

SENATE, No. 3019

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 27, 2017

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes additional requirements for operation and oversight of animal shelters, pounds, kennels operating as shelters or pounds, and veterinary holding facilities.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the regulation of animal shelters, pounds, and
2 other animal holding facilities, supplementing Title 4 of the
3 Revised Statutes and chapter 9 of Title 54A of the New Jersey
4 Statutes, and amending various parts of the statutory law.

5

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

8

9 1. (New section) The Legislature finds and declares that
10 protecting animals from neglect, mistreatment, and physical
11 suffering in shelters and pounds throughout the State is a
12 compelling public interest; that the killing of animals in shelters and
13 pounds is often a needless tragedy and should be eliminated
14 whenever possible, especially when the animals are healthy or can
15 recover from illness through treatment; that euthanasia should be
16 used only as a last resort when, for example, an animal is suffering
17 with irremediable physical injury or pain or a dog is declared
18 vicious pursuant to section 6 of P.L.1989, c.307 (C.4:19-22); that
19 while many shelters and pounds in the State are conscientiously
20 developing and implementing programs to give the animals in their
21 facilities the best care possible, find them homes, and avoid
22 euthanizing them, all shelters and pounds in the State require
23 assistance with proper training of personnel, staffing of facilities,
24 and education of the agents and officers who bring animals to their
25 facilities; that all shelters, pounds, and other facilities operating as
26 shelters or pounds should make a concerted effort to place all
27 animals in a home or appropriate animal care facility if at all
28 possible; that no animal should be killed if the animal can be
29 adopted or placed in an animal rescue organization facility or other
30 foster home; that shelters and pounds should be caring, safe havens
31 for animals in need with a life-affirming mission reflecting the
32 humane values of the State's citizens, residents, and taxpayers; that
33 these safe havens save the lives of animals and work toward ever-
34 increasing live-release rates; that shelters and pounds have a duty to
35 make as many animals available for adoption as possible or prolong
36 every animal's life and care; that animals held in shelters or pounds
37 deserve proper care and humane treatment, including prompt,
38 necessary, rehabilitative, and preventative veterinary care and
39 treatment, administration of vaccines, and adequate nutrition, water,
40 shelter, exercise, and environmental enrichment; that some facilities
41 such as certain kennels and veterinary hospitals operate as shelters
42 or pounds but are neither licensed or regulated as such, yet should
43 be regulated and held to the same standards of care required of
44 shelters and pounds; that voluntary spaying and neutering of
45 animals should be encouraged; that State, county, and municipal

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 government is obligated to fund programs and services to enhance
2 the lives of animals; that the public deserves complete disclosure of
3 how these facilities operate; that the inability of the public to obtain
4 information concerning the operation of shelters and pounds
5 undermines the public trust, and access to this information should
6 be guaranteed; and that all animals should be treated with the same
7 care and appreciation, regardless of breed, size, or health condition.

8 The Legislature therefore determines that it is of urgent public
9 importance to recommit the State to the protection of animals and
10 the achievement of important and necessary strides in improving
11 care for displaced and homeless animals; and that these strides can
12 be achieved through renewed and vigorous regulation of shelters,
13 pounds, and animal holding facilities that function as such, to end
14 the killing of healthy and savable animals and eliminate the
15 mistreatment and neglect of temporarily displaced animals.

16

17 2. (New section) As used in P.L. , c. (C.) (pending
18 before the Legislature as this bill):

19 "Animal control provider" means any person or entity that
20 provides animal control services for a municipality, including, but
21 not limited to, a certified animal control officer or a company
22 providing animal control services.

23 "Animal rescue organization" means an individual or group of
24 individuals who, with or without salary or compensation, house and
25 care for homeless animals in the home of an individual or in other
26 facilities, with the intent of placing the animals in responsible, more
27 permanent homes as soon as possible.

28 "Animal rescue organization facility" means the home or other
29 facility in which an animal rescue organization houses and cares for
30 an animal.

31 "Cat" means a member of the species of cat (*Felis catus* or *Felis*
32 *domesticus*) that is generally kept as a household pet in the United
33 States, which is domesticated, whether acclimated to living
34 outdoors or not, and shall not include bobcat, lynx, or other wild
35 feline species.

36 "Certified animal control officer" means a person 18 years of age
37 or older who has satisfactorily completed the course of study
38 approved by the Commissioner of Health and the Police Training
39 Commission as prescribed by paragraphs (1) through (3) of
40 subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a); or
41 who has been employed in the State of New Jersey in the capacity
42 of, and with similar responsibilities to those required of, a certified
43 animal control officer pursuant to the provisions of P.L.1983, c.525
44 for a period of three years before January 17, 1987.

45 "Dog" means any dog, bitch or spayed bitch.

46 "Dog of licensing age" means any dog which has attained the age
47 of seven months or which possesses a set of permanent teeth.

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

6 "Foster home" means placement of a cat or dog with an
7 individual or group that is not an animal rescue organization for the
8 purpose of temporarily caring for the cat or dog, without the
9 individual or group assuming ownership and with the intent of the
10 individual or group relinquishing the cat or dog to a suitable owner
11 when one is located.

12 "Kennel" means any establishment wherein or whereon the
13 business of boarding or selling dogs or breeding dogs for sale is
14 carried on, except a pet shop.

15 "Owner" when applied to the proprietorship of a dog shall
16 include every person having a right of property in that dog and
17 every person who has that dog in the person's keeping, and when
18 applied to the proprietorship of any other animal, including, but not
19 limited to, a cat, shall include every person having a right of
20 property in that animal , but shall not include a person who feeds an
21 animal living outdoors with no apparent owner, including, but not
22 limited to, an animal colloquially referred to as a "feral cat."

23 "Pet shop" means any place of business which is not part of a
24 kennel, wherein animals, including, but not limited to, dogs, cats,
25 birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or
26 displayed chiefly for the purpose of sale to individuals for personal
27 appreciation and companionship rather than for business or research
28 purposes.

29 "Pound" means an establishment for the confinement of dogs or
30 other animals seized either under the provisions of P.L.1941, c.151
31 (C.4:19-15.1 et seq.) or otherwise.

32 "Regulated animal holding facility" means a shelter, pound,
33 kennel operating as a shelter or pound, or a veterinary holding
34 facility subject to the requirements and provisions of P.L.1941,
35 c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C.) (pending
36 before the Legislature as this bill).

37 "Shelter" means a public or private facility operated for the
38 temporary or permanent housing and care of abandoned, abused,
39 owner-surrendered, stray, or otherwise displaced or homeless
40 animals. A shelter shall include a facility operated by a county,
41 municipality, local law enforcement agency, or other governmental
42 entity, or a contractor thereof, or the New Jersey Society for the
43 Prevention of Cruelty to Animals, a county society for the
44 prevention of cruelty to animals, a humane society, or other
45 nonprofit organization concerned with the care and control of
46 animals, other than an animal rescue organization or an animal
47 rescue organization facility.

1 "Sterilize" means to render an animal incapable of reproducing
2 by either spaying or neutering.

3 "Veterinary holding facility" means any facility owned or
4 operated by a veterinarian, veterinary hospital, clinic, veterinary
5 boarding facility, or similar facility that houses stray, surrendered,
6 or otherwise impounded animals as a boarding agent or holding
7 facility for an animal control provider, the New Jersey Society for
8 the Prevention of Cruelty to Animals or any of its humane law
9 enforcement officers or agents, a county society for the prevention
10 of cruelty to animals or any of its humane law enforcement officers
11 or agents, or local law enforcement.

12

13 3. (New section) a. Except as otherwise provided for pursuant
14 to subsection b. of section 13 of P.L. , c. (C.) (pending
15 before the Legislature as this bill), each regulated animal holding
16 facility shall be operated by a director, trained and certified
17 pursuant to sections 13 and 14 of P.L. , c. (C.) (pending
18 before the Legislature as this bill). The director shall ensure that
19 the regulated animal holding facility complies with the
20 requirements of P.L. , c. (C.) (pending before the
21 Legislature as this bill) and shall make the regulated animal holding
22 facility available for inspection pursuant to section 13 of P.L. ,
23 c. (C.) (pending before the Legislature as this bill)
24 whenever requested by a certified inspector.

