

**ASSEMBLY, No. 3632**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/26/2020)**

1   **AN ACT** concerning the regulation of animal shelters, pounds, and  
2       kennels operating as shelters or pounds, supplementing Title 4 of  
3       the Revised Statutes and chapter 9 of Title 54A of the New  
4       Jersey Statutes, and amending various parts of the statutory law.

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

8  
9       1. (New section) The Legislature finds and declares that  
10      protecting animals from neglect, mistreatment, and physical  
11      suffering in shelters and pounds throughout the State is a  
12      compelling public interest; that the killing of animals in shelters and  
13      pounds is often a needless tragedy and should be eliminated  
14      whenever possible, especially when the animals are healthy or can  
15      recover from illness through treatment; that euthanasia should be  
16      used only as a last resort when, for example, an animal is suffering  
17      with irremediable physical injury or pain or a dog is declared  
18      vicious pursuant to section 6 of P.L.1989, c.307 (C.4:19-22); that  
19      while many shelters and pounds in the State are conscientiously  
20      developing and implementing programs to give the animals in their  
21      facilities the best care possible, find them homes, and avoid  
22      euthanizing them, all shelters and pounds in the State require  
23      assistance with proper training of personnel, staffing of facilities,  
24      and education of the agents and officers who bring animals to their  
25      facilities; that all shelters, pounds, and kennels operating as shelters  
26      or pounds should make a concerted effort to place all animals in a  
27      home or appropriate animal care facility if possible; and that no  
28      animal should be killed if the animal can be adopted or placed in an  
29      animal rescue organization facility or other foster home.

30      The Legislature also finds and declares that shelters and pounds  
31      should be caring, safe havens for animals in need with a life-  
32      affirming mission reflecting the humane values of the State's  
33      citizens, residents, and taxpayers; that these safe havens save the  
34      lives of animals and work toward ever-increasing live-release rates;  
35      that shelters and pounds have a duty to make as many animals  
36      available for adoption as possible or prolong every animal's life;  
37      that animals held in shelters or pounds deserve proper care and  
38      humane treatment, including prompt, necessary, rehabilitative, and  
39      preventative veterinary care and treatment, administration of  
40      vaccines, and adequate nutrition, water, shelter, exercise, and  
41      environmental enrichment; that voluntary spaying and neutering of  
42      animals should be encouraged; that State, county, and municipal  
43      government should fund programs and services to enhance the lives  
44      of animals; that the public deserves complete disclosure of how  
45      these facilities operate; that the inability of the public to obtain

**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 information concerning the operation of shelters and pounds  
2 undermines the public's trust that facilities are operating properly;  
3 that access to information should be guaranteed; and that all  
4 animals should be treated with the same care and appreciation,  
5 regardless of breed, size, or health condition.

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

15  
16 2. (New section) As used in sections 1 through 17 of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill):

18 "Animal control provider" means an animal control provider as  
19 defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

20 "Animal rescue organization" means an animal rescue  
21 organization as defined in section 1 of P.L.1941, c.151 (C.4:19-  
22 15.1).

23 "Animal rescue organization facility" means an animal rescue  
24 organization facility as defined in section 1 of P.L.1941, c.151  
25 (C.4:19-15.1).

26 "Cat" means a cat as defined in section 1 of P.L.1941, c.151  
27 (C.4:19-15.1).

28 "Certified animal control officer" means a certified animal  
29 control officer as defined in section 1 of P.L.1941, c.151 (C.4:19-  
30 15.1).

31 "Dog" means a dog as defined in section 1 of P.L.1941, c.151  
32 (C.4:19-15.1).

33 "Dog of licensing age" means a dog of licensing age as defined  
34 in section 1 of P.L.1941, c.151 (C.4:19-15.1).

35 "Domestic companion animal" means a domestic companion  
36 animal as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

37 "Foster home" means a foster home as defined in section 1 of  
38 P.L.1941, c.151 (C.4:19-15.1).

39 "Kennel" means a kennel as defined in section 1 of  
40 P.L.1941, c.151 (C.4:19-15.1).

41 "Owner" means an owner as provided for in section 1 of  
42 P.L.1941, c.151 (C.4:19-15.1).

43 "Pet shop" means a pet shop as defined in section 1 of  
44 P.L.1941, c.151 (C.4:19-15.1).

45 "Pound" means a pound as defined in section 1 of  
46 P.L.1941, c.151 (C.4:19-15.1).

47 "Shelter" means a shelter as defined in section 1 of  
48 P.L.1941, c.151 (C.4:19-15.1).

1 "Sterilize" means sterilize as defined in section 1 of  
2 P.L.1941, c.151 (C.4:19-15.1).

3  
4 3. (New section) a. Each shelter, pound, or kennel operating  
5 as a shelter or pound shall be operated by a director, trained and  
6 certified pursuant to sections 11 and 12 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill). The director shall  
8 ensure that the shelter, pound, or kennel operating as a shelter or  
9 pound complies with the requirements of sections 1 through 13 of  
10 P.L. , c. (C. ) (pending before the Legislature as this bill)  
11 and the rules and regulations adopted pursuant to section 14 of  
12 P.L.1941, c.151 (C.4:19-15.14) and section 10 of  
13 P.L. , c. (C. ) (pending before the Legislature as this  
14 bill). The director shall make the shelter, pound, or kennel  
15 operating as a shelter or pound available for inspection pursuant to  
16 section 11 of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill) when requested by a certified inspector.

18 b. Each shelter, pound, or kennel operating as a shelter or  
19 pound shall provide each animal in its care for the entirety of the  
20 animal's stay with the facility on a daily basis:

21 (1) fresh water;

22 (2) unsoiled food which (a) is age and breed appropriate for the  
23 species of animal, (b) for cats or dogs, is provided twice a day or  
24 more as appropriate and in appropriate quantities for the age, size,  
25 and breed of the animal, and (c) for other species of animals, is  
26 provided with the frequency required for the good condition and  
27 health of the specific species of animal;

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

31 (4) exercise, with the frequency and type required for the good  
32 condition and health of the specific species of animal, and the  
33 animal's breed, size, and age as determined by a licensed  
34 veterinarian or provided in the protocols established by the shelter,  
35 pound, or kennel operating as a shelter or pound pursuant to  
36 paragraph (2) of subsection a. of section 4 of P.L. , c. (C. )  
37 (pending before the Legislature as this bill);

38 (5) in addition to the provisions of paragraph (4) of this  
39 subsection, (a) specifically for dogs, exercise outside of the dog's  
40 cage at least once in every 24-hour period, and (b) for cats, the  
41 opportunity to climb, walk, and run as part of the cat's daily  
42 exercise; and

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

1 established pursuant to section 4 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill).

3 c. Notwithstanding the requirements of this section to the  
4 contrary, the staff of a shelter, pound, or kennel operating as a  
5 shelter or pound shall not be required to provide exercise for an  
6 animal if doing so would pose a risk to the health or safety of a  
7 member of the staff or other animals in the facility.

