Sponsored by:
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District 14 (Mercer and Middlesex)
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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.
AN ACT concerning the regulation of animal shelters, pounds, and
other animal holding facilities, supplementing Title 4 of the
Revised Statutes and chapter 9 of Title 54A of the New Jersey
Statutes, and amending various parts of the statutory law.

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

1. (New section) The Legislature finds and declares that
protecting animals from neglect, mistreatment, and physical
suffering in shelters and pounds throughout the State is a
compelling public interest; that the killing of animals in shelters and
pounds is often a needless tragedy and should be eliminated
whenever possible, especially when the animals are healthy or can
recover from illness through treatment; that euthanasia should be
used only as a last resort when, for example, an animal is suffering
with irremediable physical injury or pain or a dog is declared
vicious pursuant to section 6 of P.L.1989, c.307 (C.4:19-22); that
while many shelters and pounds in the State are conscientiously
developing and implementing programs to give the animals in their
facilities the best care possible, find them homes, and avoid
euthanizing them, all shelters and pounds in the State require
assistance with proper training of personnel, staffing of facilities,
and education of the agents and officers who bring animals to their
facilities; that all shelters, pounds, and other facilities operating as
shelters or pounds should make a concerted effort to place all
animals in a home or appropriate animal care facility if at all
possible; that no animal should be killed if the animal can be
adopted or placed in an animal rescue organization facility or other
foster home; that shelters and pounds should be caring, safe havens
for animals in need with a life-affirming mission reflecting the
humane values of the State’s citizens, residents, and taxpayers; that
these safe havens save the lives of animals and work toward ever-
increasing live-release rates; that shelters and pounds have a duty to
make as many animals available for adoption as possible or prolong
every animal’s life and care; that animals held in shelters or pounds
deserve proper care and humane treatment, including prompt,
necessary, rehabilitative, and preventative veterinary care and
treatment, administration of vaccines, and adequate nutrition, water,
shelter, exercise, and environmental enrichment; that some facilities
such as certain kennels and veterinary hospitals operate as shelters
or pounds but are neither licensed or regulated as such, yet should
be regulated and held to the same standards of care required of
shelters and pounds; that voluntary spaying and neutering of
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.
government is obligated to fund programs and services to enhance
the lives of animals; that the public deserves complete disclosure of
how these facilities operate; that the inability of the public to obtain
information concerning the operation of shelters and pounds
undermines the public trust, and access to this information should
be guaranteed; and that all animals should be treated with the same
care and appreciation, regardless of breed, size, or health condition.

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

2. (New section) As used in P.L. , c. (C. ) (pending
before the Legislature as this bill):
“Animal control provider” means any person or entity that
provides animal control services for a municipality, including, but
not limited to, a certified animal control officer or a company
providing animal control services.

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

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

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

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

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

"Dog of licensing age" means any dog which has attained the age
of seven months or which possesses a set of permanent teeth.
“Domestic companion animal” means any animal commonly referred to as a pet that was bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

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

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

"Owner" when applied to the proprietorship of a dog shall include every person having a right of property in that dog and every person who has that dog in the person’s keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include every person having a right of property in that animal, but shall not include a person who feeds an animal living outdoors with no apparent owner, including, but not limited to, an animal colloquially referred to as a “feral cat.”

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

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

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

"Shelter" means a public or private facility operated for the temporary or permanent housing and care of abandoned, abused, owner-surrendered, stray, or otherwise displaced or homeless animals. A shelter shall include a facility operated by a county, municipality, local law enforcement agency, or other governmental entity, or a contractor thereof, or the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, a humane society, or other nonprofit organization concerned with the care and control of animals, other than an animal rescue organization or an animal rescue organization facility.
"Sterilize" means to render an animal incapable of reproducing by either spaying or neutering.

