “Commissioner” means the Commissioner of Environmental
11 Protection.

12 “Department” means the Department of Environmental
13 Protection.

14 “Initial Application” means an application regarding a tiger for
15 which no previous certificate of registration has been issued, or an
16 application regarding a tiger for which a previous certificate of
17 registration has been issued to a previous owner, but not to the
18 current applicant.

19 “Qualified disposal agent” means a licensed veterinarian or other
20 person authorized by the department to dispose of a dead tiger, but
21 shall not include any person who owns or possesses a tiger in, or
22 outside of, this State.

23 “Tiger” means an animal of the species *Panthera tigris* or any
24 subspecies thereof.

25

26 2. (New section) a. A person who owns a tiger kept in this
27 State shall apply for a certificate of registration by filing an
28 application with the department, on a form prescribed by the
29 department, which shall include:

30 (1) the name, address, and telephone number of the owner of the
31 tiger;

32 (2) the address and exact location where the tiger will be kept;

33 (3) the birth date, weight, and sex of the tiger;

34 (4) a description of any distinguishing marks and digital color
35 photographs of (a) the tiger’s face, (b) the right side of the tiger’s
36 body, and (c) the left side of the tiger’s body;

37 (5) a hair sample from the tiger sufficient to meet any future
38 need for DNA analysis of the tiger; and

39 (6) any other information the department may require.

40 The department shall require an applicant to provide the
41 department with the weight of the tiger, as provided in paragraph
42 (3) of this subsection, and digital color photographs of the tiger, as
43 provided in paragraph (4) of this subsection, to the department on
44 an annual basis.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. Upon review and approval of the owner's application, the
2 department shall issue a certificate of registration, which shall
3 pertain only to one individual tiger, and which shall include
4 thereon, in addition to the information required of an applicant
5 pursuant to subsection a. of this section, a unique identification
6 number assigned solely and specifically by the department to the
7 individual tiger. The unique identification number assigned to a
8 tiger shall not change at any time during the tiger's lifetime or at
9 any time after the tiger's death, notwithstanding any change in
10 ownership or relocation of the tiger, or any other circumstance. The
11 department may impose a reasonable fee upon the owner for the
12 services rendered in connection with the department's costs in
13 issuing a certificate of registration.

14 c. (1) No person may possess a tiger in this State unless the
15 person holds a valid certificate of registration issued by the
16 department. A person possessing more than one tiger in this State
17 shall hold a separate and distinct certificate of registration for each
18 tiger.

19 (2) A person who possesses a tiger, for which an initial
20 application for a certificate of registration is pending with the
21 department, shall be exempt from the requirements of paragraph (1)
22 of this subsection until the issuance or denial of a certificate of
23 registration.

24 d. The commissioner may, by rule or regulation, adopted
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), establish a schedule by which an owner of a
27 tiger shall be required to periodically renew a certificate of
28 registration, and in connection therewith, the commissioner may
29 require the renewal applicant to resubmit any or all of the
30 information and materials required of an owner of a tiger under
31 subsection a. of this section.

32

33 3. (New section) a. Within 30 days of receiving a certificate of
34 registration issued by the department pursuant to section 2 of this
35 act, a person who possesses a tiger in this State shall have
36 implanted in the tiger, by or under the supervision of a licensed
37 veterinarian, a subcutaneous microchip; the cost of the microchip
38 and its implantation shall be borne by the person. If the department
39 deems it necessary, it may require the microchip to be purchased
40 from a specific manufacturer or manufacturers. The microchip shall
41 contain the following information:

42 (1) a unique identification number issued pursuant to section 2
43 of this act;

44 (2) the name, address, and telephone number of the owner of the
45 tiger;

46 (3) the address and exact location where the tiger is kept;

47 (4) the birth date, weight, and sex of the tiger;

1 (5) the digital photographs of the tiger that were submitted to the
2 department pursuant to paragraph (4) of subsection a. of section 2
3 of this act; and

4 (6) any other information the department may require.

5 b. A person shall not remove a subcutaneous microchip from a
6 tiger, whether living or deceased, without express authorization
7 from the department or as provided pursuant to subsection c. of
8 section 7 of this act; provided, however, a subcutaneous microchip
9 may be temporarily removed, or replaced, by or under the
10 supervision of a licensed veterinarian for the purpose of updating
11 information on the subcutaneous microchip if necessary for
12 compliance with this act or any rules or regulations adopted
13 pursuant thereto.

14

15 4. (New section) A person owning or possessing a newborn
16 tiger shall be exempt from the requirements of section 2 of this act,
17 as those requirements apply to the newborn tiger, for the first 10
18 days immediately following the birth of the newborn tiger.