8  
9 4. (New section) a. In consultation with a licensed  
10 veterinarian, each shelter, pound, or kennel operating as a shelter or  
11 pound shall develop and implement protocols concerning:

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

18 (2) proper exercise of animals in the shelter, pound, or kennel  
19 operating as a shelter or pound as required pursuant to paragraph  
20 (4) of subsection b. of section 3 of P.L. , c. (C. ) (pending  
21 before the Legislature as this bill) and as necessary to support the  
22 health of the animal, and the animal's recovery from disease,  
23 illness, or injury, if applicable, in a manner consistent with the  
24 protocols established pursuant to this subsection;

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

28 (4) safe and appropriate neutering, vaccinating, and ear-tipping  
29 of a cat found living outdoors with no apparent owner, including  
30 acceptable ages for neutering a cat and the proper amount of time  
31 for holding the cat after neutering, vaccinating, or ear-tipping a cat  
32 before releasing it; and

33 (5) special care for animals with special needs, including, but  
34 not limited to:

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

42 The special care protocols for animals with special needs  
43 established pursuant to this paragraph shall set forth the specific  
44 deviations from the required care provided to the other cats, dogs,  
45 or species in the shelter, pound, or kennel operating as a shelter or  
46 pound, and the reason for the deviation.

47 b. (1) The consulted licensed veterinarian shall ensure the  
48 protocols established pursuant to subsection a. of this section

1 provide for (a) hygienic environments within shelters, pounds, or  
2 kennels operating as shelters or pounds, (b) the alleviation of pain,  
3 (c) treatment, rehabilitation, and prevention of disease, illness or  
4 injury, and (d) prevention of worsening conditions, so that each  
5 animal remains fit and in reasonable health, or if an animal is  
6 diseased, ill or injured, the animal recovers from the disease, illness  
7 or injury and then remains fit and in reasonable health, as  
8 determined by the licensed veterinarian overseeing the health and  
9 care of the animal in the shelter, pound, or kennel operating as a  
10 shelter or pound.

11 (2) Any animal with a communicable illness or disease shall be  
12 separated from all other animals in the shelter, pound, or kennel  
13 operating as a shelter or pound, and housing and caring for the  
14 animal shall be provided apart from healthy animals or animals with  
15 a different disease, illness, or injury until the animal with a  
16 communicable illness or disease has recovered sufficiently so as not  
17 to present a health or safety risk to another animal.

18 c. Each animal shall be administered any required, age-  
19 appropriate vaccines before, immediately upon, or as soon as  
20 practicable after, arrival at a shelter, pound, or kennel operating as a  
21 shelter or pound. If the animal is a dog, a veterinarian, veterinary  
22 technician, director of the shelter, pound, or kennel operating as a  
23 shelter or pound, or other properly authorized and trained person,  
24 shall administer the age-appropriate and core vaccines. If the  
25 animal is a cat, a veterinarian, veterinary technician, director of the  
26 shelter, pound, or kennel operating as a shelter or pound, or other  
27 properly authorized and trained person, shall administer the  
28 required vaccines for cats.

29 d. As used in subsection c. of this section, “core vaccines”  
30 means a group of essential vaccines for the continued health of a  
31 dog, including canine parvo virus, canine hepatitis, distemper,  
32 rabies, and any other vaccines designated as core vaccines in rules  
33 and regulations adopted pursuant to subsection a. of section 10 of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill) as  
35 recommended by current veterinary standards; and “required  
36 vaccines for cats” means modified live FVRCP vaccine for cats  
37 which incorporates feline pan leukopenia, feline herpesvirus, and  
38 feline calici vaccines and any other vaccines designated as required  
39 and as recommended by current veterinary standards and vaccines  
40 for cats in rules and regulations adopted pursuant to subsection a. of  
41 section 10 of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill).

43 e. When an animal is received at a shelter, pound, or kennel  
44 operating as a shelter or pound, if the person receiving the animal  
45 has reasonable cause to believe the animal is diseased, ill, or  
46 injured, the person shall determine if the animal’s condition can be  
47 treated at the shelter, pound, or kennel operating as a shelter or  
48 pound or if it is necessary to have the animal taken to a

1 veterinarian. Regardless of which action is determined to be  
2 appropriate, the animal shall be provided care and treatment for the  
3 animal's condition immediately. The shelter, pound, or kennel  
4 operating as a shelter or pound shall record the care and treatment  
5 provided and shall keep the record of the care and treatment as part  
6 of the animal's medical records, a copy of which shall be provided  
7 to any person reclaiming or adopting the animal.

8 f. A shelter, pound, or kennel operating as a shelter or pound  
9 shall provide any person adopting an animal with copies of all  
10 medical or other records available concerning the condition and  
11 health of the animal, as well as any other information available on  
12 the animal. A person reclaiming an animal shall be provided a copy  
13 of any of the medical records for the animal kept by the shelter,  
14 pound, or kennel operating as a shelter or pound if the animal was  
15 treated for any disease, illness, or injury, or vaccinated while the  
16 animal was held at the shelter, pound, or kennel operating as a  
17 shelter or pound.

18

19 5. (New section) a. Every shelter, pound, or kennel  
20 operating as a shelter or pound, in cooperation and consultation  
21 with the Department of Health and the municipality in which the  
22 facility is located, shall establish community outreach policies and  
23 procedures, including, but not limited to, the use of social media or  
24 a website, to maximize opportunities for adoption of the animals in  
25 its care.

26 b. A municipality shall require every shelter, pound, or kennel  
27 operating as a shelter or pound located within, and licensed by, the  
28 municipality to:

29 (1) establish and maintain a website on the Internet; and

30 (2) post on the website (a) a picture or an identifying description  
31 of any animal impounded in the shelter, pound, or kennel operating  
32 as a shelter or pound, and (b) information about animals available  
33 for adoption.

34 c. Whenever the certified animal control officer contracted by  
35 a municipality impounds an animal in a shelter, pound, or kennel  
36 operating as a shelter or pound, the certified animal control officer  
37 shall report the impounding of the animal to its contracting  
38 municipality and the municipality shall post a picture or an  
39 identifying description of the animal on the Internet.

40 d. Whenever an animal is brought to a shelter, pound, or kennel  
41 operating as a shelter or pound, the employee designated by the  
42 director to receive animals shall:

43 (1) confirm with the person bringing the animal to the shelter,  
44 pound, or kennel operating as a shelter or pound, if not the owner of  
45 the animal, whether the person has an interest in adopting the  
46 animal and wishes to be notified if the animal is to be euthanized;  
47 and

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

4  
5 6. (New section) a. At least two business days prior to the  
6 date scheduled for euthanizing an animal, a shelter, pound, or  
7 kennel operating as a shelter or pound shall, by verifiable written or  
8 electronic communication:

9 (1) notify or make a reasonable attempt to notify, for  
10 compliance with paragraph (2) of subsection b. of this section, any  
11 animal rescue organization, animal rescue organization facility, or  
12 individual that has requested notification pursuant to subsection d.  
13 of section 5 of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill) whenever an animal is to be euthanized; and

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

17 b. No animal shall be euthanized until the director of the  
18 shelter, pound, or kennel operating as a shelter or pound, or the  
19 director's designee, has determined all of the following:

20 (1) The animal has been made available for adoption as required  
21 pursuant to subsection e. of section 16 of P.L.1941, c.151 (C.4:19-  
22 15.16);

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

29 (3) There is no space or suitable area for the animal in any cage,  
30 kennel, including any temporary cage or kennel, or other areas used  
31 to house animals in the shelter, pound, or kennel operating as a  
32 shelter or pound;