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

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

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

(1) fresh water;
(2) unsoiled food which is age and breed appropriate for the animal, twice a day or more as appropriate and in appropriate quantities for the age, size, and breed of the animal;
(3) environmental enrichments to promote the psychological well-being of the animal, such as socialization with staff or volunteers, toys, and healthy treats;
(4) exercise outside of the animal’s cage at least once in every 24-hour period, but more frequently, and of the type of exercise, as may be required for the good condition and health of the species or breed of animal as determined by a licensed veterinarian or provided in the protocols established pursuant to paragraph (2) of subsection a. of section 3 of P.L. c. (pending before the Legislature as this bill);
(5) for cats, and other animals as appropriate, the opportunity to climb, walk, and run around as part of the cat’s or other animal’s daily exercise; and
(6) prompt, necessary cleaning of the animal’s cage, kennel, or other areas used by the animal, at least two times during each 24-hour period, in such a way that prevents disease and exposure to water from hoses and sprays, cleaning solutions, detergents,
solvents, and other chemicals, and is consistent with the protocols established pursuant to section 4 of P.L. , c. (pending before the Legislature as this bill).

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

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

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

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

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

(a) nursing females;
(b) infant and unweaned animals;
(c) sick and injured animals;
(d) extremely frightened or reactive animals;
(e) older animals;
(f) animals requiring therapeutic exercise; and
(g) unusual species and animals other than cats and dogs.

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

b. (1) The consulted licensed veterinarian shall ensure the protocols established pursuant to subsection a. of this section provide for (a) hygienic environments within regulated animal holding facilities, (b) the alleviation of pain, (c) treatment, rehabilitation, and prevention of disease, illness or injury, and (d) prevention of worsening conditions, so that each animal remains fit and in reasonable health, or if an animal is diseased, ill or injured, the animal recovers from the disease, illness or injury and then remains fit and in reasonable health, as determined by the licensed veterinarian overseeing the health and care of the animal in the regulated animal holding facility.
(2) Any diseased, ill, or injured animal shall be separated from all other animals in the regulated animal holding facility, and housing and caring for the animal shall be provided apart from healthy animals or animals with a different disease, illness, or injury until the diseased, ill, or injured animal has recovered sufficiently so as not to present a health or safety risk to another animal.

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

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

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

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

5. (New section) a. Every regulated animal holding facility, in cooperation and consultation with the Department of Health and the municipality in which the facility is located, shall establish community outreach policies and procedures, including, but not limited to, the use of social media or a website, to maximize opportunities for adoption of the animals in its care.
b. Each municipal clerk’s office in the State shall provide a location easily viewed by the public in which a regulated animal holding facility located within the municipality shall post information about animals available for adoption.

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

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

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

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

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

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

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

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

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

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

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

(5) The animal cannot be placed in a cage, kennel, or other areas used by the animal with another animal and there is no place in the regulated animal holding facility for the animal to be housed alone;
(6) No foster home, animal rescue organization, or animal rescue organization facility is available for, or willing to accept, the animal;

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

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

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

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

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

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

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

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

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

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

The procedures for administering euthanasia shall be as follows:
(1) Only a licensed veterinarian or a veterinary technician with
specific training in euthanasia and certified pursuant to subsection f.
of this section shall be permitted to lawfully euthanize an animal.

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

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

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

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

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

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

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

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

(a) no heartbeat, confirmed by a stethoscope;

(b) no respiration;

(c) pale, bluish gums and tongue; and

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

f. The Board of Veterinary Medicine, in consultation with the
Department of Health, shall establish a program for veterinary
technicians to be trained and certified for the proper administration
and use of euthanasia for animals impounded in a regulated animal
holding facility. However, no healthy animal shall be used for the
purposes of the training required pursuant to this subsection.

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

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

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

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

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

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

  8. (New section) a. Each regulated animal holding facility shall
consider, study, and, if feasible, develop and implement a trap,
neuter, vaccinate, ear-tip, and return program for its facility as an
alternative to euthanasia of any cat found living outdoors with no
The purpose of this subsection is to encourage the development and implementation of such programs but shall not be construed to require implementation of a trap, neuter, vaccinate, ear-tip, and return program by any regulated animal holding facility.