25 b. Each regulated animal holding facility shall provide each
26 animal in its care for the entirety of the animal's stay with the
27 facility on a daily basis:

28 (1) fresh water;

29 (2) unsoiled food which is age and breed appropriate for the
30 animal, twice a day or more as appropriate and in appropriate
31 quantities for the age, size, and breed of the animal;

32 (3) environmental enrichments to promote the psychological
33 well-being of the animal, such as socialization with staff or
34 volunteers, toys, and healthy treats;

35 (4) exercise outside of the animal's cage at least once in every
36 24-hour period, but more frequently, and of the type of exercise, as
37 may be required for the good condition and health of the species or
38 breed of animal as determined by a licensed veterinarian or
39 provided in the protocols established pursuant to paragraph (2) of
40 subsection a. of section 3 of P.L. , c. (C.) (pending before
41 the Legislature as this bill);

42 (5) for cats, and other animals as appropriate, the opportunity to
43 climb, walk, and run around as part of the cat's or other animal's
44 daily exercise; and

45 (6) prompt, necessary cleaning of the animal's cage, kennel, or
46 other areas used by the animal, at least two times during each 24-
47 hour period, in such a way that prevents disease and exposure to
48 water from hoses and sprays, cleaning solutions, detergents,

1 solvents, and other chemicals, and is consistent with the protocols
2 established pursuant to section 4 of P.L. , c. (C.)
3 (pending before the Legislature as this bill).

4

5 4. (New section) a. In consultation with a licensed veterinarian,
6 each regulated animal holding facility shall develop and implement
7 protocols concerning:

8 (1) proper cleaning and care of cages, kennels, or other areas
9 used by an animal as required pursuant paragraph (6) of subsection
10 b. of section 3 of P.L. , c. (C.) (pending before the
11 Legislature as this bill) and as necessary to comply with, and
12 maintain the health of the animals as required by, the protocols
13 established pursuant to this subsection;

14 (2) proper exercise of animals in the regulated animal holding
15 facility as required pursuant to paragraph (4) of subsection b. of
16 section 3 of P.L. , c. (C.) (pending before the Legislature
17 as this bill) and as necessary to support the health of the animal, and
18 the animal's recovery from disease, illness, or injury, if applicable,
19 in a manner consistent with the protocols established pursuant to
20 this subsection;

21 (3) prompt and necessary veterinary care, including, but not
22 limited to, the administration of antibiotics and vaccines, fluid
23 therapy, pain management, and cage rest; and

24 (4) special care for animals with special needs, including, but not
25 limited to:

26 (a) nursing females;

27 (b) infant and unweaned animals;

28 (c) sick and injured animals;

29 (d) extremely frightened or reactive animals;

30 (e) older animals;

31 (f) animals requiring therapeutic exercise; and

32 (g) unusual species and animals other than cats and dogs.

33 The special care protocols for animals with special needs
34 established pursuant to this paragraph shall set forth the specific
35 deviations from the required care provided to the other cats, dogs,
36 or species in the regulated animal holding facility, and the reason
37 for the deviation.

38 b. (1) The consulted licensed veterinarian shall ensure the
39 protocols established pursuant to subsection a. of this section
40 provide for (a) hygienic environments within regulated animal
41 holding facilities, (b) the alleviation of pain, (c) treatment,
42 rehabilitation, and prevention of disease, illness or injury, and (d)
43 prevention of worsening conditions, so that each animal remains fit
44 and in reasonable health, or if an animal is diseased, ill or injured,
45 the animal recovers from the disease, illness or injury and then
46 remains fit and in reasonable health, as determined by the licensed
47 veterinarian overseeing the health and care of the animal in the
48 regulated animal holding facility.

1 (2) Any diseased, ill, or injured animal shall be separated from
2 all other animals in the regulated animal holding facility, and
3 housing and caring for the animal shall be provided apart from
4 healthy animals or animals with a different disease, illness, or
5 injury until the diseased, ill, or injured animal has recovered
6 sufficiently so as not to present a health or safety risk to another
7 animal.

8 c. Each animal shall be administered any required, age-
9 appropriate vaccines before, immediately upon, or as soon as
10 practicable after, arrival at a regulated animal holding facility. If
11 the person receiving an animal at the regulated animal holding
12 facility has reasonable cause to believe the animal is diseased, ill, or
13 injured, the animal shall be immediately taken to a licensed
14 veterinarian. Whenever the licensed veterinarian examines the
15 animal, the licensed veterinarian shall document in writing the
16 condition and health of the animal and any specific health
17 conditions or concerns the animal may have.

18 d. If the animal is a dog, a veterinarian, a veterinary technician,
19 the director of the regulated animal holding facility, or other
20 properly authorized and trained person, shall administer the age-
21 appropriate and core vaccines. If the animal is a cat, the
22 veterinarian, a veterinary technician, the director of the regulated
23 animal holding facility, or other properly authorized and trained
24 person, shall administer the required vaccines for cats.

25 As used in this subsection, “core vaccines” means a group of
26 essential vaccines for the continued health of a dog, including
27 canine parvo virus, canine hepatitis, distemper, rabies, and any
28 other vaccines designated as core vaccines in rules and regulations
29 adopted pursuant to subsection a. of section 11 of P.L. ,
30 c. (C.) (pending before the Legislature as this bill); and
31 “required vaccines for cats” means modified live FVRCP vaccine
32 for cats which incorporates feline panleukopenia, feline
33 herpesvirus, and feline calici vaccines and any other vaccines
34 designated as required vaccines for cats in rules and regulations
35 adopted pursuant to subsection a. of section 11 of P.L. ,
36 c. (C.) (pending before the Legislature as this bill).

37 e. A regulated animal holding facility shall provide any person
38 adopting an animal with copies of all medical or other records
39 available concerning the condition and health of the animal, as well
40 as any other information available on the animal.

41

42 5. (New section) a. Every regulated animal holding facility, in
43 cooperation and consultation with the Department of Health and the
44 municipality in which the facility is located, shall establish
45 community outreach policies and procedures, including, but not
46 limited to, the use of social media or a website, to maximize
47 opportunities for adoption of the animals in its care.

1 b. Each municipal clerk's office in the State shall provide a
2 location easily viewed by the public in which a regulated animal
3 holding facility located within the municipality shall post
4 information about animals available for adoption.

5 c. Whenever an animal is surrendered at a regulated animal
6 holding facility, the employee designated by the director to receive
7 surrendered animals shall:

8 (1) confirm with the person surrendering the animal whether the
9 person has an interest in adopting the animal and wishes to be
10 notified if the animal is to be euthanized; and

11 (2) if the person wishes to be so notified, obtain and record in the
12 facility's records the person's contact information and which animal
13 the person had an interest in adopting.

14

15 6. (New section) a. At least two business days prior to the date
16 for euthanizing an animal, a regulated animal holding facility shall,
17 by verifiable written or electronic communication:

18 (1) notify or make a reasonable attempt to notify, for compliance
19 with paragraph (2) of subsection b. of this section, any animal
20 rescue organization, animal rescue organization facility, or
21 individual that has requested notification pursuant to subsection c.
22 of section 4 of P.L. , c. (C.) (pending before the
23 Legislature as this bill) whenever an animal is to be euthanized; and

24 (2) offer the animal for transfer to the animal rescue organization
25 or animal rescue organization facility.

26 b. No animal shall be euthanized until the director of the
27 regulated animal holding facility, or the director's designee, has
28 determined all of the following:

29 (1) The animal has been made available for adoption as required
30 pursuant to subsection e. of section 16 of P.L.1941, c.151 (C.4:19-
31 15.16);

32 (2) Any animal rescue organization, animal rescue organization
33 facility, or individual requesting notification prior to the animal
34 being euthanized has been notified or a reasonable attempt has been
35 made to do so, by verifiable written or electronic communication
36 but (a) there has been no response to the notification, or (b) there is
37 no interest in accepting the animal;

38 (3) Pursuant to section 7 of P.L. , c. (C.) (pending
39 before the Legislature as this bill), the regulated animal holding
40 facility has determined there is no interested party capable of
41 properly caring for the animal;

42 (4) There is no space or suitable area for the animal in any cage,
43 kennel, including any temporary cage or kennel, or other areas used
44 by the animal in the regulated animal holding facility;

45 (5) The animal cannot be placed in a cage, kennel, or other areas
46 used by the animal with another animal and there is no place in the
47 regulated animal holding facility for the animal to be housed alone;

1 (6) No foster home, animal rescue organization, or animal rescue
2 organization facility is available for, or willing to accept, the
3 animal;

4 (7) The animal cannot be transferred to another regulated animal
5 holding facility, foster home, animal rescue organization, or animal
6 rescue organization facility because none has room for the animal
7 or is willing to accept the animal, even on an emergency, temporary
8 basis;

9 (8) If the animal is a cat which was living outdoors with no
10 apparent owner, there is no available trap, neuter, vaccinate, ear-tip,
11 and return program in the State for the cat established pursuant to
12 section 8 of P.L. , c. (C.) (pending before the Legislature
13 as this bill) or otherwise, and the cat cannot be sterilized and
14 returned to the area where the cat was captured; and

15 (9) All applicable requirements of P.L.1941, c.151 (C.4:19-15.1
16 et seq.) and P.L. , c. (C.) (pending before the Legislature
17 as this bill) have been met.