33 (4) The animal cannot be placed with another animal in a cage,  
34 kennel, or other area used to house animals, and there is no place in  
35 the shelter, pound, or kennel operating as a shelter or pound for the  
36 animal to be housed alone;

37 (5) No foster home, animal rescue organization, or animal  
38 rescue organization facility is available or willing to accept the  
39 animal;

40 (6) The animal cannot be transferred to another shelter, pound,  
41 or kennel operating as a shelter or pound, foster home, animal  
42 rescue organization, or animal rescue organization facility because  
43 none has room for the animal or is willing to accept the animal,  
44 even on an emergency, temporary basis;

45 (7) If the animal is a cat which was found living outdoors with  
46 no apparent owner, there is no available trap, neuter, vaccinate, ear-  
47 tip, and return program for the cat established pursuant to section 7  
48 of P.L. , c. (C. ) (pending before the Legislature as this

1 bill) or otherwise, and the cat cannot be sterilized and returned to  
2 the area where the cat was captured or released in another  
3 appropriate outdoor area where cats are living outdoors with no  
4 apparent owners; and

5 (8) All applicable requirements of P.L.1941, c.151 (C.4:19-  
6 15.1 et seq.) and sections 1 through 10 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill) have been met.

8 Notwithstanding the provisions of paragraph (3) of this  
9 subsection, no shelter, pound, or kennel operating as a shelter or  
10 pound shall be required to hold an animal in a temporary enclosure  
11 for more than seven days to avoid euthanizing an animal or for any  
12 other reason.

13 c. Upon determining that paragraphs (1) through (6) of  
14 subsection b. of this section apply to an animal, in the case of a cat  
15 which has been living outside with no apparent owner, paragraph  
16 (7) also applies, and, pursuant to paragraph (8), all requirements  
17 have been met, the director of the shelter, pound, or kennel  
18 operating as a shelter or pound or the director's designee shall  
19 certify in writing:

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

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

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

25 (4) the shelter, pound, or kennel operating as a shelter or pound  
26 cannot humanely care for the animal or place the animal where it  
27 can be humanely cared for, and therefore there is no alternative to  
28 euthanizing the animal;

29 (5) if the animal is a cat that was found living outdoors with no  
30 apparent owner, neither sterilizing, vaccinating, ear-tipping, and  
31 releasing the cat nor socializing the cat for the purpose of adoption  
32 are options for the shelter, pound, or kennel operating as a shelter or  
33 pound; and

34 (6) the specific reason for euthanizing the animal.

35 d. The director of the shelter, pound, or kennel operating as a  
36 shelter or pound or the director's designee shall sign and date the  
37 written certification required pursuant to subsection c. of this  
38 section. The shelter, pound, or kennel operating as a shelter or  
39 pound shall keep the signed and dated written certification as part  
40 of its records as required pursuant to section 8 of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)  
42 and shall make the record available to the public as provided in that  
43 section.

44 e. An animal impounded in a shelter, pound, or kennel  
45 operating as a shelter or pound shall be euthanized only when  
46 necessary, when every recourse enumerated in subsection c. of this  
47 section has been exhausted, and in compliance with the provisions  
48 of sections 1 through 17 of P.L.1941, c.151 (C.4:19-15.1 et seq.)

1 and P.L. , c. (C. ) (pending before the Legislature as this  
2 bill).

3 The procedures for administering euthanasia shall be as follows:

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

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

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

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

20 (a) intraperitoneal injections may be used only by, or under the  
21 direction of, a licensed veterinarian, and (i) only when a licensed  
22 veterinarian has determined that use of an intravenous injection is  
23 not possible, or (ii) for an infant animal as determined to be  
24 appropriate by a licensed veterinarian, a domestic companion  
25 animal other than a cat or dog, or a comatose animal with depressed  
26 vascular function,

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

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

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

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

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

47 (b) no respiration;

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

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

4 f. The Board of Veterinary Medicine, in consultation with the  
5 Department of Health, shall establish a program for veterinary  
6 technicians to be trained and certified for the proper administration  
7 and use of euthanasia for animals impounded in a shelter, pound, or  
8 kennel operating as a shelter or pound and incorporating the  
9 applicable requirements established by the rules and regulations  
10 adopted pursuant to section 10 of P.L. , c. (C. ) (pending  
11 before the Legislature as this bill). However, no healthy animal or  
12 animal with a treatable condition shall be used for the purposes of  
13 the training required pursuant to this subsection.

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

20 (1) a dog which has been determined to be vicious by a  
21 municipal court pursuant to P.L.1989, c.307 (C.4:19-17 et seq.) and  
22 ordered by the court to be euthanized after any appeal period has  
23 passed and no appeal is pending; or

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

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

34 h. In administering the requirements of this section, the  
35 director of the shelter, pound, or kennel operating as a shelter or  
36 pound shall exercise consideration and judgment in the assignment  
37 and rotation of duties so as to minimize compassion fatigue suffered  
38 by the employees and staff of the shelter, pound, or kennel  
39 operating as a shelter or pound, including the director thereof. As  
40 used in this subsection, "compassion fatigue" means any of the  
41 negative emotional repercussions suffered by staff of shelters,  
42 pounds, or kennels operating as shelters or pounds caring for the  
43 animals in the facility, including, but not limited to, emotional  
44 distress, heightened anxiety, depression, alcohol or other drug  
45 abuse, or thoughts of, or attempted, suicide.

46 i. A shelter, pound, or kennel operating as a shelter or pound  
47 shall not be required to hold an animal in a temporary enclosure for

1 more than seven days in order to avoid euthanizing any animal  
2 pursuant to this section.

3  
4 7. (New section) a. Each shelter, pound, or kennel operating  
5 as a shelter or pound shall consider, study, and, if feasible, may  
6 develop and implement a trap, neuter, vaccinate, ear-tip, and return  
7 program for its facility as an alternative to euthanasia of any cat  
8 found living outdoors with no apparent owner, colloquially referred  
9 to as a “feral cat.” The purpose of this subsection is to encourage  
10 the development and implementation of such programs but shall not  
11 be construed to require implementation of a trap, neuter, vaccinate,  
12 ear-tip, and return program by any shelter, pound, or kennel  
13 operating as a shelter or pound.

14 b. Whenever a certified animal control officer, municipal  
15 humane law enforcement officer, chief humane law enforcement  
16 officer of a county, humane law enforcement officer of a county  
17 society for the prevention of cruelty to animals, or other law  
18 enforcement officer impounds a cat which has been found living  
19 outdoors with no apparent owner, the officer shall impound the cat  
20 at a shelter, pound, or kennel operating as a shelter or pound which:

21 (1) has in place a trap, neuter, vaccinate, ear-tip, and return  
22 program;

23 (2) is willing and able to accept the cat, spay or neuter,  
24 vaccinate, ear-tip, and return the cat to the location where the cat  
25 was captured; and

26 (3) is located the closest geographically to the location where  
27 the cat was captured.

28 c. If no shelter, pound, or kennel operating as a shelter or  
29 pound meets the criteria established in subsection b. of this section  
30 when an officer is required to impound a cat, the officer shall  
31 impound the cat at a shelter, pound, or kennel operating as a shelter  
32 or pound that is contracted to serve the municipality where the cat  
33 was found.