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

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

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

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

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

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

(2) during the previous calendar year
(a) impounded in total;
(b) impounded as stray or at large animals;
(c) relinquished by the owner;
(d) brought by the owner for intended euthanasia;
(e) euthanized;
(f) that died under circumstances other than euthanasia, and the circumstances of those deaths;
(g) lost or stolen;
(h) returned to their owners;
(i) adopted from the regulated animal holding facility;
(j) transferred to other facilities or organizations located 20 miles or less from the regulated animal holding facility;
(k) transferred to other facilities or organizations located more than 20 miles away from the regulated animal holding facility; and
(l) with any other live dispositions not described by other subparagraphs of this paragraph.

e. In addition to the information required to be reported pursuant to subsection d. of this section, every regulated animal holding facility shall report to the Department of Health annually, the total number of cats found living outdoors with no apparent owner during the previous calendar year that were:
   (1) sterilized, vaccinated, ear-tipped, and returned to where the cat was captured by the facility; or
   (2) transferred to an animal rescue organization facility for the purpose of sterilizing, vaccinating, ear-tipping, and returning the cat to where the cat was captured, or socializing the cat and offering the cat for adoption.

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

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

10. (New section) Any kennel operating as a shelter or pound, and any veterinary holding facility, in the State shall be:
   a. subject to the requirements and the provisions of (a) P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C. ) (pending before the Legislature as this bill), and the rules and regulations adopted pursuant thereto, and (b) the requirements of the rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14); and
   b. properly licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8) by the municipality in which it is located.
11. (New section) a. Within 180 days after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the Department of Health, in consultation with the Board of Veterinary Medicine, shall develop and adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations establishing requirements for:
   (1) proper veterinary care of cats and dogs in regulated animal holding facilities, including, but not necessarily limited to, additional or continuing educational training for veterinarians, veterinary protocols, and designation of core vaccines for dogs or required vaccines for cats and their administration, in compliance with section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill); and
   (2) criteria for protection of the health of the animals and procedures for the care, temporary housing, and transfer of animals that minimize the necessity for euthanasia, including increased professional staff, use of volunteers, adoption programs, and transfer programs between foster homes, animal rescue organization facilities, and other animal care facilities.
   b. Annually, the Department of Health shall review inspection records from regulated animal holding facilities throughout the State and determine if the criteria and procedures established pursuant to paragraph (2) of subsection a. of this section require any modification to further minimize the necessity for euthanasia.

12. (New section) a. Within 180 days after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the Department of Health, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations governing the operation and oversight of regulated animal holding facilities, in addition to the rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14), and incorporating the rules and regulations adopted pursuant to subsection b. of this section.
   b. Every three years after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the Commissioner of Health shall consult with the director of each regulated animal holding facility in the State and shall appropriately revise and adopt the revised rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14) and P.L. , c. (C. ) (pending before the Legislature as this bill).

13. (New section) a. The Office of Animal Welfare in the Department of Health, at the direction of the commissioner, shall enforce the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) and the rules and regulations adopted pursuant thereto.
b. The Office of Animal Welfare shall certify a director for each regulated animal holding facility who is properly trained and has met the certification requirements pursuant to section 14 of P.L., c. (C.) (pending before the Legislature as this bill). Until such time that the required training and certification process is in place enabling the Office of Animal Welfare to certify a director as required pursuant to this subsection, the chief operating officer of the regulated animal holding facility, or if none, its owner or the owner’s designee, shall serve as the director of the regulated animal holding facility for the purposes of P.L., c. (C.) (pending before the Legislature as this bill).