18 c. Upon determining that paragraphs (1) through (7) of
19 subsection b. of this section apply to the animal, in the case of a cat
20 which has been living outside with no apparent owner, paragraph
21 (8) also applies, and, pursuant to paragraph (9), all requirements
22 have been met, the director of the regulated animal holding facility
23 or the director's designee shall certify in writing:

24 (1) compliance with the notification requirements in subsection
25 a. of this section;

26 (2) compliance with the provisions of subsection b. of this
27 section;

28 (3) all required waiting times have been met; and

29 (4) there is no alternative for the regulated animal holding
30 facility to humanely care for the animal instead of euthanizing the
31 animal, including, but not limited to, if the animal is a cat that was
32 found living outdoors with no apparent owner, sterilizing,
33 vaccinating, ear-tipping, and releasing the cat, or socializing the cat
34 for the purpose of adoption.

35 d. The director of the regulated animal holding facility or the
36 director's designee shall sign and date the written certification
37 required pursuant to subsection c. of this section. The regulated
38 animal holding facility shall keep the signed and dated written
39 certification as part of its records for at least three years from the
40 date of its signing, and shall make it available to the public upon
41 request at no charge.

42 e. An animal impounded in a regulated animal holding facility
43 shall be euthanized only when necessary, when every recourse
44 enumerated in subsection c. of this section has been exhausted, and
45 in compliance with the provisions of P.L.1941, c.151 (C.4:19-15.1
46 et seq.) and P.L. , c. (C.) (pending before the Legislature
47 as this bill).

48 The procedures for administering euthanasia shall be as follows:

1 (1) Only a licensed veterinarian or a veterinary technician with
2 specific training in euthanasia and certified pursuant to subsection f.
3 of this section shall be permitted to lawfully euthanize an animal.

4 (2) The room in which euthanasia is administered shall be
5 properly ventilated, and cleaned and regularly disinfected at least
6 once per day when the room is used for the procedure, and the
7 specific area of the room where the procedure is performed shall be
8 cleaned and disinfected after each procedure is performed.

9 (3) No other animal shall be in the room when euthanasia is
10 being administered or allowed to witness an animal being
11 euthanized, tranquilized, or sedated in preparation for being
12 euthanized, or allowed to see the bodies of animals that have been
13 euthanized.

14 (4) Notwithstanding any other law, or rule or regulation adopted
15 pursuant thereto, to the contrary, euthanasia shall be administered
16 only by lethal injection of sodium pentobarbital, except:

17 (a) intraperitoneal injections may be used (i) when intravenous
18 injection is not possible, (ii) for an infant animal, a domestic
19 companion animal other than a cat or dog, or a comatose animal
20 with depressed vascular function, and (iii) only by, or under the
21 direction of, a licensed veterinarian; or

22 (b) intracardiac injections may be used only when (i) an animal
23 is completely unconscious or comatose, (ii) intravenous injection is
24 not possible, and (iii) only by, or under the direction of, a licensed
25 veterinarian.

26 (5) An animal shall be sedated or tranquilized before euthanasia
27 is administered as necessary to minimize stress or discomfort for
28 the animal, or, in the case of a vicious animal, to ensure the safety
29 of the staff, but a neuromuscular blocking agent shall not be used
30 for this or any other purpose.

31 (6) Following administration of the injection to euthanize the
32 animal, the animal shall be lowered onto a surface on which the
33 animal may lie or be held, without dropping, falling, or collapsing
34 without support while dying.

35 (7) No animal shall be left unattended from the time when
36 preparation for euthanasia begins until the animal dies and its death
37 has been verified by the licensed veterinarian or certified veterinary
38 technician performing the euthanasia. No body of an animal may
39 be disposed of until the animal's death has been verified. Death of
40 the animal shall be verified by observation of:

41 (a) no heartbeat, confirmed by a stethoscope;

42 (b) no respiration;

43 (c) pale, bluish gums and tongue; and

44 (d) no eye response, confirmed by shining a light on the animal's
45 open eyes in which the pupils remain dilated and touching the open
46 eyes without the eyes blinking.

47 f. The Board of Veterinary Medicine, in consultation with the
48 Department of Health, shall establish a program for veterinary

1 technicians to be trained and certified for the proper administration
2 and use of euthanasia for animals impounded in a regulated animal
3 holding facility. However, no healthy animal shall be used for the
4 purposes of the training required pursuant to this subsection.

5 g. Notwithstanding the provisions of section 16 of P.L.1941,
6 c.151 (C.4:19-15.16) except as may be necessary to provide for a
7 rabid animal pursuant to subsection j. thereof, subsections a.
8 through e. of this section, or any rule or regulation adopted pursuant
9 thereto, to the contrary, a regulated animal holding facility may
10 euthanize immediately:

11 (1) a dog which has been determined to be vicious by a
12 municipal court pursuant to P.L.1989, c.307 (C.4:19-17 et seq.) and
13 ordered by the court to be euthanized; or

14 (2) any animal suffering with irremediable physical pain or
15 illness.

16 As used in this subsection, “suffering with irremediable physical
17 pain or illness” means a diagnosis certified in writing by a licensed
18 veterinarian that the physical condition of an animal indicates that
19 the animal cannot continue to live without severe, unremitting pain
20 even with prompt, necessary, and comprehensive veterinary care, or
21 the animal has an illness that cannot be remediated with prompt,
22 necessary, and comprehensive veterinary care and will cause the
23 animal continuing, unremitting pain.

24 h. In administering the requirements of this section, the director
25 of the regulated animal holding facility shall exercise consideration
26 and judgment in the assignment and rotation of duties so as to
27 minimize compassion fatigue suffered by the employees and staff of
28 the regulated animal holding facility, including the director thereof.
29 As used in this subsection, “compassion fatigue” means any of the
30 negative emotional repercussions suffered by staff of regulated
31 animal holding facilities caring for the animals in the facility,
32 including, but not limited to, emotional distress, heightened anxiety,
33 depression, alcohol or other drug abuse, or thoughts of, or
34 attempted, suicide.

35
36 7. (New section) Notwithstanding any provision of law, or rule
37 or regulation adopted pursuant thereto, to the contrary, no regulated
38 animal holding facility shall be required to relinquish to any person,
39 animal rescue organization, foster home, or other animal care
40 facility any animal if the director of the regulated animal holding
41 facility determines that the person, animal rescue organization,
42 foster home, or other animal care facility is incapable of proper care
43 of the animal.

44
45 8. (New section) a. Each regulated animal holding facility shall
46 consider, study, and, if feasible, develop and implement a trap,
47 neuter, vaccinate, ear-tip, and return program for its facility as an
48 alternative to euthanasia of any cat found living outdoors with no

1 apparent owner, colloquially referred to as a “feral cat.” The
2 purpose of this subsection is to encourage the development and
3 implementation of such programs but shall not be construed to
4 require implementation of a trap, neuter, vaccinate, ear-tip, and
5 return program by any regulated animal holding facility.

6 b. Whenever a certified animal control officer, humane law
7 enforcement officer of the New Jersey Society for the Prevention of
8 Cruelty to Animals, agent of a county society for the prevention of
9 cruelty to animals, or other law enforcement officer impounds or
10 surrenders a cat which has been found living outdoors with no
11 apparent owner, the officer or agent shall, whenever possible,
12 impound or surrender the cat at a regulated animal holding facility
13 which has in place a trap, neuter, vaccinate, ear-tip, and return
14 program and is located the closest geographically to the location
15 where the cat was captured.

16
17 9. (New section) a. Every regulated animal holding facility
18 shall maintain records of the animals brought to, or kept at, the
19 facility, and the disposition of the animal.

20 b. Each regulated animal holding facility shall maintain
21 continuously updated lists of each animal reported lost or found by
22 local law enforcement or other community resources, check these
23 lists against the animals at the regulated animal holding facility, and
24 notify the owner by telephone, email, certified letter, or other
25 verifiable written or electronic communication whenever the facility
26 finds that an animal reported lost or found is in the facility.

27 c. Each regulated animal holding facility shall make the records
28 kept pursuant to this section available to the public for inspection
29 and review upon request and without charge, but the facility may
30 alter the public record so as to protect any private information
31 concerning the owner of the animal or the animal’s location.

32 d. Every regulated animal holding facility shall report to the
33 Department of Health annually, by species, the number of animals
34 at the facility:

35 (1) on January 1 and on December 31 of the previous calendar
36 year; and

37 (2) during the previous calendar year

38 (a) impounded in total;

39 (b) impounded as stray or at large animals;

40 (c) relinquished by the owner;

41 (d) brought by the owner for intended euthanasia;

42 (e) euthanized;

43 (f) that died under circumstances other than euthanasia, and the
44 circumstances of those deaths;

45 (g) lost or stolen;

46 (h) returned to their owners;

47 (i) adopted from the regulated animal holding facility;

1 (j) transferred to other facilities or organizations located 20 miles
2 or less from the regulated animal holding facility;

3 (k) transferred to other facilities or organizations located more
4 than 20 miles away from the regulated animal holding facility; and

5 (l) with any other live dispositions not described by other
6 subparagraphs of this paragraph.