34  
35 8. (New section) a. Every shelter, pound, or kennel  
36 operating as a shelter or pound shall maintain records of the animals  
37 brought to, or kept at, the facility, and the disposition of the animal,  
38 as required in the rules and regulations adopted pursuant to section  
39 14 of P.L.1941, c.151 (C.4:19-15.14), including where the animal  
40 came from, and, if applicable, the disposition of the animal when  
41 the animal left the facility. The records shall be retained in  
42 accordance with subsection h. of this section.

43 b. Each shelter, pound, or kennel operating as a shelter or  
44 pound shall maintain continuously updated lists of each animal  
45 reported lost or found by local law enforcement or other community  
46 resources, check these lists against the animals at the shelter, pound,  
47 or kennel operating as a shelter or pound, and notify the owner by  
48 telephone, email, certified letter, or other verifiable written or

1 electronic communication whenever the facility finds that an animal  
2 reported lost or found is in the facility.

3 c. Each shelter, pound, or kennel operating as a shelter or  
4 pound shall make the records kept pursuant to this section available  
5 to the public for inspection and review upon request and without  
6 charge, but the facility may alter the public record so as to protect  
7 any private information concerning the owner of the animal or the  
8 animal's location.

9 d. Each shelter, pound, or kennel operating as a shelter or  
10 pound shall report to the Department of Health annually the number  
11 of animals that the facility has the capacity to hold on January 1 of  
12 the preceding year, the number of animals that the facility has the  
13 capacity to hold on December 31 of the same year, and, by species,  
14 the number of animals held at the facility:

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

17 (2) during the previous calendar year

18 (a) impounded in total;

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

20 (c) relinquished by the owner;

21 (d) impounded as the result of a natural disaster;

22 (e) brought by the owner for intended euthanasia but adopted;

23 (f) euthanized and the reason for euthanizing the animal;

24 (g) that died under circumstances other than euthanasia, and the  
25 circumstances of those deaths;

26 (h) lost or stolen;

27 (i) returned to their owners;

28 (j) adopted from the shelter, pound, or kennel operating as a  
29 shelter or pound;

30 (k) transferred from facilities or organizations (i) in New Jersey,  
31 (ii) in Delaware, New York, or Pennsylvania, and (iii) outside of  
32 New Jersey, Delaware, New York, or Pennsylvania;

33 (l) transferred to other facilities or organizations located 20  
34 miles or less from the shelter, pound, or kennel operating as a  
35 shelter or pound;

36 (m) transferred to other facilities or organizations located more  
37 than 20 miles away from the shelter, pound, or kennel operating as  
38 a shelter or pound; and

39 (n) with any other live dispositions not described by other  
40 subparagraphs of this paragraph.

41 e. In addition to the information required to be reported  
42 pursuant to subsection d. of this section, every shelter, pound, or  
43 kennel operating as a shelter or pound shall report to the  
44 Department of Health annually, the total number of cats found  
45 living outdoors with no apparent owner during the previous  
46 calendar year that were:

47 (1) sterilized, vaccinated, ear-tipped, and returned to where the  
48 cat was captured when the cat was impounded at the facility;

1 (2) transferred to an animal rescue organization facility for the  
2 purpose of sterilizing, vaccinating, ear-tipping, and returning the cat  
3 to where the cat was captured, or socializing the cat and offering the  
4 cat for adoption; or

5 (3) relocated to an appropriate outdoor area where cats are  
6 living outdoors with no apparent owners.

7 Any records maintained concerning the relocation of a cat shall  
8 be redacted so as to conceal the location of the outdoor area where  
9 cats are living outdoors with no apparent owners.

10 f. In addition to any information or records submitted to the  
11 Department of Health by a shelter, pound, or kennel operating as a  
12 shelter or pound pursuant to this section, the department shall  
13 annually compile the statistics provided in the reports required  
14 pursuant to subsections d. and e. of this section for all shelters,  
15 pounds, and kennels operating as shelters or pounds Statewide. The  
16 department shall make available to the public on its website  
17 aggregate Statewide statistics as well as the statistics of each  
18 shelter, pound, or kennel operating as a shelter or pound in a format  
19 searchable by category for individual shelters, pounds, or kennels  
20 operating as shelters or pounds.

21 g. The Department of Health shall consolidate and incorporate  
22 information, reports, and statistics from all certifications and reports  
23 required of each director of a shelter, pound, or kennel operating as  
24 a shelter or pound pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.)  
25 and P.L. , c. (C. ) (pending before the Legislature as this  
26 bill) in order to provide the information, reports, and statistics  
27 required of the department pursuant to this section. All information,  
28 reports, and statistics required to be compiled by the department  
29 pursuant to this section shall be open to the public. The Department  
30 of Health shall post the information, reports, and statistics required  
31 pursuant to this section on its website on a webpage which is  
32 readily accessible and available to the public.

33 h. Notwithstanding any law, or rule or regulation adopted  
34 pursuant thereto, to the contrary, the records maintained pursuant to  
35 this section for each animal brought to, or kept at, the facility, shall  
36 be retained for at least three years after the date on which the  
37 animal is euthanized or leaves the facility. However, if compliance  
38 with any federal, State or local law, or an ongoing investigation  
39 requires the records to be retained for more than three years, the  
40 Department of Health shall notify the director of the shelter, pound,  
41 or kennel operating as a shelter or pound of the necessity of  
42 retaining specific records and the facility shall retain those records  
43 until the Department of Health notifies the director that the facility  
44 is no longer required to retain the records.

45  
46 9. (New section) Any kennel operating as a shelter or pound  
47 in the State shall be properly licensed pursuant to section 8 of  
48 P.L.1941, c.151 (C.4:19-15.8) by the municipality in which it is

1 located, and subject to the requirements and provisions of sections 1  
2 through 16 of P.L. , c. (C. ) (pending before the Legislature  
3 as this bill) concerning shelters, pounds, and kennels operating as  
4 shelters or pounds and the rules and regulations adopted pursuant to  
5 section 14 of P.L.1941, c.151 (C.4:19-15.14).

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

13 (1) proper veterinary care of cats and dogs in shelters, pounds,  
14 and kennels operating as shelters or pounds, including, but not  
15 necessarily limited to, additional or continuing educational training  
16 for veterinarians, veterinary protocols, and designation of core  
17 vaccines for dogs or required vaccines for cats and their  
18 administration, in compliance with subsections c. and d. of section  
19 4 of P.L. , c. (C. ) (pending before the Legislature as this  
20 bill); and

21 (2) criteria for protection of the health of the animals and  
22 procedures for the care, temporary housing, and transfer of animals  
23 that minimize the necessity for euthanasia, including increased  
24 professional staff, use of volunteers, adoption programs, and  
25 transfer programs between foster homes, animal rescue organization  
26 facilities, and other animal care facilities.

27 b. Annually, the Department of Health shall review inspection  
28 records from shelters, pounds, and kennels operating as shelters or  
29 pounds throughout the State and determine if the criteria and  
30 procedures established pursuant to paragraph (2) of subsection a. of  
31 this section require any modification to further minimize the  
32 necessity for euthanasia.

33  
34 11. (New section) a. The Office of Veterinary Public Health  
35 in the Department of Health, at the direction of the commissioner,  
36 shall enforce the provisions of sections 1 through 16 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
38 the rules and regulations adopted pursuant to section 14 of  
39 P.L.1941, c.151 (C.4:19-15.14) and section 10 of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill).