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

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

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

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

14. (New section) a. The Commissioner of Health shall adopt, within 120 days after the effective date of P.L., c. (C.)
(pending before the Legislature as this bill), and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the training, educational qualifications, and certification required for:

(1) directors of regulated animal holding facilities operating in the State;
(2) certified inspectors appointed pursuant to section 13 of P.L. , c. (C. ) (pending before the Legislature as this bill) to inspect regulated animal holding facilities operating in the State; and
(3) employees of a local health authority authorized to assume the enforcement authority of the Office of Animal Welfare pursuant to section 13 of P.L. , c. (C. ) (pending before the Legislature as this bill).

b. The rules and regulations adopted pursuant to subsection a. of this section shall include, but need not be limited to, a course of study which provides the person with the necessary training in:
(1) the State law, rules, and regulations concerning the regulation of regulated animal holding facilities, including, at a minimum, the provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C. ) (pending before the Legislature as this bill), the rules and regulations adopted pursuant thereto, and the rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14);
(2) the State animal cruelty statutes, any rules or regulations adopted pursuant thereto, and their proper application;
(3) all State agencies, and all associations, entities, and officials in the State involved in animal control and cruelty prevention, and their respective roles and responsibilities concerning enforcement of the law, rules, and regulations set forth in paragraphs (1) and (2) of this subsection;
(4) the best practices established for animal care, cleaning of cages or enclosures, veterinary oversight, maintaining enclosures, the physical and psychological requirements for animals, control of rabies, required and proper quarantines, and transport rules, and their proper implementation; and
(5) recognition of cat and dog breeds, acceptable and dangerous cat and dog behaviors, safe animal handling techniques, animal disease recognition and prevention, and proper veterinary services.

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

d. The commissioner shall develop, in cooperation with Rutgers, 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
director for a regulated animal holding facility, certified inspector,
or authorized local health authority employee pursuant to
subsection a. of this section.

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

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

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

b. A person who fails to comply with the requirements
established pursuant to section 3, 4, 5, 6, or 10 of, or any rules or
regulations adopted pursuant to, P.L. , c. (C. ) (pending
before the Legislature as this bill), shall be subject to a fine of $200
for the first violation, $400 for the second violation, and $800 for
the third and subsequent violations, to be collected by the
Department of Health in a civil action by a summary proceeding
under the “Penalty Enforcement Law of 1999,” P.L.1999, c. 274
(C.2A:58-10 et seq.). Also, the license of the regulated animal
holding facility found liable for a third or subsequent violation of
this subsection shall be, following a hearing, subject to suspension
or revocation.

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

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

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

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

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

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

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

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

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

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

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

b. A taxpayer shall have the opportunity to indicate on the
taxpayer’s New Jersey gross income tax return that a portion of the
taxpayer’s tax refund or an enclosed contribution shall be deposited
in the “Stray and Homeless Animals Fund” in accordance with the

c. Any costs incurred by the Division of Taxation for collection
or administration attributable to this section may be deducted from
receipts collected pursuant to this section, as determined by the
Director of the Division of Budget and Accounting in the
Department of the Treasury. The State Treasurer shall deposit net
contributions collected pursuant to this section into the “Stray and Homeless Animals Fund.”

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

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

1. As used in P.L.1941, c.151 (C.4:19-15.1 et seq.):
   “Animal control provider” means any person or entity that provides animal control services for a municipality, including, but not limited to, a certified animal control officer or a company providing animal control services.
   “Animal rescue organization” means an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.
   “Animal rescue organization facility” means the home or other facility in which an animal rescue organization houses and cares for an animal.
   “Cat” means a member of the species of cat (Felis catus or Felis domesticus) that is generally kept as a household pet in the United States, which is domesticated, whether acclimated to living outdoors or not, and shall not include bobcat, lynx, or other wild feline species.
   “Certified animal control officer” means a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health [and Senior Services] and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of P.L.1983, c.525 for a period of three years before January 17, 1987.
   "Dog" means any dog, bitch or spayed bitch.
   "Dog of licensing age" means any dog which has attained the age of seven months or which possesses a set of permanent teeth.
   "Domestic companion animal" means any animal commonly referred to as a pet that was bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.
   "Foster home" means placement of a cat or dog with an individual or group that is not an animal rescue organization for the
purpose of temporarily caring for the cat or dog, without the
individual or group assuming ownership and with the intent of the
individual or group relinquishing the cat or dog to a suitable owner
when one is located.