7 e. In addition to the information required to be reported pursuant
8 to subsection d. of this section, every regulated animal holding
9 facility shall report to the Department of Health annually, the total
10 number of cats found living outdoors with no apparent owner
11 during the previous calendar year that were:

12 (1) sterilized, vaccinated, ear-tipped, and returned to where the
13 cat was captured by the facility; or

14 (2) transferred to an animal rescue organization facility for the
15 purpose of sterilizing, vaccinating, ear-tipping, and returning the cat
16 to where the cat was captured, or socializing the cat and offering the
17 cat for adoption.

18 f. The Department of Health shall annually compile the statistics
19 provided in the reports required pursuant to subsections d. and e. of
20 this section for all regulated animal holding facilities Statewide, and
21 shall make available to the public on its website aggregate
22 Statewide statistics as well as the statistics of each regulated animal
23 holding facility on and in a format searchable by category for
24 individual shelters, pounds, kennels operating as shelters or pounds,
25 and veterinary holding facilities.

26 g. The Department of Health shall consolidate and incorporate
27 information, reports, and statistics from all certifications and reports
28 required of regulated animal holding facility directors pursuant to
29 P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C.)
30 (pending before the Legislature as this bill) into the information,
31 reports, and statistics required of the department pursuant to this
32 section. All information, reports, and statistics required to be
33 compiled by the department pursuant to this section shall be open to
34 the public. The Department of Health shall post the information,
35 reports, and statistics required pursuant to this section on its website
36 on a webpage which is readily accessible and available to the
37 public.

38
39 10. (New section) Any kennel operating as a shelter or pound,
40 and any veterinary holding facility, in the State shall be:

41 a. subject to the requirements and the provisions of (a)
42 P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C.)
43 (pending before the Legislature as this bill), and the rules and
44 regulations adopted pursuant thereto, and (b) the requirements of
45 the rules and regulations adopted pursuant to section 14 of
46 P.L.1941, c.151 (C.4:19-15.14); and

47 b. properly licensed pursuant to section 8 of P.L.1941, c.151
48 (C.4:19-15.8) by the municipality in which it is located.

1 11. (New section) a. Within 180 days after the effective date of
2 P.L. , c. (C.) (pending before the Legislature as this bill), the
3 Department of Health, in consultation with the Board of Veterinary
4 Medicine, shall develop and adopt, pursuant to the “Administrative
5 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
6 regulations establishing requirements for:

7 (1) proper veterinary care of cats and dogs in regulated animal
8 holding facilities, including, but not necessarily limited to,
9 additional or continuing educational training for veterinarians,
10 veterinary protocols, and designation of core vaccines for dogs or
11 required vaccines for cats and their administration, in compliance
12 with section 3 of P.L. , c. (C.) (pending before the
13 Legislature as this bill); and

14 (2) criteria for protection of the health of the animals and
15 procedures for the care, temporary housing, and transfer of animals
16 that minimize the necessity for euthanasia, including increased
17 professional staff, use of volunteers, adoption programs, and
18 transfer programs between foster homes, animal rescue organization
19 facilities, and other animal care facilities.

20 b. Annually, the Department of Health shall review inspection
21 records from regulated animal holding facilities throughout the
22 State and determine if the criteria and procedures established
23 pursuant to paragraph (2) of subsection a. of this section require any
24 modification to further minimize the necessity for euthanasia.

25
26 12. (New section) a. Within 180 days after the effective date of
27 P.L. , c. (C.) (pending before the Legislature as this bill), the
28 Department of Health, pursuant to the “Administrative Procedure
29 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
30 regulations governing the operation and oversight of regulated
31 animal holding facilities, in addition to the rules and regulations
32 adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14),
33 and incorporating the rules and regulations adopted pursuant to
34 subsection b. of this section.

35 b. Every three years after the effective date of P.L. ,
36 c. (C.) (pending before the Legislature as this bill), the
37 Commissioner of Health shall consult with the director of each
38 regulated animal holding facility in the State and shall appropriately
39 revise and adopt the revised rules and regulations adopted pursuant
40 to section 14 of P.L.1941, c.151 (C.4:19-15.14) and P.L. ,
41 c. (C.) (pending before the Legislature as this bill).

42
43 13. (New section) a. The Office of Animal Welfare in the
44 Department of Health, at the direction of the commissioner, shall
45 enforce the provisions of P.L. , c. (C.) (pending before the
46 Legislature as this bill) and the rules and regulations adopted
47 pursuant thereto.

1 b. The Office of Animal Welfare shall certify a director for each
2 regulated animal holding facility who is properly trained and has
3 met the certification requirements pursuant to section 14 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill). Until
5 such time that the required training and certification process is in
6 place enabling the Office of Animal Welfare to certify a director as
7 required pursuant to this subsection, the chief operating officer of
8 the regulated animal holding facility, or if none, its owner or the
9 owner's designee, shall serve as the director of the regulated animal
10 holding facility for the purposes of P.L. , c. (C.)
11 (pending before the Legislature as this bill), until a director can be
12 properly trained and certified as provided pursuant to section 14 of
13 P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 c. The Office of Animal Welfare shall appoint certified
16 inspectors, trained and certified pursuant to section 14 of P.L. ,
17 c. (C.) (pending before the Legislature as this bill), to
18 inspect each regulated animal holding facility in the State.

19 d. Each certified inspector shall inspect each of the regulated
20 animal holding facilities in the certified inspector's jurisdiction as
21 designated by the Office of Animal Welfare, without notice to the
22 regulated animal holding facility, at least three times each calendar
23 year to ensure compliance with the requirements of P.L. ,
24 c. (C.) (pending before the Legislature as this bill). A certified
25 inspector shall have the authority to immediately enter, at
26 reasonable hours and without advance notice, any regulated animal
27 holding facility, upon presentation of the appropriate credentials, to
28 conduct an inspection.

29 e. The certified inspector shall report to the Commissioner of
30 Health, and maintain records of the results of each inspection
31 performed. The commissioner, upon receipt of an inspection report
32 indicating a violation, shall issue a notice of violation to the
33 regulated animal holding facility and an order to comply. The
34 authority of each certified inspector to inspect any premises for
35 purposes of investigating an alleged violation shall extend to the
36 entire premises, and the investigating certified inspector shall
37 inspect the entire premises regardless of where the alleged violation
38 may exist. The certified inspector shall make the inspection records
39 available to the commissioner for purposes of enforcement.

40 f. The Office of Animal Welfare, with the approval of the
41 commissioner, may delegate any of its enforcement authority
42 granted under this section to the appropriate local health authority,
43 after the appropriate employees have received the training required
44 pursuant to section 14 of P.L. , c. (C.) (pending before the
45 Legislature as this bill).

46
47 14. (New section) a. The Commissioner of Health shall adopt,
48 within 120 days after the effective date of P.L. , c. (C.)

1 (pending before the Legislature as this bill), and pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), rules and regulations concerning the training, educational
4 qualifications, and certification required for:

5 (1) directors of regulated animal holding facilities operating in
6 the State;

7 (2) certified inspectors appointed pursuant to section 13 of
8 P.L. , c. (C.) (pending before the Legislature as this bill) to
9 inspect regulated animal holding facilities operating in the State;
10 and

11 (3) employees of a local health authority authorized to assume
12 the enforcement authority of the Office of Animal Welfare pursuant
13 to section 13 of P.L. , c. (C.) (pending before the
14 Legislature as this bill).

15 b. The rules and regulations adopted pursuant to subsection a. of
16 this section shall include, but need not be limited to, a course of
17 study which provides the person with the necessary training in:

18 (1) the State law, rules, and regulations concerning the regulation
19 of regulated animal holding facilities, including, at a minimum, the
20 provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. ,
21 c. (C.) (pending before the Legislature as this bill),
22 the rules and regulations adopted pursuant thereto, and the rules and
23 regulations adopted pursuant to section 14 of P.L.1941, c.151
24 (C.4:19-15.14);

25 (2) the State animal cruelty statutes, any rules or regulations
26 adopted pursuant thereto, and their proper application;

27 (3) all State agencies, and all associations, entities, and officials
28 in the State involved in animal control and cruelty prevention, and
29 their respective roles and responsibilities concerning enforcement
30 of the law, rules, and regulations set forth in paragraphs (1) and (2)
31 of this subsection;

32 (4) the best practices established for animal care, cleaning of
33 cages or enclosures, veterinary oversight, maintaining enclosures,
34 the physical and psychological requirements for animals, control of
35 rabies, required and proper quarantines, and transport rules, and
36 their proper implementation; and

37 (5) recognition of cat and dog breeds, acceptable and dangerous
38 cat and dog behaviors, safe animal handling techniques, animal
39 disease recognition and prevention, and proper veterinary services.