41 b. The Office of Veterinary Public Health shall certify a  
42 director for each shelter, pound, or kennel operating as a shelter or  
43 pound who is properly trained and has met the certification  
44 requirements developed and established pursuant to section 12 of  
45 P.L. , c. (C. ) (pending before the Legislature as this  
46 bill). Until the adoption of the required training and certification  
47 process pursuant to section 12 P.L. , c. (C. ) (pending  
48 before the Legislature as this bill) and subsection b. of section 14 of

1 P.L.1941, c.151 (C.4:19-15.14), enabling the Office of Veterinary  
2 Public Health to certify a director, the director of the shelter, pound,  
3 or kennel operating as a shelter or pound, or if none, its owner or  
4 the owner's designee, shall serve as the acting director of the  
5 shelter, pound, or kennel operating as a shelter or pound for the  
6 purposes complying with sections 1 through 13 of  
7 P.L. , c. (C. ) (pending before the Legislature as this  
8 bill), until a director can be properly trained and certified.

9 c. The Office of Veterinary Public Health shall appoint a  
10 sufficient number of certified inspectors, trained and certified  
11 pursuant to section 12 of P.L. , c. (C. ) (pending before  
12 the Legislature as this bill), to inspect each shelter, pound, or kennel  
13 operating as a shelter or pound in the State at least three times in  
14 each calendar year, comply with the provisions of subsection f. of  
15 this section, and require the correction of any violations of sections  
16 1 through 13 of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill) identified during an inspection. The cost of  
18 salaries, training, and certification of certified inspectors shall be  
19 provided from the moneys deposited in the "Proper Care of  
20 Sheltered Animals Fund," established pursuant to section 16 of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill).

22 d. Each certified inspector shall inspect each shelter, pound,  
23 and kennel operating as a shelter or pound in the certified  
24 inspector's jurisdiction as designated by the Office of Veterinary  
25 Public Health, without notice to the shelter, pound, or kennel  
26 operating as a shelter or pound, at least three times each calendar  
27 year to ensure compliance with the requirements of sections 1  
28 through 13 of P.L. , c. (C. ) (pending before the Legislature  
29 as this bill). A certified inspector shall have the authority to enter  
30 immediately, at reasonable hours and without advance notice, any  
31 shelter, pound, or kennel operating as a shelter or pound, upon  
32 presentation of the appropriate credentials, to conduct an inspection.

33 e. The certified inspector shall report to the Commissioner of  
34 Health, and maintain records of the results of each inspection  
35 performed. The commissioner, upon receipt of an inspection report  
36 indicating a violation, shall issue a notice of violation to the shelter,  
37 pound, or kennel operating as a shelter or pound and an order to  
38 comply. The authority of each certified inspector to inspect any  
39 premises for purposes of investigating an alleged violation shall  
40 extend to the entire premises, and the investigating certified  
41 inspector shall inspect the entire premises regardless of where the  
42 alleged violation may exist. The certified inspector shall make the  
43 inspection records available to the commissioner for purposes of  
44 enforcement.

45 f. Only certified inspectors appointed by the Office of  
46 Veterinary Public Health or other properly trained and certified  
47 staff of the Office of Veterinary Public Health shall inspect shelters,  
48 pounds, or kennels operating as shelters or pounds and enforce the

1 provisions of sections 1 through 13 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill). The Office of  
3 Veterinary Public Health may delegate any of its inspection or  
4 enforcement authority to a local health authority or other local  
5 government entity, provided:

6 (1) the person conducting the inspection or implementing  
7 enforcement has been trained and certified pursuant to section 12 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill)  
9 and appointed pursuant to subsection c. of this section; and

10 (2) at least one inspection annually is conducted by the Office of  
11 Veterinary Public Health by a certified inspector independent of any  
12 local health authority or local government entity, or by properly  
13 trained and certified staff of the Office of Veterinary Public Health.

14 Each municipality shall cooperate with the inspection and  
15 enforcement efforts of the Office of Veterinary Public Health  
16 pursuant to this section.

17

18 12. (New section) a. The Commissioner of Health shall  
19 develop and establish, in cooperation with Rutgers, the State  
20 University, the training and a course of study required:

21 (1) to implement the training, education and certification  
22 requirements established by rules and regulations adopted pursuant  
23 to subsection c. of section 14 of P.L.1941, c.151 (C.4:19-15.14) for  
24 a director of a shelter, pound, or kennel operating as a shelter or  
25 pound, a certified inspector, and an authorized person trained and  
26 certified to conduct inspections or implement enforcement pursuant  
27 to subsection f. of section 11 of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill); and

29 (2) to implement the additional training established pursuant to  
30 subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a) for a  
31 properly trained certified animal control officer.

32 b. The commissioner shall contract with Rutgers, the State  
33 University, to provide the training and courses of study developed  
34 and established pursuant to subsection a. of this section no later  
35 than six months after the effective date of this section.

36 c. The commissioner shall provide, in conjunction with  
37 Rutgers, the State University, for the issuance of a certificate to any  
38 person who possesses, or acquires, the training and education  
39 required to qualify as a certified director for a shelter, pound, or  
40 kennel operating as a shelter or pound, certified inspector,  
41 authorized person, or properly trained certified animal control  
42 officer pursuant to subsection a. of this section.

43

44 13. (New section) a. No shelter, pound, or kennel operating  
45 as a shelter or pound may operate in the State unless it can  
46 demonstrate it is in good standing with its licensing municipality  
47 and the Department of Health, as evidenced by its most recent  
48 inspection.

1       b. Within one year after the effective date of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 every shelter, pound, or kennel operating as a shelter or pound in  
4 the State shall demonstrate:

5       (1) it is in compliance with the requirements of sections 1  
6 through 13 of P.L. , c. (C. ) (pending before the Legislature  
7 as this bill); or

8       (2) the date by which the shelter, pound, or kennel operating as  
9 a shelter or pound shall be in compliance with any inspection order  
10 issued concerning a pending violation.

11       Thereafter, failure to demonstrate that the facility is in  
12 compliance with the rules and regulations adopted by the  
13 Department of Health or in compliance with an inspection order  
14 issued concerning a violation shall be grounds for immediate  
15 license revocation, following a hearing.

16  
17       14. (New section) Any person may bring a civil action in  
18 Superior Court or municipal court, as appropriate, for declaratory or  
19 injunctive relief with respect to a violation of sections 1 through 13  
20 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
21 and petition the court to compel compliance.

22  
23       15. (New section) a. A person who fails to comply with the  
24 requirements established pursuant to section 8 of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
26 be subject to a fine of \$100 for the first violation, \$200 for the second  
27 violation, and \$300 for the third and subsequent violations, to be  
28 collected by the Department of Health in a civil action by a summary  
29 proceeding under the "Penalty Enforcement Law of 1999,"  
30 P.L.1999, c. 274 (C.2A:58-10 et seq.). Also, the license of a shelter,  
31 pound, or kennel operating as a shelter or pound shall be, following a  
32 hearing, subject to suspension or revocation if the shelter, pound, or  
33 kennel operating as a shelter or pound is found liable for a third or  
34 subsequent violation of section 8 of P.L. , c. (C. ) (pending  
35 before the Legislature as this bill).