19

20 5. (New section) a. The commissioner shall establish a tiger
21 registration and accounting system through which the following
22 records shall be kept for each tiger in the State:

23 (1) a unique identification number issued pursuant to section 2
24 of this act;

25 (2) the name, address, and telephone number of the owner of the
26 tiger;

27 (3) the address and exact location where the tiger is kept;

28 (4) the birth date, weight, and sex of the tiger;

29 (5) a description of any distinguishing marks and a digital color
30 photograph of the tiger;

31 (6) a hair sample from the tiger sufficient to meet any future
32 need for DNA analysis of the tiger;

33 (7) the date of death of the tiger, when applicable;

34 (8) the sworn affidavits submitted to the department upon the
35 death of a tiger pursuant to section 7 of this act, when applicable;

36 and

37 (9) any other information, data, or documentation the
38 commissioner may deem necessary in order to maintain a
39 comprehensive accounting system.

40 b. The commissioner shall monitor and periodically update
41 records in the tiger registration and accounting system in a manner
42 sufficient to ensure that tigers in this State, whether living or
43 deceased, are not in any way used for the illegal trade of tigers or
44 tiger parts.

45

46 6. (New section) a. The owner of a tiger shall notify the
47 department in writing no less than 14 days prior to the permanent or

1 extended relocation of the tiger or change in ownership of the tiger.

2 The written notification shall include:

3 (1) the name, address, and telephone number of the person to
4 whom ownership of the tiger will be transferred, if there is to be a
5 change in ownership;

6 (2) the new address and exact location where the tiger will be
7 kept, if there is to be a permanent or extended relocation; and

8 (3) any other information the department may require by rule or
9 regulation.

10 b. The owner of a tiger shall notify the department in writing of
11 any planned surgical procedure, such as castration or spaying,
12 within 72 hours prior to the procedure. The tiger's testicles, uterus,
13 and ovaries, as applicable, shall be placed in formalin and then
14 submitted to a qualified disposal agent. Declawing of a tiger shall
15 be permitted only if the tiger's claw or digit is creating a health risk
16 to the tiger and the amputated digit or claw shall then be submitted
17 to a qualified disposal agent.

18 c. Upon the lawful change in ownership of a tiger in this State,
19 the new owner shall immediately submit an initial application for a
20 certificate of registration pursuant to section 2 of this act.

21 d. Upon the lawful permanent or extended relocation of a tiger
22 for which there is no change in ownership, the department shall
23 issue a new certificate of registration reflecting the relocation of the
24 tiger.

25 e. Upon the issuance of a new certificate of registration for a
26 tiger, or the change in ownership of a tiger, any preexisting
27 certificate of registration for that tiger shall permanently expire.

28

29 7. (New section) a. Except as provided in subsection b. of this
30 section, a person shall not dispose of a deceased tiger, or otherwise
31 in any manner relinquish possession of a deceased tiger, or any part
32 thereof, without the express authorization of the department.

33 b. Upon the death of a tiger, the owner of the tiger shall within
34 five days:

35 (1) submit the remains of the tiger to a qualified disposal agent
36 for removal of the subcutaneous microchip and permanent disposal
37 of the tiger and all of its constituent parts in a manner prescribed by
38 the department; and

39 (2) provide the department with a sworn affidavit which shall
40 include the time of death, cause of death, the tiger's unique
41 identification number, the name, address, and telephone number of
42 the qualified disposal agent, and a statement affirming that the tiger
43 and all of its constituent parts have been disposed of in a manner
44 prescribed by the department.

45 c. A qualified disposal agent who disposes of a tiger shall
46 extract the subcutaneous microchip from the tiger at the time of
47 disposal and shall, no later than 10 days after conducting the
48 disposal, deliver to the department:

1 (1) the subcutaneous microchip; and

2 (2) a sworn affidavit which shall include the exact method of
3 disposal utilized, the name and address of the facility at which the
4 disposal took place, the date of the disposal, and a statement
5 affirming that the tiger and all of its constituent parts have been
6 disposed of in a manner prescribed by the department.

7 d. The commissioner shall prescribe, by rule or regulation,
8 acceptable methods of disposal of a tiger that will ensure the tiger is
9 not in any way used for the illegal trade of tigers or tiger parts.

10

11 8. (New section) A person who possesses a living or deceased
12 tiger in this State, whether as an owner, qualified disposal agent,
13 caretaker, or otherwise, shall, upon the presentation of official
14 credentials by any department employee or other duly authorized
15 representative of the commissioner, present the representative with
16 a valid certificate of registration and allow the representative to
17 enter the premises where the tiger is kept, examine the tiger, take
18 biological samples from the tiger, and take any other action
19 necessary to ensure full compliance with this act.