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

"Owner" when applied to the proprietorship of a dog shall
include every person having a right of property in that dog and
every person who has that dog in [his] the person’s keeping, and
when applied to the proprietorship of any other animal, including,
but not limited to, a cat, shall include every person having a right of
property in that animal [and every person who has that animal in
his keeping], but shall not include a person who feeds an animal
living outdoors with no apparent owner, including, but not limited
to, an animal colloquially referred to as a “feral cat.”

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

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

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

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

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

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

(cf: P.L.2011, c.142, s.1)

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

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

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

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

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

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

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

Any person holding a license shall not be required to secure
individual licenses for dogs owned by a licensee and kept at the
establishments; the licenses shall not be transferable to another owner or different premises.

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

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

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

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

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

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

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

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

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

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

(1) Any dog off the premises of the owner or of the person charged with the care of the dog, which is reasonably believed to be a stray dog;
(2) Any dog off the premises of the owner or the person charged with the care of the dog without a current registration tag on its collar or elsewhere;
(3) Any female dog in season off the premises of the owner or the person charged with the care of the dog;
(4) Any dog or other animal which is suspected to be rabid; or
(5) Any dog or other animal off the premises of the owner or the person charged with [its] the animal’s care that is reported to, or observed by, a certified animal control officer to be ill, injured, or creating a threat to public health, safety, or welfare, or otherwise interfering with the enjoyment of property.

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

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

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

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

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

(1) the animal is surrendered voluntarily by [its] the animal’s
owner to the regulated animal holding facility, in which case the
provisions of subsection e. of this section shall apply; [or]

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

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

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

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

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

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

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

f. [Except as otherwise provided for under subsection e. of this
section, no shelter, pound, or kennel operating as a shelter or pound
receiving an animal from a certified animal control officer may
transfer the animal to an animal rescue organization facility or a
foster home until the shelter, pound, or kennel operating as a shelter
or pound has held the animal for at least seven days] A regulated
animal holding facility may temporarily transfer an animal to a
foster home prior to the elapsing of seven days if a photograph of
the animal is taken before the transfer and held in the records of the
registered animal holding facility. No regulated animal holding
facility shall transfer an animal to an animal rescue organization
facility until the animal has been held for seven days.

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

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

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

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

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

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

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

k. When a certified animal control officer takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the certified animal control officer may place the animal in the custody of, or cause the animal to be placed in the custody of, only a licensed [shelter, pound, or kennel operating as a shelter or pound] regulated animal holding facility. The certified animal control officer may not place the animal in the custody of, or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home, or other unlicensed facility. However, the licensed [shelter, pound, or kennel operating as a shelter or pound] regulated animal holding facility may place the animal in an animal rescue organization facility, foster home, or other unlicensed facility if necessary pursuant to subsection e. or h. of this section.

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

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

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

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

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

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

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

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

(cf: P.L.1941, c. 151, s. 27)
24. Section 5 of P.L.2011, c.142 (C.4:19-15.32) is amended to read as follows:

5. a. Every regulated animal holding facility shall have a universal scanner for microchip identification. When a cat or dog is put in the custody of and impounded with a [shelter, pound, or kennel operating as a shelter or pound,] regulated animal holding facility or an animal rescue organization facility receives a cat or dog, the [shelter, pound, kennel operating as a shelter or pound,] regulated animal holding facility or animal rescue organization facility shall, if the identity of the owner is not known, scan the animal for microchip identification [, provided the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility has such technology available].