40 c. The commissioner shall revise the training required for
41 certified animal control officers pursuant to section 3 of P.L.1983,
42 c.525 (C.4:19-15.16a) to provide for training in the proper
43 implementation of the responsibilities of an animal control officer
44 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16), P.L. ,
45 c. (C.) (pending before the Legislature as this bill), and the
46 rules and regulations adopted pursuant thereto.

47 d. The commissioner shall develop, in cooperation with Rutgers,
48 the State University, the training required pursuant to subsections

1 a., b., and c. of this section. The commissioner shall contract with
2 Rutgers, the State University, to provide the training and to do so no
3 later than one year after the effective date of P.L. , c. (C.)
4 (pending before the Legislature as this bill). The commissioner
5 shall provide, in conjunction with Rutgers, the State University, for
6 the issuance of a certificate to any person who possesses, or
7 acquires, the training and education required to qualify as a certified
8 director for a regulated animal holding facility, certified inspector,
9 or authorized local health authority employee pursuant to
10 subsection a. of this section.

11
12 15. (New section) No regulated animal holding facility may
13 operate in the State unless it can demonstrate it is in good standing
14 with its licensing municipality and the Department of Health, as
15 evidenced by its most recent inspection. Within 180 days after the
16 effective date of P.L. , c. (C.) (pending before the
17 Legislature as this bill), every regulated animal holding facility in
18 the State shall demonstrate it is in good standing in the manner
19 prescribed by the Department of Health, or the date by which the
20 regulated animal holding facility shall be in compliance with any
21 inspection order issued concerning a pending violation. Thereafter,
22 failure to demonstrate good standing or compliance with an
23 inspection order shall be grounds for, following a hearing,
24 immediate license revocation.

25
26 16. (New section) Any person may bring a civil action in
27 Superior Court or municipal court, as appropriate, for declaratory or
28 injunctive relief with respect to a violation of P.L. , c. (C.)
29 (pending before the Legislature as this bill), and petition the court
30 to compel compliance.

31
32 17. (New section) a. A person who fails to comply with the
33 requirements established pursuant to section 9 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), shall be
35 subject to a fine of \$100 for the first violation, \$200 for the second
36 violation, and \$300 for the third and subsequent violations, to be
37 collected by the Department of Health in a civil action by a
38 summary proceeding under the "Penalty Enforcement Law of
39 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.). Also, the license of a
40 regulated animal holding facility found liable for a third or
41 subsequent violation of this subsection shall be, following a
42 hearing, subject to suspension or revocation.

43 b. A person who fails to comply with the requirements
44 established pursuant to section 3, 4, 5, 6, or 10 of, or any rules or
45 regulations adopted pursuant to, P.L. , c. (C.) (pending
46 before the Legislature as this bill), shall be subject to a fine of \$200
47 for the first violation, \$400 for the second violation, and \$800 for
48 the third and subsequent violations, to be collected by the

1 Department of Health in a civil action by a summary proceeding
2 under the “Penalty Enforcement Law of 1999,” P.L.1999, c. 274
3 (C.2A:58-10 et seq.). Also, the license of the regulated animal
4 holding facility found liable for a third or subsequent violation of
5 this subsection shall be, following a hearing, subject to suspension
6 or revocation.

7 c. Any fines collected pursuant to this section shall be deposited
8 in the “Proper Care of Sheltered Animals Fund,” established
9 pursuant to section 18 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11

12 18. (New section) a. There is established in the Department of
13 Health a special, nonlapsing fund to be known as the “Proper Care
14 of Sheltered Animals Fund.” The fund shall be administered by the
15 department and shall be credited with:

16 (1) any fines collected pursuant to section 17 of P.L. ,
17 c. (C.) (pending before the Legislature as this bill) and,
18 notwithstanding the provisions of R.S.4:22-55, subsections b. and c.
19 of R.S.4:22-19;

20 (2) funds appropriated from the “Stray and Homeless Animals
21 Fund,” established pursuant to section 19 of P.L. , c. (C.)
22 (pending before the Legislature as this bill);

23 (3) such moneys as may be appropriated by the Legislature; and

24 (4) any return on investment of moneys deposited in the fund.

25 b. Moneys in the fund shall be used by the department solely
26 for:

27 (1) grants to regulated animal control facilities for providing
28 spaying and neutering of cats and dogs, vaccinations, and veterinary
29 care for the animals in the regulated animal holding facilities; and

30 (2) the cost of training requested pursuant to P.L. , c. (C.)
31 (pending before the Legislature as this bill).

32 c. The department shall not use any moneys in the fund for any
33 administrative costs of the department.

34

35 19. (New section) a. There is established in the Department of
36 the Treasury a special fund to be known as the “Stray and Homeless
37 Animals Fund.”

38 b. A taxpayer shall have the opportunity to indicate on the
39 taxpayer’s New Jersey gross income tax return that a portion of the
40 taxpayer’s tax refund or an enclosed contribution shall be deposited
41 in the “Stray and Homeless Animals Fund” in accordance with the
42 provisions of section 1 of P.L.1999, c.21 (C.54A:9-25.14).

43 c. Any costs incurred by the Division of Taxation for collection
44 or administration attributable to this section may be deducted from
45 receipts collected pursuant to this section, as determined by the
46 Director of the Division of Budget and Accounting in the
47 Department of the Treasury. The State Treasurer shall deposit net

1 contributions collected pursuant to this section into the “Stray and
2 Homeless Animals Fund.”

3 d. The Legislature shall annually appropriate all funds
4 deposited in the “Stray and Homeless Animals Fund” to the “Proper
5 Care of Sheltered Animals Fund” in the Department of Health,
6 established pursuant to section 18 of P.L. , c. (C.) (pending
7 before the Legislature as this bill), to be used exclusively for the
8 purposes of that fund.

9
10 20. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to
11 read as follows:

12 1. As used in P.L.1941, c.151 (C.4:19-15.1 et seq.):

13 “Animal control provider” means any person or entity that
14 provides animal control services for a municipality, including, but
15 not limited to, a certified animal control officer or a company
16 providing animal control services.

17 "Animal rescue organization" means an individual or group of
18 individuals who, with or without salary or compensation, house and
19 care for homeless animals in the home of an individual or in other
20 facilities, with the intent of placing the animals in responsible, more
21 permanent homes as soon as possible.

22 "Animal rescue organization facility" means the home or other
23 facility in which an animal rescue organization houses and cares for
24 an animal.

25 "Cat" means a member of the species of cat (*Felis catus* or *Felis*
26 *domesticus*) that is generally kept as a household pet in the United
27 States, which is domesticated, whether acclimated to living
28 outdoors or not, and shall not include bobcat, lynx, or other wild
29 feline species.

30 "Certified animal control officer" means a person 18 years of age
31 or older who has satisfactorily completed the course of study
32 approved by the Commissioner of Health **【and Senior Services】** and
33 the Police Training Commission as prescribed by paragraphs (1)
34 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
35 15.16a); or who has been employed in the State of New Jersey in
36 the capacity of, and with similar responsibilities to those required
37 of, a certified animal control officer pursuant to the provisions of
38 P.L.1983, c.525 for a period of three years before January 17, 1987.

39 "Dog" means any dog, bitch or spayed bitch.

40 "Dog of licensing age" means any dog which has attained the age
41 of seven months or which possesses a set of permanent teeth.

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

47 "Foster home" means placement of a cat or dog with an
48 individual or group that is not an animal rescue organization for the

1 purpose of temporarily caring for the cat or dog, without the
2 individual or group assuming ownership and with the intent of the
3 individual or group relinquishing the cat or dog to a suitable owner
4 when one is located.

5 "Kennel" means any establishment wherein or whereon the
6 business of boarding or selling dogs or breeding dogs for sale is
7 carried on, except a pet shop.

8 "Owner" when applied to the proprietorship of a dog shall
9 include every person having a right of property in that dog and
10 every person who has that dog in **【his】** the person's keeping, and
11 when applied to the proprietorship of any other animal, including,
12 but not limited to, a cat, shall include every person having a right of
13 property in that animal **【and every person who has that animal in**
14 **his keeping.】** , but shall not include a person who feeds an animal
15 living outdoors with no apparent owner, including, but not limited
16 to, an animal colloquially referred to as a "feral cat."

17 "Pet shop" means any place of business which is not part of a
18 kennel, wherein animals, including, but not limited to, dogs, cats,
19 birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or
20 displayed chiefly for the purpose of sale to individuals for personal
21 appreciation and companionship rather than for business or research
22 purposes.