20

21 9. (New section) The requirements and provisions of this act,
22 or any rule or regulation adopted pursuant thereto, shall be in
23 addition to those concerning the procurement, possession,
24 permitting, treatment, or release of tigers, as may be established by
25 any other law or any permit issued or rule or regulation adopted
26 pursuant thereto, including but not limited to "The Endangered and
27 Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1
28 et seq.), or P.L.1962, c.127 (C.23:4-63.3 et seq.).

29

30 10. (New section) a. A person who violates the provisions of this
31 act or any rule or regulation adopted pursuant thereto shall be
32 subject to the penalties applicable pursuant to section 10 of
33 P.L.1973, c.309 (C.23:2A-10).

34 b. Penalties shall be collected in a summary proceeding
35 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
36 c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal
37 court where the defendant may reside, or where the violation was
38 detected, or where the defendant was apprehended shall have
39 jurisdiction to enforce this act and any regulations adopted
40 thereunder.

41 c. The department may bring an administrative action before an
42 administrative law judge to enforce the provisions of this act or any
43 rule or regulation adopted pursuant thereto. Any final
44 determination and penalty assessment by an administrative law
45 judge may be enforced in the Superior Court in an action brought
46 for that purpose by the Attorney General on behalf of the
47 department.

1 d. Any violation of the provisions of this act or any rule or
2 regulation adopted pursuant thereto may be restrained by the
3 Superior Court in an action brought for that purpose by the Attorney
4 General on behalf of the department.

5
6 11. Section 2 of P.L.1979, c.304 (C.23:4-63.7) is amended to
7 read as follows:

8 2. Except as provided in R.S.23:4-23 and section 7 of P.L. _____,
9 c. (C. _____) (pending before the Legislature as this bill), nothing
10 contained in the provisions of this Title shall be construed so as to
11 prohibit or limit the disposal, by State or municipal police officers,
12 or by personnel authorized thereby, of any wild bird, animal, fowl,
13 or fur-bearing animal found dead on or along any public highway or
14 on any private property, upon request of the owner thereof.
15 (cf: P.L.1979, c.304, s.2)

16
17 12. This act shall take effect on the 180th day after the date of
18 enactment, but the Commissioner of Environmental Protection may
19 take such anticipatory administrative action in advance thereof as
20 shall be necessary for the implementation of this act.

21
22
23 STATEMENT

24
25 This bill establishes a registration system and reporting
26 requirements for owners of tigers to be administered by the
27 Department of Environmental Protection (“DEP”) in order to ensure
28 that tigers kept in New Jersey are not used in the illegal trade of
29 tigers or tiger body parts.

30 Under current New Jersey law, a person may not possess a tiger
31 without a permit issued by the DEP. However, this permitting
32 program is aimed at animal protection and preserving public safety,
33 not preventing the illegal use or trade of tiger parts.

34 This bill establishes certain owner certification requirements and
35 procedures that will enable the DEP to identify and systematically
36 account for each tiger in the State, whether living or deceased.
37 Among these measures is a requirement that tiger owners register
38 their tigers with the DEP by applying for and obtaining a separate
39 certificate of registration for each tiger. Upon receipt of the
40 certificate, an owner, at their expense, would be required to have
41 implanted subcutaneously in the tiger a microchip containing
42 unique identifying information concerning the owner and the tiger,
43 including face and side body views of the tiger in digital
44 photographs. Annually, the owner must provide photographs and
45 the tiger's weight to the DEP. In addition, owners would be subject
46 to certain reporting requirements if the tiger is permanently
47 relocated or transferred to another owner, or when the tiger dies.

1 An owner must provide the DEP with advance written notice of any
2 planned surgical procedure for the tiger.

3 A person or entity possessing a tiger, whether as the tiger's
4 owner or otherwise, will be required to hold a valid certificate of
5 registration at the premises where the tiger is kept. A credentialed
6 representative of DEP must be permitted to enter the premises,
7 review the certificate, examine the tiger, take biological samples
8 from the tiger, and take any other action necessary to ensure full
9 compliance with the bill.

10 Upon the death of a tiger, the owner will be required to submit
11 the remains of the tiger to a "qualified disposal agent," defined as a
12 licensed veterinarian or other person authorized by the DEP, but
13 who is not a tiger owner. Moreover, the department would be
14 charged with prescribing acceptable methods of disposal sufficient
15 to ensure a tiger's remains do not enter the illegal tiger trade.

16 The bill also provides that administrative remedies and civil and
17 criminal penalties for a violation of the provisions of the bill are
18 subject to the penalties applicable under "The Endangered and
19 Nongame Species Conservation Act" pursuant to section 10 of
20 P.L.1973, c.309 (C.23:2A-10).

21 The bill will take effect on the 180th day after the date of
22 enactment. The Commissioner of DEP may take such anticipatory
23 administrative action in advance thereof as shall be necessary for
24 implementation.