b. Prior to release of any cat or dog for adoption, transfer to another facility or foster home, or euthanasia of the cat or dog, the [shelter, pound, kennel operating as a shelter or pound,] regulated animal holding facility or animal rescue organization facility shall, if the identity of the owner is not known, scan the cat or dog for microchip identification [, provided the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility has such technology available].

c. If either scan required pursuant to subsection a. or b. of this section reveals information concerning the owner of the cat or dog, the [shelter, pound, kennel operating as a shelter or pound,] regulated animal holding facility or animal rescue organization facility shall immediately seek to contact and notify the owner of the whereabouts of the cat or dog. Furthermore, if microchip identification is found, the [shelter, pound, kennel operating as a shelter or pound,] regulated animal holding facility or animal rescue organization facility shall hold the animal for at least seven days after the notification to the owner.

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

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

6. a. The Department of Health shall establish a registry of animal rescue organizations and their facilities in the State. Any animal rescue organization [may voluntarily participate in] operating in the State shall register with the department and shall be entered into the registry.

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

4:22-19. a. A person who shall [:

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

b. [Destroy.] A person who shall kill or cause to be
[destroyed] killed any [such] impounded animal by hypoxia
induced by decompression or in any other manner [: by the
administration of a lethal gas other than an inhalant anesthetic, or in
any other manner] except [:by a method of euthanasia generally
accepted by the veterinary medical profession as being reliable,
appropriate to the type of animal upon which it is to be employed,
and capable of producing loss of consciousness and] as provided
pursuant to section 6 of P.L. , c. (C. ) (pending now before
the Legislature as this bill), so as to bring death as rapidly and
painlessly as possible [:for such] to the animal, shall [: in the case
of a violation of subsection a., be guilty of a disorderly persons
offense and shall be punished as provided in subsection a. of
R.S.4:22-17; or, in the case of a violation of subsection b.,] be
subject to a penalty of [$25] $125 for the first offense and [$50]
$250 for each subsequent offense. Each animal destroyed in
violation of this subsection [:b.] shall constitute a separate offense.
The penalty shall be collected in accordance with the "Penalty
and all money collected shall be remitted to the [State] Department
of Health.

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

c. Notwithstanding the provisions of R.S.4:22-55 or any other
law, or any rule or regulation adopted pursuant thereto, to the
contrary, any penalty collected pursuant to subsection b. of this
section shall be deposited in the “Proper Care of Sheltered Animals
Fund,” established pursuant to section 18 of P.L. , c. (C. )
(pending before the Legislature as this bill).

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

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

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

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

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

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

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

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

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

STATEMENT

This bill establishes requirements for the operation of shelters, pounds, kennels operating as shelters or pounds, and veterinary holding facilities and for their regulation as regulated animal holding facilities. A “veterinary holding facility” is defined under the bill as any facility owned or operated by a veterinarian, veterinary hospital, clinic, veterinary boarding facility, or similar...
facility that houses stray, surrendered, or otherwise impounded
animals as a boarding agent or holding facility for an animal control
provider, the New Jersey Society for the Prevention of Cruelty to
Animals or any of its humane law enforcement officers or agents, a
county society for the prevention of cruelty to animals or any of its
humane law enforcement officers or agents, or local law
enforcement. These facilities are not regulated under current law
and, under the bill, would be required to be licensed as pounds by
the municipality in which the facility is located. All the regulated
animal holding facilities would be required to report annually
information on the animals in each facility, as enumerated in
section 9 of the bill, and comply with the bill’s provisions. The bill
establishes operating requirements for these facilities and
procedures for euthanizing animals, which are enumerated in
sections 3, 4, and 6 of the bill. The bill authorizes the Office of
Animal Welfare to oversee enforcement of the bill’s requirements
and to appoint certified inspectors to make at least three
unannounced inspections annually. The bill authorizes the Office
of Animal Welfare to delegate its authority to local health
authorities if the local health authority has properly trained
employees to assume this responsibility.

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

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

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

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

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