23 "Pound" means an establishment for the confinement of dogs or
24 other animals seized either under the provisions of **【this act】**
25 P.L.1941, c.151 (C.4:19-15.1 et seq.) or otherwise.

26 "Regulated animal holding facility" means a shelter, pound,
27 kennel operating as a shelter or pound, or a veterinary holding
28 facility subject to the requirements and provisions of P.L.1941,
29 c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C.) (pending
30 before the Legislature as this bill).

31 "Shelter" means **【any establishment where dogs or other animals**
32 **are received, housed and distributed】** a public or private facility
33 operated for the temporary or permanent housing and care of
34 abandoned, abused, owner-surrendered, stray, or otherwise
35 displaced or homeless animals. A shelter shall include a facility
36 operated by a county, municipality, local law enforcement agency,
37 or other governmental entity, or a contractor thereof, or the New
38 Jersey Society for the Prevention of Cruelty to Animals, a county
39 society for the prevention of cruelty to animals, a humane society,
40 or other nonprofit organization concerned with the care and control
41 of animals, other than an animal rescue organization or an animal
42 rescue organization facility.

43 "Sterilize" means to render an animal incapable of reproducing
44 by either spaying or neutering.

45 "Veterinary holding facility" means any facility owned or
46 operated by a veterinarian, veterinary hospital, clinic, veterinary
47 boarding facility, or similar facility that houses stray, surrendered,

1 or otherwise impounded animals as a boarding agent or holding
2 facility for an animal control provider, the New Jersey Society for
3 the Prevention of Cruelty to Animals or any of its humane law
4 enforcement officers or agents, a county society for the prevention
5 of cruelty to animals or any of its humane law enforcement officers
6 or agents, or local law enforcement.
7 (cf: P.L.2011, c.142, s.1)

8
9 21. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
10 read as follows:

11 8. a. Any person who keeps or operates or proposes to establish
12 a kennel, a pet shop, a shelter or a pound shall apply to the clerk or
13 other official designated to license dogs in the municipality where
14 such establishment is located, for a license entitling him to keep or
15 operate such establishment. Any veterinary holding facility
16 operating in a municipality on or after the effective date of P.L. ,
17 c. (C.) (pending before the Legislature as this bill) shall apply
18 for a pound license from the municipality in which it operates.

19 The application shall describe the premises where the
20 establishment is located or is proposed to be located, the purpose or
21 purposes for which it is to be maintained, and shall be accompanied
22 by the written approval of the local municipal and health authorities
23 showing compliance with the local and State rules and regulations
24 governing location of and sanitation at such establishments.

25 No license shall be issued to a kennel operating as a regulated
26 animal holding facility, shelter, pound, or veterinary holding facility
27 unless it can demonstrate to its licensing municipality and the
28 Department of Health, in the manner prescribed by the department,
29 that it:

30 (1) has a director, properly trained and certified pursuant to
31 sections 13 and 14 of P.L. , c. (C.) (pending before the
32 Legislature as this bill); and

33 (2) is otherwise in compliance with the applicable provisions of
34 P.L. , c. (C.) (pending before the Legislature as
35 this bill).

36 b. All licenses issued for a kennel, pet shop, shelter, **[or]**
37 pound , or veterinary holding facility shall state the purpose for
38 which the establishment is maintained, and all licenses shall expire
39 on the last day of June of each year, and be subject to revocation by
40 the municipality on recommendation of the Department of Health or
41 the local board of health for failure to comply with the rules and
42 regulations of the State department or local board governing the
43 same, after the owner has been afforded a hearing by either the
44 State department or local board, except as provided in subsection c.
45 of this section.

46 Any person holding a license shall not be required to secure
47 individual licenses for dogs owned by a licensee and kept at the

1 establishments; the licenses shall not be transferable to another
2 owner or different premises.

3 c. The license for a pet shop shall be subject to review by the
4 municipality, upon recommendation by the Department of Health or
5 the local health authority for failure by the pet shop to comply with
6 the rules and regulations of the State department or local health
7 authority governing pet shops or if the pet shop meets the criteria
8 for recommended suspension or revocation provided under
9 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after
10 the owner of the pet shop has been afforded a hearing pursuant to
11 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

12 The municipality, based on the criteria for the recommendation
13 of the local health authority provided under subsections c. and d. of
14 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license
15 for 90 days or may revoke the license if it is determined at the
16 hearing that the pet shop: (1) failed to maintain proper hygiene and
17 exercise reasonable care in safeguarding the health of animals in its
18 custody or (2) sold a substantial number of animals that the pet shop
19 knew, or reasonably should have known, to be unfit for purchase.

20 d. The municipality may issue a license for a pet shop that
21 permits the pet shop to sell pet supplies for all types of animals,
22 including cats and dogs, and sell animals other than cats and dogs
23 but restricts the pet shop from selling cats or dogs, or both.

24 e. Every pet shop licensed in the State shall submit annually
25 and no later than May 1 of each year records of the total number of
26 cats and dogs, respectively, sold by the pet shop each year to the
27 municipality in which it is located, and the municipality shall
28 provide this information to the local health authority.

29 f. Within 180 days after the effective date of P.L. _____,
30 c. (C _____) (pending before the Legislature as this bill), every
31 regulated animal holding facility operating in the State on the
32 effective date thereof shall demonstrate to its licensing municipality
33 and the Department of Health, in the manner prescribed by the
34 department, that the regulated animal holding facility:

35 (1) has a director, properly trained and certified, or designated,
36 pursuant to sections 13 and 14 of P.L. _____, c. _____ (C. _____) (pending
37 before the Legislature as this bill); and

38 (2) is otherwise in compliance with the applicable provisions of
39 P.L. _____, c. _____ (C. _____) (pending before the Legislature as
40 this bill).

41 (cf: P.L.2012, c.17, s.5)

42

43 22. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
44 read as follows:

45 16. a. The certified animal control officer appointed by the
46 governing body of the municipality shall take into custody and
47 impound [any animal, to thereafter be euthanized or offered for

1 adoption, as provided in this section] at a regulated animal holding
2 facility :

3 (1) Any dog off the premises of the owner or of the person
4 charged with the care of the dog, which is reasonably believed to be
5 a stray dog;

6 (2) Any dog off the premises of the owner or the person charged
7 with the care of the dog without a current registration tag on its
8 collar or elsewhere;

9 (3) Any female dog in season off the premises of the owner or
10 the person charged with the care of the dog;

11 (4) Any dog or other animal which is suspected to be rabid; or

12 (5) Any dog or other animal off the premises of the owner or the
13 person charged with **[its]** the animal's care that is reported to, or
14 observed by, a certified animal control officer to be ill, injured, or
15 creating a threat to public health, safety, or welfare, or otherwise
16 interfering with the enjoyment of property.

17 If, when an animal is taken into custody and impounded, the
18 certified animal control officer or the person receiving the animal at
19 a regulated animal holding facility has reasonable cause to believe
20 the animal is injured or ill, the animal shall be immediately taken to
21 a licensed veterinarian.

22 b. If an animal taken into custody and impounded pursuant to
23 subsection a. of this section has a collar or harness with
24 identification of the name and address of any person, or has a
25 registration tag, or has a microchip with an identification number
26 that can be traced to the owner or person charged with the care of
27 the animal, or the owner or the person charged with the care of the
28 animal is otherwise known, the certified animal control officer shall
29 ascertain the name and address of the owner or the person charged
30 with the care of the animal, and serve to the identified person as
31 soon as practicable, a notice in writing that the animal has been
32 seized and will be liable to be offered for adoption or euthanized if
33 not claimed within seven days after the service of the notice.

34 For any animal suspected of being lost or stray, if the regulated
35 animal holding facility cannot find any identifying information on
36 or concerning the animal, the facility shall post on the Internet a
37 photograph and identifying information concerning the animal, the
38 location of the facility where the animal is being held, and
39 information concerning how to contact the facility, including, but
40 not limited to, its phone number, email address, and hours of
41 operation during which the owner may reclaim the animal. If the
42 regulated animal holding facility does not have a website, the
43 facility shall post the required information in the municipal clerk's
44 office of the municipality which licenses the regulated animal
45 holding facility.

46 c. A notice required pursuant to this section may be served: (1)
47 by delivering it to the person on whom it is to be served, or by
48 leaving it at the person's usual or last known place of residence or

1 the address given on the collar, harness, or microchip identification;
2 or (2) by mailing the notice to that person at the person's usual or
3 last known place of residence, or to the address given on the collar,
4 harness or microchip identification.