36       b. A person who fails to comply with the requirements  
37 established pursuant to section 3, 4, 5, 6, 9, 10, or 13 of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
39 any rules or regulations adopted pursuant to section 10 of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
41 section 14 of P.L.1941, c.151 (C.4:19-15.14), shall be subject to a fine  
42 of \$200 for the first violation, \$400 for the second violation, and \$800  
43 for the third and subsequent violations, to be collected by the  
44 Department of Health in a civil action by a summary proceeding under  
45 the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-  
46 10 et seq.). Fines collected pursuant to this section shall be deposited

1 in the “Proper Care of Sheltered Animals Fund,” established pursuant  
2 to section 16 of P.L. , c. (C. ) (pending before the Legislature as  
3 this bill).

4  
5 16. (New section) a. There is established in the Department of  
6 Health a special, nonlapsing fund to be known as the “Proper Care of  
7 Sheltered Animals Fund.” The fund shall be administered by the  
8 department and shall be credited with:

9 (1) revenues collected from the surcharge imposed pursuant to  
10 subsection a. of section 18 of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill);

12 (2) fines collected pursuant to section 15 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill) and,  
14 notwithstanding the provisions of R.S.4:22-55, subsections b. and c. of  
15 R.S.4:22-19;

16 (3) funds appropriated from the “Stray and Homeless Animals  
17 Fund,” established pursuant to section 17 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill);

19 (4) moneys as may be appropriated by the Legislature; and

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

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

22 (1) the cost of salaries, training, and certification of certified  
23 inspectors appointed pursuant to subsection c. of section 11 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill); and

25 (2) grants to eligible shelters, pounds, or kennels operating as  
26 shelters or pounds pursuant to subsection d. of this section, to be  
27 prioritized and awarded in the following order, subject to available  
28 funding, for

29 (a) spaying and neutering of cats and dogs, vaccinations, and  
30 veterinary care for the animals in the shelters, pounds, and kennels  
31 operating as shelters and pounds,

32 (b) the cost of any other training required pursuant to sections 1  
33 through 17 of P.L. , c. (C. ) (pending before the Legislature as  
34 this bill), and

35 (c) improvements to the facilities and animal care provided at a  
36 shelter, pound, or kennel operating as a shelter or pound as required by  
37 implementation of sections 1 through 17 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill).

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

41 d. (1) Except as provided in paragraph (3) of this subsection,  
42 only a shelter, pound, or kennel operating as a shelter or pound that  
43 receives 75 percent or more of its animals from within the State during  
44 a calendar year shall be eligible to receive a grant pursuant to  
45 paragraph (2) of subsection b. of this section.

46 (2) A private shelter, pound, or kennel operating as a shelter or  
47 pound receiving 75 percent or more of its animals from within the  
48 State during a calendar year shall be eligible to receive a grant

1 pursuant to paragraph (2) of subsection b. of this section only if it  
2 complies with the following requirements:

3 (a) it is in full compliance with all the reporting requirements  
4 established in section 8 of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill); and

6 (b) if it is a nonprofit private shelter, pound, or kennel operating as  
7 a shelter or pound, has filed its Internal Revenue Service Form 990 for  
8 the most recent fiscal year and has submitted all required forms and is  
9 in full compliance with the "Charitable Registration and Investigation  
10 Act," P.L.1994, c.16 (C.45:17A-18 et seq.).

11 (3) In the event of a natural disaster, a shelter, pound, or kennel  
12 operating as a shelter or pound that receives less than 75 percent of its  
13 animals from within the State during a calendar year in which the  
14 natural disaster occurs may be eligible and may apply to receive a  
15 grant pursuant to paragraph (2) of subsection b. of this section.

16  
17 17. (New section) a. There is established in the Department of  
18 the Treasury a special fund to be known as the "Stray and Homeless  
19 Animals Fund."

20 b. A taxpayer shall have the opportunity to indicate on the  
21 taxpayer's New Jersey gross income tax return that a portion of the  
22 taxpayer's tax refund or an enclosed contribution shall be deposited in  
23 the "Stray and Homeless Animals Fund" in accordance with the  
24 provisions of section 1 of P.L.1999, c.21 (C.54A:9-25.14).

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

32 d. The Legislature shall annually appropriate all funds deposited  
33 in the "Stray and Homeless Animals Fund" to the "Proper Care of  
34 Sheltered Animals Fund" in the Department of Health, established  
35 pursuant to section 16 of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill), to be used exclusively for the purposes of that  
37 fund.

38  
39 18. (New section) a. For the purpose of providing the moneys  
40 necessary to implement the inspection and enforcement requirements  
41 of section 1 through 13 of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), there is imposed a one percent surcharge on  
43 the retail price of any pet food item sold at retail. The surcharge shall  
44 be collected from retailers and paid to the State Treasurer for deposit  
45 in the "Proper Care of Sheltered Animals Fund," established pursuant  
46 to section 16 of P.L. , c. (C. ) (pending before the Legislature  
47 as this bill).

1        b. The Director of the Division of Taxation in the Department of  
2 the Treasury shall collect and administer the surcharge imposed  
3 pursuant to this section. In carrying out the provisions of this section,  
4 the director shall have all of the powers and authority granted in  
5 P.L.1966, c.30 (C.54:32B-1 et seq.). The surcharge shall be reported  
6 and paid to the director on a monthly basis in a manner prescribed by  
7 the director.

8        c. The surcharge imposed pursuant to this section shall be  
9 governed by the provisions of the State Uniform Tax Procedure Law,  
10 R.S.54:48-1 et seq.

11       d. The State Treasurer shall deposit receipts collected pursuant to  
12 this section into the "Proper Care of Sheltered Animals Fund,"  
13 established pursuant to section 16 of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill).

15       e. Notwithstanding any provision of the "Administrative  
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
17 the Director of the Division of Taxation in the Department of the  
18 Treasury may adopt immediately upon filing with the Office of  
19 Administrative Law such regulations as the director deems necessary  
20 to implement the provisions of this section, which regulations shall be  
21 effective for a period not to exceed 360 days following the effective  
22 date of P.L. , c. (C. ) (pending before the Legislature as this bill)  
23 and may thereafter be amended, adopted, or readopted by the director  
24 in accordance with the requirements of P.L.1968, c.410.

25       f. The Department of Health shall:

26       (1) monitor the revenues deposited pursuant to subsection a. of this  
27 section and their use for the purposes specified in subsections b., c.,  
28 and d. of section 16 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill); and

30       (2) report annually to the Governor and, pursuant to section 2 of  
31 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, its assessment and  
32 recommendations concerning (a) whether the surcharge is sufficient or  
33 whether it should be decreased, increased, or applied to additional  
34 items, and (b) if recommending a decrease, increase, or application to  
35 additional items, the amount of the recommended decrease or increase,  
36 or the additional items to which the surcharge is to be applied, as  
37 applicable.

38       g. The surcharge imposed pursuant to subsection a. of this section  
39 shall not be applied to any pet care services such as boarding or  
40 grooming services.

41       h. As used in this section, "pet food item" means any bag, box, or  
42 other container containing substances of nutrient value sold for the  
43 purpose of feeding any species of animal being kept as a pet.

