

**SENATE, No. 2847**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED DECEMBER 12, 2016

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Requires spaying or neutering of cats or dogs prior to sale or other release from animal rescue organization facility, kennel, pet shop, shelter, or pound.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/16/2016)**

1 AN ACT concerning the spaying and neutering of cats and dogs,  
2 amending P.L.1941, c.151, P.L.1983, c.172, and P.L.2011, c.142,  
3 and supplementing Title 4 of the Revised Statutes.

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

7  
8 1. (New section) a. Except as otherwise provided pursuant to  
9 subsection b. of this section, no cat or dog may be sold, bartered,  
10 exchanged, transferred, or released for adoption from an animal  
11 rescue organization facility, kennel, pet shop, shelter, or pound  
12 unless the cat or dog has been spayed or neutered by a licensed  
13 veterinarian. The animal rescue organization facility, kennel, pet  
14 shop, shelter, or pound may charge the cost of spaying or neutering  
15 the cat or dog to the person assuming ownership from the animal  
16 rescue organization facility, kennel, pet shop, shelter, or pound.

17 b. The provisions of subsection a. of this section shall not apply  
18 to a cat or dog that:

19 (1) is less than two months old;

20 (2) a licensed veterinarian determines cannot be spayed or  
21 neutered for other health reasons affecting the cat or dog; or

22 (3) is being placed in a foster home or transferred to another  
23 shelter, pound, kennel operating as a shelter or pound, or animal  
24 rescue organization facility by a shelter, pound, or kennel operating  
25 as a shelter or pound, except as otherwise provided in subsection h.  
26 of section 16 of P.L.1941, c.151 (C.4:19-15.16).

27 c. Any person who violates subsection a. of this section shall be  
28 subject to a civil penalty of up to \$1,000, to be collected by the  
29 Department of Health in a civil action by a summary proceeding  
30 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
31 (C.2A:58-10 et seq.). The Superior Court and the municipal courts  
32 shall have jurisdiction to enforce the provisions of the "Penalty  
33 Enforcement Law of 1999" pursuant to this section, and all monies  
34 collected pursuant to this subsection shall be deposited in the  
35 "Animal Population Control Fund," established pursuant to  
36 subsection b. of section 6 of P.L.1983, c.172 (C.4:19A-5) for the  
37 purposes of the fund.

38 d. The department, pursuant to the "Administrative Procedure  
39 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules  
40 and regulations determined necessary to implement this section.

41 e. As used in this section:

42 "Animal rescue organization" means the same as "animal rescue  
43 organization" as defined in section 1 of P.L.1941, c.151 (C.4:19-  
44 15.1).

**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       “Kennel,” “pet shop,” “shelter,” and “pound” mean the same as  
2 those terms are defined in section 1 of P.L.1941, c.151 (C.4:19-  
3 15.1).

4

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

7       16. a. The certified animal control officer appointed by the  
8 governing body of the municipality shall take into custody and  
9 impound any animal, to thereafter be euthanized or offered for  
10 adoption, as provided in this section:

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

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

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

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

20       (5) Any dog or other animal off the premises of the owner or the  
21 person charged with its care that is reported to, or observed by, a  
22 certified animal control officer to be ill, injured, or creating a threat  
23 to public health, safety, or welfare, or otherwise interfering with the  
24 enjoyment of property.

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

37       c. A notice required pursuant to this section may be served: (1)  
38 by delivering it to the person on whom it is to be served, or by  
39 leaving it at the person's usual or last known place of residence or  
40 the address given on the collar, harness, or microchip identification;  
41 or (2) by mailing the notice to that person at the person's usual or  
42 last known place of residence, or to the address given on the collar,  
43 harness or microchip identification.

44       d. A shelter, pound, or kennel operating as a shelter or pound  
45 receiving an animal from a certified animal control officer pursuant  
46 to subsection a. of this section, or from any other individual, group,  
47 or organization, shall hold the animal for at least seven days before

1 offering it for adoption, or euthanizing, relocating, or sterilizing the  
2 animal, except if:

3 (1) the animal is surrendered voluntarily by its owner to the  
4 shelter, pound, or kennel operating as a shelter or pound, in which  
5 case the provisions of subsection e. of this section shall apply; or

6 (2) the animal is suspected of being rabid, in which case the  
7 provisions of subsection j. of this section shall apply.

8 If the animal is surrendered voluntarily by its owner and the  
9 animal's age, health, or behavior warrants euthanizing the animal  
10 before seven days have elapsed, the shelter, pound or kennel  
11 operating as a shelter or pound may euthanize the animal in a  
12 manner causing as little pain as possible and consistent with the  
13 provisions of R.S.4:22-19. An animal that is stray or has been  
14 surrendered by anyone other than its owner may only be euthanized  
15 before seven days have elapsed if a licensed veterinarian determines  
16 that the animal is in extreme pain and cannot recover from the  
17 illness or condition that is causing the pain.