5 d. A **shelter, pound, or kennel operating as a shelter or pound**
6 regulated animal holding facility receiving an animal from a
7 certified animal control officer pursuant to subsection a. of this
8 section, or from any other individual, group, or organization, shall
9 hold the animal for at least seven days before offering the animal
10 for adoption, or euthanizing, relocating, or sterilizing the animal,
11 except if:

12 (1) the animal is surrendered voluntarily by **its** the animal's
13 owner to the regulated animal holding facility, in which case the
14 provisions of subsection e. of this section shall apply; **or**

15 (2) the animal is suspected of being rabid, in which case the
16 provisions of subsection j. of this section shall apply; or

17 (3) the animal is a cat found living outdoors with no apparent
18 owner and is being held by the regulated animal holding facility
19 only for the purpose of sterilizing, vaccinating, ear-tipping, and
20 releasing the cat.

21 Prior to euthanizing an animal, the regulated animal holding
22 facility shall also comply with the provisions of section 6 of
23 P.L. , c. (C.) (pending before the Legislature as this
24 bill).

25 e. If a **shelter, pound or kennel operating as a shelter or**
26 **pound** regulated animal holding facility is not required to hold an
27 animal for at least seven days pursuant to paragraph (1) of
28 subsection d. of this section, the **shelter, pound, or kennel**
29 **operating as a shelter or pound** regulated animal holding facility:

30 (1) shall offer the animal for adoption for at least seven days
31 before euthanizing **it** the animal; or

32 (2) may transfer the animal to an animal rescue organization
33 facility or a foster home prior to offering **it** the animal for
34 adoption if such a transfer is determined to be in the best interest of
35 the animal by the **shelter, pound, or kennel operating as a shelter**
36 **or pound** regulated animal holding facility.

37 Prior to euthanizing an animal, the regulated animal holding
38 facility shall comply with the provisions of section 6 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill).

40 f. **Except as otherwise provided for under subsection e. of this**
41 **section, no shelter, pound, or kennel operating as a shelter or pound**
42 **receiving an animal from a certified animal control officer may**
43 **transfer the animal to an animal rescue organization facility or a**
44 **foster home until the shelter, pound, or kennel operating as a shelter**
45 **or pound has held the animal for at least seven days** **A regulated**
46 **animal holding facility may temporarily transfer an animal to a**
47 **foster home prior to the elapsing of seven days if a photograph of**

1 the animal is taken before the transfer and held in the records of the
2 registered animal holding facility. No regulated animal holding
3 facility shall transfer an animal to an animal rescue organization
4 facility until the animal has been held for seven days.

5 g. If the owner or the person charged with the care of the
6 animal seeks to claim **[it]** the animal within seven days or after the
7 seven days have elapsed but before the animal has been adopted or
8 euthanized, the **[shelter, pound, or kennel operating as a shelter or**
9 **pound]** regulated animal holding facility:

10 (1) shall, in the case of a cat or dog, release the animal to the
11 owner or person charged with **[its]** the animal's care, provided the
12 owner or person charged with the care of the animal provides proof
13 of ownership, which may include a valid cat or dog license,
14 registration, rabies inoculation certificate, or documentation from
15 the owner's veterinarian that the cat or dog has received regular care
16 from that veterinarian;

17 (2) may, in the case of a cat or dog, charge the cost of sterilizing
18 the cat or dog, if the owner requests such sterilizing when claiming
19 **[it]** the animal; and

20 (3) may require the owner or person charged with the care of the
21 animal to pay all the animal's expenses while in the care of the
22 **[shelter, pound, or kennel operating as a shelter or pound]**
23 regulated animal holding facility, not to exceed \$4 per day.

24 h. If the animal remains unclaimed, is not claimed due to the
25 failure of the owner or other person to comply with the
26 requirements of this section, or is not adopted after seven days after
27 the date on which notice is served pursuant to subsection c. of this
28 section or, if no notice can be served, not less than seven days after
29 the date on which the animal was impounded, the impounded
30 animal may be placed in a foster home, transferred to another
31 shelter, pound, kennel operating as a **[shelter or pound]** regulated
32 animal holding facility, or animal rescue organization facility, or
33 euthanized in a manner causing as little pain as possible and
34 consistent with the provisions of R.S.4:22-19 and section 6 of
35 P.L. _____, c. (C. _____) (pending before the Legislature as this
36 bill).

37 i. At the time of adoption, the right of ownership in the animal
38 shall transfer to the new owner. No dog or other animal taken into
39 custody, impounded, sent or otherwise brought to a **[shelter, pound,**
40 **or kennel operating as a shelter or pound]** regulated animal holding
41 facility shall be sold or otherwise be made available for the purpose
42 of experimentation. Any person who sells or otherwise makes
43 available any such dog or other animal for the purpose of
44 experimentation shall be guilty of a crime of the fourth degree.

45 j. Any animal seized under this section suspected of being
46 rabid shall be immediately reported to the executive officer of the
47 local board of health and to the Department of Health, and shall be

1 quarantined, observed, and otherwise handled and dealt with as
2 appropriate for an animal suspected of being rabid or as required by
3 the Department of Health for the animals.

4 k. When a certified animal control officer takes into custody
5 and impounds, or causes to be taken into custody and impounded,
6 an animal, the certified animal control officer may place the animal
7 in the custody of, or cause the animal to be placed in the custody of,
8 only a licensed **【shelter, pound, or kennel operating as a shelter or**
9 **pound】** regulated animal holding facility. The certified animal
10 control officer may not place the animal in the custody of, or cause
11 the animal to be placed in the custody of, any animal rescue
12 organization facility, foster home, or other unlicensed facility.
13 However, the licensed **【shelter, pound, or kennel operating as a**
14 **shelter or pound】** regulated animal holding facility may place the
15 animal in an animal rescue organization facility, foster home, or
16 other unlicensed facility if necessary pursuant to subsection e. or h.
17 of this section.

18 l. Notwithstanding the provisions of this section and sections 3
19 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
20 contrary, no cat or dog being transferred between **【shelters, pounds,**
21 **or kennels operating as shelters or pounds】** regulated animal
22 holding facilities, or being transferred to an animal rescue
23 organization facility or placed in a foster home, shall be required to
24 be sterilized prior to that transfer.

25 m. No regulated animal holding facility may refuse, limit, or
26 otherwise obstruct the impoundment, transfer, or adoption of an
27 animal on the basis of age, appearance, color, breed, breed mix,
28 size, or species.

29 n. A regulated animal holding facility shall establish hours of
30 operation that allow it to be open to the public, and during the
31 following times at which animals would be available for adoption
32 and reclamation:

33 (1) at least five hours every weekday, and remaining open until
34 7:00 p.m. on at least one of those weekdays; and

35 (2) at least five hours one weekend day each week.

36 (cf: P.L.2012, c.17, s.7)

37

38 23. Section 27 of P.L.1941, c.151 (C.4:19-15.27) is amended to
39 read as follows:

40 27. No provision of this act shall be construed to apply to any
41 establishment wherein or whereon dogs are received or kept for
42 diagnostic, medical, surgical, or other treatments, owned by and
43 operated under the immediate supervision of a graduate veterinarian
44 licensed in the State **【of New Jersey】** , except for veterinary
45 holding facilities to which the provisions of P.L. , c. (C.)
46 (pending before the Legislature as this bill) apply.

47 (cf: P.L.1941, c. 151, s. 27)

1 24. Section 5 of P.L.2011, c.142 (C.4:19-15.32) is amended to
2 read as follows:

3 5. a. Every regulated animal holding facility shall have a
4 universal scanner for microchip identification. When a cat or dog is
5 put in the custody of and impounded with a **【shelter, pound, or**
6 **kennel operating as a shelter or pound,】** regulated animal holding
7 facility or an animal rescue organization facility receives a cat or
8 dog, the **【shelter, pound, kennel operating as a shelter or pound,】**
9 regulated animal holding facility or animal rescue organization
10 facility shall, if the identity of the owner is not known, scan the
11 animal for microchip identification **【**, provided the shelter, pound,
12 kennel operating as a shelter or pound, or animal rescue
13 organization facility has such technology available**】**.

14 b. Prior to release of any cat or dog for adoption, transfer to
15 another facility or foster home, or euthanasia of the cat or dog, the
16 **【shelter, pound, kennel operating as a shelter or pound,】** regulated
17 animal holding facility or animal rescue organization facility shall,
18 if the identity of the owner is not known, scan the cat or dog for
19 microchip identification **【**, provided the shelter, pound, kennel
20 operating as a shelter or pound, or animal rescue organization
21 facility has such technology available**】**.

22 c. If either scan required pursuant to subsection a. or b. of this
23 section reveals information concerning the owner of the cat or dog,
24 the **【shelter, pound, kennel operating as a shelter or pound,】**
25 regulated animal holding facility or animal rescue organization
26 facility shall immediately seek to contact and notify the owner of
27 the whereabouts of the cat or dog. Furthermore, if microchip
28 identification is found, the **【shelter, pound, kennel operating as a**
29 **shelter or pound,】** regulated animal holding facility or animal
30 rescue organization facility shall hold the animal for at least seven
31 days after the notification to the owner.