44  
45       19. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to read  
46 as follows:

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

1       "Animal control provider" means any person or entity that  
2 provides animal control services for a municipality, including, but not  
3 limited to, a certified animal control officer or a person, company, or  
4 other entity providing animal control services.

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

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

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

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

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

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

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

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

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

42       "Owner" when applied to the proprietorship of a dog, shall include  
43 every person **【having】** who has a right of property in that dog and  
44 every person who has that dog in **【his】** the person's keeping, and  
45 when applied to the proprietorship of any other animal, including, but  
46 not limited to, a cat, shall include every person **【having】** who has a  
47 right of property in that animal and every person who has that animal

1 in **his** the person's keeping, but shall not include a person who  
2 feeds an animal living outdoors with no apparent owner, including, but  
3 not limited to, an animal colloquially referred to as a "feral cat".

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

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

12 "Shelter" means **any establishment where dogs or other animals**  
13 **are received, housed and distributed** a public or private facility  
14 operated for the temporary or permanent housing and care of  
15 abandoned, abused, owner-surrendered, stray, or otherwise displaced  
16 or homeless animals. A shelter shall include a facility operated by a  
17 county, municipality, local law enforcement agency, or other  
18 governmental entity, or a contractor directly or indirectly thereof, a  
19 county society for the prevention of cruelty to animals, a humane  
20 society, or other nonprofit organization, or a for-profit entity or  
21 business that is not a pet shop concerned with the care and control of  
22 animals, other than an animal rescue organization or an animal rescue  
23 organization facility.

24 "Sterilize" means to permanently render an animal incapable of  
25 reproducing by either spaying, **or** neutering, or applying the  
26 generally accepted methods under professional veterinary standards.  
27 (cf: P.L.2011, c.142, s.1)

28

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

31 8. a. Any person who keeps or operates or proposes to establish  
32 a kennel, a pet shop, a shelter, or a pound shall apply to the clerk or  
33 other official designated to license dogs in the municipality where such  
34 establishment is located, for a license entitling **him** the person to  
35 keep or operate such establishment. The application shall describe the  
36 premises where the establishment is located or is proposed to be  
37 located, the purpose or purposes for which it is to be maintained **,**  
38 **and** **;**

39 For a kennel not operating as a shelter or pound or a pet shop, the  
40 application shall be accompanied by the written approval of the local  
41 municipal and health authorities showing compliance with the local  
42 and State rules and regulations governing location of and sanitation at  
43 such establishments.

44 For a shelter, pound, or kennel operating as a shelter or pound, the  
45 application shall be accompanied by the written approval of the Office  
46 of Veterinary Public Health in the Department of Health showing  
47 compliance with the rules and regulations adopted pursuant to section

1 14 of P.L.1941, c.151 (C.4:19-15.14) that concern the proper operation  
2 of shelters, pounds, and kennels operating as shelters or pounds, and  
3 the written approval of local municipal authorities concerning the  
4 location of the establishments, other local enforcement and licensing  
5 issues not related to the inspection or enforcement requirements  
6 established pursuant to sections 1 through 13 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill), and any inspection or  
8 enforcement authority delegated to the local health authority or other  
9 local government entity pursuant to subsection f. of section 11 of  
10 P.L. , c. (C. ) (pending before the Legislature as this bill).

11 No license shall be issued to a shelter, pound, or kennel operating  
12 as a shelter or pound, shelter unless it can demonstrate to its licensing  
13 municipality and the Department of Health, in the manner prescribed  
14 by the department, that it:

15 (1) has a director, properly trained and certified pursuant to  
16 sections 11 and 12 of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill) or has an acting director in place as provided in  
18 subsection b. of section 11 of P.L. , c. (C. ) (pending before  
19 the Legislature as this bill); and

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

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

32 Any person holding a license shall not be required to secure  
33 individual licenses for dogs owned by a licensee and kept at the  
34 establishments**【; the】**. The licenses shall not be transferable to another  
35 owner or different premises.

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

45 The municipality, based on the criteria for the recommendation of  
46 the local health authority provided under subsections c. and d. of  
47 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license for  
48 90 days or may revoke the license if it is determined at the hearing that

1 the pet shop: (1) failed to maintain proper hygiene and exercise  
 2 reasonable care in safeguarding the health of animals in its custody or  
 3 (2) sold a substantial number of animals that the pet shop knew, or  
 4 reasonably should have known, to be unfit for purchase.

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

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

14 f. Within one year after the effective date of  
 15 P.L. , c. (C ) (pending before the Legislature as this bill), every  
 16 shelter, pound, or kennel operating as a shelter or pound operating in  
 17 the State shall demonstrate to its licensing municipality and the  
 18 Department of Health, in the manner prescribed by the department,  
 19 that the shelter, pound, or kennel operating as a shelter or pound:

20 (1) has a director, properly trained and certified, or designated,  
 21 pursuant to sections 11 and 12 of P.L. , c. (C. ) (pending  
 22 before the Legislature as this bill); and

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

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

27  
 28 21. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to  
 29 read as follows:

30 14. a. The **【State】** Department of Health shall adopt, within six  
 31 months of the approval of **【this act】** P.L.1941, c.151 (C.4:19-  
 32 15.1 et seq.) and with the **【co-operation】** cooperation and assistance of  
 33 the **【State】** Department of Agriculture, **【prepare and promulgate】**  
 34 rules and regulations governing the sanitary conduct and operation of  
 35 kennels, pet shops, shelters and pounds, to preserve sanitation therein  
 36 and prevent the spread of rabies and other diseases of dogs within and  
 37 from such establishments.

38 **【Such】** The rules and regulations adopted pursuant to this section  
 39 shall be enforced by the **【State】** Department of Health and by local  
 40 boards of health.

41 b. Within 180 days after the effective date of P.L. , c. (C. )  
 42 (pending before the Legislature as this bill), the Department of Health,  
 43 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
 44 (C.52:14B-1 et seq.), shall adopt rules and regulations governing the  
 45 operation and oversight of shelters, pounds, and kennels operating as  
 46 shelters or pounds to provide for the requirements established pursuant  
 47 to sections 1 through 16 of P.L. , c. (C. ) (pending before the

1 Legislature as this bill). Every three years after the adoption of the  
2 rules and regulations pursuant to this subsection, the department shall  
3 consider revisions to the rules and regulations adopted pursuant to this  
4 subsection, consult with the director of each shelter, pound, and kennel  
5 operating as a shelter or pound in the State concerning such revision,  
6 and revise the rules and regulations as necessary.

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

13 (a) directors of shelters, pounds, or kennels operating as shelters  
14 or pounds operating in the State; and

15 (b) certified inspectors appointed pursuant to subsection c. of  
16 section 11 of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill) to inspect shelters, pounds, and kennels operating as  
18 shelters and pounds in the State, including authorized persons  
19 conducting inspections or implementing enforcement for a local  
20 health authority or municipal authority pursuant to subsection f. of  
21 section 11 of P.L. , c. (C. ) (pending before the Legislature  
22 as this bill).