18 e. If a shelter, pound or kennel operating as a shelter or pound  
19 is not required to hold an animal for at least seven days pursuant to  
20 paragraph (1) of subsection d. of this section, the shelter, pound, or  
21 kennel operating as a shelter or pound:

22 (1) shall offer the animal for adoption for at least seven days  
23 before euthanizing it; or

24 (2) may transfer the animal to an animal rescue organization  
25 facility or a foster home prior to offering it for adoption if such a  
26 transfer is determined to be in the best interest of the animal by the  
27 shelter, pound, or kennel operating as a shelter or pound.

28 f. Except as otherwise provided for under subsection e. of this  
29 section, no shelter, pound, or kennel operating as a shelter or pound  
30 receiving an animal from a certified animal control officer may  
31 transfer the animal to an animal rescue organization facility or a  
32 foster home until the shelter, pound, or kennel operating as a shelter  
33 or pound has held the animal for at least seven days.

34 g. If the owner or the person charged with the care of the  
35 animal seeks to claim it within seven days, or after the seven days  
36 have elapsed but before the animal has been adopted or euthanized,  
37 the shelter, pound, or kennel operating as a shelter or pound:

38 (1) shall, in the case of a cat or dog, release it to the owner or  
39 person charged with its care, provided the owner or person charged  
40 with the care of the animal provides proof of ownership, which may  
41 include a valid cat or dog license, registration, rabies inoculation  
42 certificate, or documentation from the owner's veterinarian that the  
43 cat or dog has received regular care from that veterinarian;

44 (2) may, in the case of a cat or dog, charge the cost of sterilizing  
45 the cat or dog, if the owner requests such sterilizing when claiming  
46 it; and

47 (3) may require the owner or person charged with the care of the  
48 animal to pay all the animal's expenses while in the care of the

1 shelter, pound, or kennel operating as a shelter or pound, not to  
2 exceed \$4 per day.

3 h. If the animal remains unclaimed, is not claimed due to the  
4 failure of the owner or other person to comply with the  
5 requirements of this section, or is not adopted after seven days after  
6 the date on which notice is served pursuant to subsection c. of this  
7 section or, if no notice can be served, not less than seven days after  
8 the date on which the animal was impounded, the impounded  
9 animal may be placed in a foster home, transferred to another  
10 shelter, pound, kennel operating as a shelter or pound, or animal  
11 rescue organization facility, or euthanized in a manner causing as  
12 little pain as possible and consistent with the provisions of  
13 R.S.4:22-19.

14 i. At the time of adoption, the right of ownership in the animal  
15 shall transfer to the new owner. Prior to releasing any cat or dog to  
16 the person assuming ownership, the shelter, pound, or kennel  
17 operating as a shelter or pound, if the cat or dog has not been  
18 spayed or neutered, shall:

19 (1) spay or neuter the cat or dog as required pursuant to section 1  
20 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
21 or

22 (2) pay the person assuming ownership of the cat or dog an  
23 amount equal to the cost of spaying or neutering the cat or dog up to  
24 \$250.

25 No dog or other animal taken into custody, impounded, sent or  
26 otherwise brought to a shelter, pound, or kennel operating as a  
27 shelter or pound shall be sold or otherwise be made available for the  
28 purpose of experimentation. Any person who sells or otherwise  
29 makes available any such dog or other animal for the purpose of  
30 experimentation shall be guilty of a crime of the fourth degree.

31 j. Any animal seized under this section suspected of being  
32 rabid shall be immediately reported to the executive officer of the  
33 local board of health and to the Department of Health, and shall be  
34 quarantined, observed, and otherwise handled and dealt with as  
35 appropriate for an animal suspected of being rabid or as required by  
36 the Department of Health for the animals.

37 k. When a certified animal control officer takes into custody  
38 and impounds, or causes to be taken into custody and impounded,  
39 an animal, the certified animal control officer may place the animal  
40 in the custody of, or cause the animal to be placed in the custody of,  
41 only a licensed shelter, pound, or kennel operating as a shelter or  
42 pound. The certified animal control officer may not place the  
43 animal in the custody of, or cause the animal to be placed in the  
44 custody of, any animal rescue organization facility, foster home, or  
45 other unlicensed facility. However, the licensed shelter, pound, or  
46 kennel operating as a shelter or pound may place the animal in an  
47 animal rescue organization facility, foster home, or other unlicensed  
48 facility if necessary pursuant to subsection e. or h. of this section.

1       1. Notwithstanding the provisions of this section and sections 3  
2 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the  
3 contrary, no cat or dog being transferred between shelters, pounds,  
4 or kennels operating as shelters or pounds, or being transferred to  
5 an animal rescue organization facility or placed in a foster home,  
6 shall be required to be sterilized prior to that transfer.  
7 (cf: P.L.2012, c.17, s.7)

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

11       6. a. The Department of Health shall establish a registry of  
12 animal rescue organizations and their facilities in the State. **【Any】**  
13 Within 180 days after the effective date of P.L. , c. (C. )  
14 (pending before the Legislature as this bill), each animal rescue  
15 organization **【may voluntarily participate in the registry】** shall  
16 register with the department.