32 (cf: P.L.2011, c.142, s.5)

33

34 25. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
35 read as follows:

36 6. a. The Department of Health shall establish a registry of
37 animal rescue organizations and their facilities in the State. Any
38 animal rescue organization **【may voluntarily participate in】**
39 operating in the State shall register with the department and shall be
40 entered into the registry.

41 b. The department, pursuant to the "Administrative Procedure
42 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
43 and regulations determined necessary to implement the **【voluntary】**
44 registry and coordinate its use with the provisions of P.L.2011,
45 c.142 (C.4:19-15.30 et al.) **【and】** , section 16 of P.L.1941, c.151
46 (C.4:19-15.16), and P.L. , c. (C.) (pending before the

1 Legislature as this bill .
2 (cf: P.L. 2012, c.17, s.13)

3
4 26. R.S.4:22-19 is amended to read as follows:

5 4:22-19. a. A person who shall **【**:

6 a. Impound**】** impound or confine, or cause to be impounded or
7 confined, in a pound or other place, a living animal or creature, and
8 shall fail to supply it during such confinement with a daily,
9 sufficient quantity of good and wholesome food and water **【**; or**】**
10 shall be guilty of a disorderly persons offense and shall be punished
11 as provided in subsection b. of R.S.4:22-17.

12 b. **【Destroy】** A person who shall kill or cause to be
13 **【destroyed】** killed any **【such】** impounded animal by hypoxia
14 induced by decompression or in any other manner **【**, by the
15 administration of a lethal gas other than an inhalant anesthetic, or in
16 any other manner**】** except **【**by a method of euthanasia generally
17 accepted by the veterinary medical profession as being reliable,
18 appropriate to the type of animal upon which it is to be employed,
19 and capable of producing loss of consciousness and**】** as provided
20 pursuant to section 6 of P.L. , c. (C.) (pending now before
21 the Legislature as this bill), so as to bring death as rapidly and
22 painlessly as possible **【for such】** to the animal, shall **【**, in the case
23 of a violation of subsection a., be guilty of a disorderly persons
24 offense and shall be punished as provided in subsection a. of
25 R.S.4:22-17; or, in the case of a violation of subsection b.,**】** be
26 subject to a penalty of **【\$25】** \$125 for the first offense and **【\$50】**
27 \$250 for each subsequent offense. Each animal destroyed in
28 violation of this subsection **【b.】** shall constitute a separate offense.
29 The penalty shall be collected in accordance with the "Penalty
30 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.)
31 and all money collected shall be remitted to the **【State】** Department
32 of Health.

33 This section shall apply to kennels, pet shops, shelters, and
34 pounds as defined and licensed pursuant to P.L.1941, c.151
35 (C.4:19-15.1 et seq.); to any regulated animal holding facility as
36 defined pursuant to section 2 of P.L. , c. (C.) (pending
37 before the Legislature as this bill); to pounds and places of
38 confinement owned and operated by municipalities, counties or
39 regional governmental authorities; and to every contractual warden
40 or impounding service, any provision to the contrary in this title
41 notwithstanding.

42 c. Notwithstanding the provisions of R.S.4:22-55 or any other
43 law, or any rule or regulation adopted pursuant thereto, to the
44 contrary, any penalty collected pursuant to subsection b. of this
45 section shall be deposited in the "Proper Care of Sheltered Animals
46 Fund," established pursuant to section 18 of P.L. , c. (C.)

1 (pending before the Legislature as this bill).

2 (cf: P.L.2001, c.229, s.3)

3

4 27. R.S.4:22-55 is amended to read as follows:

5 4:22-55. a. Except as provided pursuant to subsection b. of this
6 section and subsection c. of R.S.4:22-19, all fines, penalties and
7 moneys imposed and collected under the provisions of this article,
8 shall be paid by the court or by the clerk or court officer receiving
9 the fines, penalties or moneys, within thirty days and without
10 demand, to (1) the county society for the prevention of cruelty to
11 animals of the county where the fines, penalties or moneys were
12 imposed and collected, if the county society brought the action or it
13 was brought on behalf of the county society, to be used by the
14 county society in aid of the benevolent objects for which it was
15 incorporated, or (2) in all other cases, the New Jersey Society for
16 the Prevention of Cruelty to Animals, to be used by the State
17 society in aid of the benevolent objects for which it was
18 incorporated.

19 b. If an enforcement action for a violation of this article is
20 brought primarily as a result of the discovery and investigation of
21 the violation by a certified animal control officer, the fines,
22 penalties or moneys collected shall be paid as follows: one half to
23 the municipality in which the violation occurred; and one half to the
24 county society or to the New Jersey Society for the Prevention of
25 Cruelty to Animals, as applicable to the particular enforcement
26 action.

27 c. Any fines, penalties or moneys paid to a municipality or
28 other entity pursuant to subsection b. of this section shall be
29 allocated by the municipality or other entity to defray the cost of:

30 (1) enforcement of animal control, animal welfare and animal
31 cruelty laws and ordinances within the municipality; and

32 (2) the training therefor required of certified animal control
33 officers pursuant to law or other animal enforcement related
34 training authorized by law for municipal employees.

35 (cf: P.L.2005, c.372, s.19)

36

37 28. This act shall take effect 180 days after the date of
38 enactment.

39

40

41

STATEMENT

42

43 This bill establishes requirements for the operation of shelters,
44 pounds, kennels operating as shelters or pounds, and veterinary
45 holding facilities and for their regulation as regulated animal
46 holding facilities. A “veterinary holding facility” is defined under
47 the bill as any facility owned or operated by a veterinarian,
48 veterinary hospital, clinic, veterinary boarding facility, or similar

1 facility that houses stray, surrendered, or otherwise impounded
2 animals as a boarding agent or holding facility for an animal control
3 provider, the New Jersey Society for the Prevention of Cruelty to
4 Animals or any of its humane law enforcement officers or agents, a
5 county society for the prevention of cruelty to animals or any of its
6 humane law enforcement officers or agents, or local law
7 enforcement. These facilities are not regulated under current law
8 and, under the bill, would be required to be licensed as pounds by
9 the municipality in which the facility is located. All the regulated
10 animal holding facilities would be required to report annually
11 information on the animals in each facility, as enumerated in
12 section 9 of the bill, and comply with the bill's provisions. The bill
13 establishes operating requirements for these facilities and
14 procedures for euthanizing animals, which are enumerated in
15 sections 3, 4, and 6 of the bill. The bill authorizes the Office of
16 Animal Welfare to oversee enforcement of the bill's requirements
17 and to appoint certified inspectors to make at least three
18 unannounced inspections annually. The bill authorizes the Office
19 of Animal Welfare to delegate its authority to local health
20 authorities if the local health authority has properly trained
21 employees to assume this responsibility.

22 The bill requires special training for directors and certified
23 inspectors of regulated animal holding facilities, to be provided by
24 contract between the Department of Health and Rutgers, the State
25 University. Each regulated animal control facility is required to
26 have a trained and certified director to ensure compliance with the
27 bill's requirements. The bill specifies that until a trained director
28 can be certified for a regulated animal holding facility, the chief
29 operating officer, the owner, or the owner's designee, would serve
30 as the director for the regulated animal holding facility.

31 Furthermore, the bill establishes the "Proper Care of Sheltered
32 Animals Fund" to provide grants to regulated animal holding
33 facilities to assist them in complying with the provisions of the bill.
34 The bill also establishes a voluntary check-off on personal income
35 tax to allow for donations for the "Stray and Homeless Animal
36 Fund," the proceeds of which would be deposited into the "Proper
37 Care of Sheltered Animals Fund." The bill also establishes
38 penalties, increases other penalties, and requires the penalties to be
39 deposited in the "Proper Care of Sheltered Animals Fund." The bill
40 establishes that violations of:

41 1) the bill's record keeping requirements are subject to a fine of
42 \$100 for the first violation, \$200 for the second violation, and \$300
43 for the third and subsequent violations;

44 2) the other requirements under the bill are subject to a fine of
45 \$200 for the first violation, \$400 for the second violation, and \$800
46 for the third and subsequent violations; and

47 3) third-time violators would also be subject to license
48 revocation.

S3019 GREENSTEIN

31

1 The bill also increases the penalty for improperly euthanizing an
2 impounded animal as provided for under current law at R.S.4:22-19.
3 Under the bill, the penalty would be \$125 for the first offense and
4 \$250 for each subsequent offense, and the fines would be deposited
5 in the “Proper Care of Sheltered Animals Fund.” Under R.S.4:22-
6 19, each animal destroyed in violation of the law is considered a
7 separate offense.