

ASSEMBLY, No. 4628

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 22, 2018

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

“Chiara’s Law”; prohibits euthanizing animals in shelters or pounds except for health or safety reasons.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning the euthanizing of animals in shelters or
2 pounds, designated as Chiara's Law, and amending P.L.1941,
3 c.151.

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

7
8 1. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
9 read as follows:

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

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

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

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

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

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

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

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

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 last known place of residence, or to the address given on the collar,
2 harness or microchip identification.

3 d. **【A】** Except as provided pursuant to subsection m. of this
4 section, a shelter, pound, or kennel operating as a shelter or pound
5 receiving an animal from a certified animal control officer pursuant
6 to subsection a. of this section, or from any other individual, group,
7 or organization, shall hold the animal for at least seven days before
8 offering it for adoption, **【or】** euthanizing, relocating, or sterilizing
9 the animal, **【except if】** unless:

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

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

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

19 (1) shall offer the animal for adoption for at least seven days
20 **【before euthanizing it】**; or

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

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

31 g. If the owner or the person charged with the care of the
32 animal seeks to claim it within seven days, or after the seven days
33 have elapsed but before the animal has been adopted or euthanized
34 pursuant to subsection m. of this section, the shelter, pound, or
35 kennel operating as a shelter or pound:

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

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

45 (3) may require the owner or person charged with the care of the
46 animal to pay all the animal's expenses while in the care of the
47 shelter, pound, or kennel operating as a shelter or pound, not to
48 exceed \$4 per day.

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

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

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

26 k. When a certified animal control officer takes into custody
27 and impounds, or causes to be taken into custody and impounded,
28 an animal, the certified animal control officer may place the animal
29 in the custody of, or cause the animal to be placed in the custody of,
30 only a licensed shelter, pound, or kennel operating as a shelter or
31 pound. The certified animal control officer may not place the
32 animal in the custody of, or cause the animal to be placed in the
33 custody of, any animal rescue organization facility, foster home, or
34 other unlicensed facility. However, the licensed shelter, pound, or
35 kennel operating as a shelter or pound may place the animal in an
36 animal rescue organization facility, foster home, or other unlicensed
37 facility if necessary pursuant to subsection e. or h. of this section.

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

44 m. No shelter, pound, or kennel operating as a shelter or pound
45 may euthanize an animal, except:

46 (1) when the health of the animal, as determined by a licensed
47 veterinarian, necessitates that the animal be euthanized; or

(2) for the safety of the animal, other animals in the shelter, pound, or kennel operating as a shelter or pound, or the employees at the facility, it is necessary to euthanize the animal, as determined by the owner or operator of the shelter, pound, or kennel operating as a shelter or pound.

If it is necessary to euthanize the animal pursuant to this subsection, the shelter, pound, or kennel operating as a shelter or pound shall do so in a humane manner consistent with the provisions of R.S.4:22-19.

Compliance with Department of Health requirements concerning any animal suspected of being rabid shall supersede any provision of this subsection, and the shelter, pound, or kennel operating as a shelter or pound shall comply with the provisions of subsection j. of this section.

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

2. This act shall take effect immediately.

STATEMENT

This bill prohibits euthanizing animals in shelters or pounds for any reason other than health or safety reasons, and requires any necessary euthanizing to be done in a humane manner consistent with current law. The bill also provides that any Department of Health requirements concerning an animal suspected of being rabid would supersede the provisions limiting euthanasia for impounded animals established in the bill.