17       b. The department, pursuant to the "Administrative Procedure  
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules  
19 and regulations determined necessary to implement the **【voluntary】**  
20 registry and coordinate its use with the provisions of section 1 of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill),  
22 P.L.2011, c.142 (C.4:19-15.30 et al.)<sub>2</sub> and section 16 of P.L.1941,  
23 c.151 (C.4:19-15.16).  
24 (cf: P.L.2012, c.17, s.13)

25  
26       4. Section 6 of P.L.1983, c.172 (C.4:19A-5) is amended to read  
27 as follows:

28       6. a. The commissioner may solicit and accept funds from any  
29 public or private source to help carry out the provisions of  
30 P.L.1983, c.172 (C.4:19A-1 et al.) .

31       b. All fees collected pursuant to section 1 of P.L.1983, c.172  
32 (C.4:19-15.3b) and sections 3 and 4 of P.L.1983, c.172 (C.43:19A-2  
33 and C.4:19A-3), all moneys from the application and renewal fees  
34 collected for animal welfare license plates issued pursuant to  
35 P.L.1993, c.184 (C.39:3-27.55 et seq.), all penalty moneys collected  
36 pursuant to subsection c. of section 1 of P.L. , c. (C. )  
37 (pending before the Legislature as this bill, and all moneys received  
38 pursuant to subsection a. of this section, shall be placed in a special  
39 fund to be known as the "Animal Population Control Fund," which  
40 shall be separate from the General State Fund. All moneys in the  
41 "Animal Population Control Fund" shall be used by the  
42 commissioner exclusively for the implementation and promotion of  
43 the program and for the costs associated with the administration of  
44 P.L.1983, c.172 (C.4:19A-1 et al.), except as provided in subsection  
45 c. of this section.

46       c. Moneys deposited into the fund generated by the collection of  
47 application fees for animal welfare license plates issued pursuant to  
48 P.L.1993, c.184 (C.39:3-27.55 et seq.) shall be utilized by the

1 commissioner to reimburse the Division of Motor Vehicles for all  
2 costs incurred by the division, as certified by the director, of  
3 producing, issuing, renewing, and publicizing the availability of  
4 animal welfare license plates.

5 No moneys deposited in the "Animal Population Control Fund,"  
6 established in subsection b. of this section, except for the moneys  
7 generated by the collection of application fees for animal welfare  
8 license plates issued pursuant to P.L.1993, c.184 (C.39:3-27.55 et  
9 seq.), shall be utilized by the Department of Health or the Division  
10 of Motor Vehicles for any expenses, administrative or otherwise,  
11 related to the animal welfare license plates, or the advertising and  
12 publicizing thereof, including, but not limited to notices, posters  
13 and signs to be circulated or posted by the department or the  
14 division.

15 d. The director shall annually certify to the commissioner the  
16 average cost per license plate incurred in the immediately preceding  
17 year by the division in producing, issuing, renewing, and  
18 publicizing the availability of animal welfare license plates. The  
19 annual certification of the average cost per license plate shall be  
20 approved by the Joint Budget Oversight Committee, or its  
21 successor.

22 e. In the event that the average cost per license plate as certified  
23 by the director and approved by the Joint Budget Oversight  
24 Committee, or its successor, is greater than the \$50 application fee  
25 established in subsection b. of section 1 of P.L.1993, c.184 (C.39:3-  
26 27.55) in two consecutive fiscal years, the director may discontinue  
27 the issuance of animal welfare license plates.

28 (cf: P.L.1995, c.145, s.3)

29

30 5. This act shall take effect immediately.

31

32

33

#### STATEMENT

34

35 This bill requires every cat and dog to be spayed or neutered  
36 before it is sold, bartered, exchanged, transferred, or released for  
37 adoption from an animal rescue organization facility, kennel, pet  
38 shop, shelter, or pound, except if:

39 1) the cat or dog is less than two months old;

40 2) a licensed veterinarian determines the cat or dog cannot be  
41 spayed or neutered for other health reasons affecting the cat or dog;  
42 or

43 3) the cat or dog is being placed in a foster home or being  
44 transferred to another shelter, pound, kennel operating as a shelter  
45 or pound, or animal rescue organization facility.

46 The bill also specifies that, prior to releasing any cat or dog to  
47 the person assuming ownership, the shelter, pound, or kennel  
48 operating as a shelter or pound, would spay or neuter the cat or dog

1 if the cat or dog has not previously been spayed or neutered, or pay  
2 the person assuming ownership of the cat or dog an amount equal to  
3 the cost of spaying or neutering the cat or dog up to \$250.

4 The bill establishes for a violation of the bill's requirements a  
5 fine of up to \$1,000, which would be deposited in the "Animal  
6 Population Control Fund." This fund is used to provide low cost  
7 spaying and neutering of cats and dogs in the State.

8 Finally, the bill amends current law concerning:

9 1) the registry of animal rescue organizations to require such  
10 organizations to register with the the Department of Health; and

11 2) the operation of shelters, pounds, and kennels operating as  
12 shelters or pounds to allow these facilities to euthanize an animal  
13 before holding the animal for seven days if warranted by the  
14 animal's age, health, or behavior.