23 (2) The rules and regulations adopted pursuant to paragraph (1)  
24 of this subsection shall include, but need not be limited to, a course  
25 of study which provides the person with the necessary training in:

26 (a) the State law, rules, and regulations concerning the  
27 regulation of shelters, pounds, and kennels operating as shelters and  
28 pounds, including, at a minimum, the applicable provisions of  
29 P.L.1941, c.151 (C.4:19-15.1 et seq.) and sections 1 through 16 of  
30 P.L. , c. (C. ) (pending before the Legislature as  
31 this bill), and the rules and regulations adopted pursuant to this  
32 section;

33 (b) the State animal cruelty statutes, any rules or regulations  
34 adopted pursuant thereto, and their proper application;

35 (c) all State agencies, and all associations, entities, and officials  
36 in the State involved in animal control and cruelty prevention, and  
37 their respective roles and responsibilities concerning enforcement  
38 of the law, rules, and regulations set forth in paragraphs (1) and (2)  
39 of this subsection;

40 (d) the best practices established for animal care, cleaning of  
41 cages or enclosures, veterinary oversight, maintaining enclosures,  
42 the physical and psychological requirements for animals, control of  
43 rabies, required and proper quarantines, and transport rules, and  
44 their proper implementation;

45 (e) the best management practices for shelters, pounds, and  
46 kennels operating as shelters or pounds that minimize the need for  
47 euthanasia and ensure its administration only when necessary and in  
48 the most humane manner possible, including, but not limited to (a)

1 the best practices for humane euthanasia of animals, (b) the  
2 requirements and protocols concerning euthanasia established  
3 pursuant to section 6 of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), and (c) criteria that minimize the necessity  
5 of euthanasia established pursuant to paragraph (2) of subsection a.  
6 of section 10 of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill); and

8 (f) recognition of cat and dog breeds, acceptable and dangerous  
9 cat and dog behaviors, safe animal handling techniques, animal  
10 disease recognition and prevention, and proper veterinary services.

11 Euthanasia shall not be administered to a healthy or treatable  
12 animal during training pursuant to subparagraph (e) of this  
13 paragraph.

14 d. At least six months before the commissioner considers a  
15 revision of rules and regulations pursuant to subsection b. of this  
16 section, the Department of Health shall solicit from the public  
17 suggestions concerning the proper operation of shelters, pounds, and  
18 kennels operating as shelters or pounds and revision of the rules and  
19 regulations adopted pursuant to this section. The department shall  
20 provide notice of the request for suggestions or revisions on its  
21 website, including information on submitting the suggestions or  
22 revisions to the department. The notice shall also be posted at each  
23 shelter, pound, kennel operating as a shelter or pound, pet shop, and  
24 business selling pet supplies in the State. Upon proposing revised  
25 rules and regulations, in addition to the required publication of the  
26 proposed rules and regulations in the New Jersey Register, the  
27 department shall notify the public of the rule proposal in the same  
28 manner as it provided notice of its request for suggestions or revisions,  
29 and shall include in that notice information concerning where the  
30 proposal is published, how the proposal may be accessed and reviewed  
31 by the public, and the comment period provided for the proposal.

32 (cf: P.L.1941, c.151, s.14)

33  
34 22. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to  
35 read as follows:

36 16. a. The certified animal control officer appointed by the  
37 governing body of the municipality shall take into custody and  
38 impound **any animal, to thereafter be euthanized or offered for**  
39 **adoption, as provided in this section** at a shelter, pound, or kennel  
40 operating as a shelter or pound :

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

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

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

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

2 (5) Any dog or other animal off the premises of the owner or the  
3 person charged with **【its】** the animal's care that is reported to, or  
4 observed by, a certified animal control officer to be ill, injured, or  
5 creating a threat to public health, safety, or welfare, or otherwise  
6 interfering with the enjoyment of property.

7 If, when an animal is taken into custody and impounded, the  
8 certified animal control officer or the person receiving the animal at a  
9 shelter, pound, or kennel operating as a shelter or pound has  
10 reasonable cause to believe the animal is injured or ill, the animal shall  
11 receive treatment pursuant to subsection e. of section 4 of  
12 P.L. , c. (C. ) (pending before the Legislature as this bill.)

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

25 For any animal suspected of being lost or stray, the shelter, pound,  
26 or kennel operating as a shelter or pound shall post on the Internet a  
27 photograph and identifying information concerning the animal, the  
28 location of the facility where the animal is being held, and information  
29 concerning how to contact the facility, including, but not limited to, its  
30 phone number, email address, and hours of operation during which the  
31 owner may reclaim the animal.

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

39 d. (1) A shelter, pound, or kennel operating as a shelter or  
40 pound receiving an animal , including a cat, from a certified animal  
41 control officer pursuant to subsection a. of this section, or from any  
42 other individual, group, or organization, shall hold the animal for at  
43 least seven days before offering **【it】** the animal for adoption, or  
44 euthanizing, relocating, or sterilizing the animal, except if:

45 **【(1)】** (a) the animal is surrendered voluntarily by **【its】** the  
46 animal's owner to the shelter, pound, or kennel operating as a shelter  
47 or pound, in which case the provisions of subsection e. of this section  
48 shall apply; **【or】**

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

3       (c) the animal is a cat found living outdoors with no apparent  
4 owner has no microchip or other identifying items or characteristics  
5 indicating that the cat may be stray, and the person bringing the cat to  
6 the shelter, pound, or kennel operating as a shelter or pound knows  
7 with reasonable certainty that the cat has no owner, in which case  
8 paragraph (2) of this subsection shall apply.

9       (2) The shelter, pound, or kennel operating as a shelter or pound  
10 may release a cat known with reasonable certainty to have no owner  
11 and to have been living outdoors in an area where cats are living with  
12 no apparent owners as soon as appropriate in accordance with the  
13 protocols established pursuant to paragraph (4) of subsection a. of  
14 section 4 of P.L. , c. (C. ) (pending before the Legislature as  
15 this bill) after the cat is sterilized, vaccinated, and ear-tipped.  
16 Otherwise, a cat found living outdoors without an apparent owner shall  
17 be held for seven days before it is sterilized, vaccinated, ear-tipped,  
18 and released. No cat under four months of age found living outdoors  
19 without an apparent owner shall be released. A cat under four months  
20 of age shall be offered for adoption for at least seven days. Thereafter,  
21 the shelter, pound, or kennel operating as a shelter or pound may  
22 euthanize the cat after complying with the provisions of section 6 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill).

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

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

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

34       Prior to euthanizing an animal, the shelter, pound, or kennel  
35 operating as a shelter or pound shall comply with the provisions of  
36 section 6 of P.L. , c. (C. ) (pending before the Legislature as  
37 this bill).

38       f. **[Except as otherwise provided for under subsection e. of this**  
39 **section, no shelter, pound, or kennel operating as a shelter or pound**  
40 **receiving an animal from a certified animal control officer may**  
41 **transfer the animal to an animal rescue organization facility or a foster**  
42 **home until the shelter, pound, or kennel operating as a shelter or pound**  
43 **has held the animal for at least seven days]** Except as authorized  
44 pursuant to paragraph (2) of subsection e. of this section, a shelter,  
45 pound, or kennel operating as a shelter or pound shall not transfer an  
46 animal to an animal rescue organization facility until the animal has  
47 been held for seven days. If a transfer is required pursuant to

1 paragraph (2) of subsection e. of this section, the shelter, pound, or  
2 kennel operating as a shelter or pound shall take a photograph of the  
3 animal before the transfer and shall hold the photograph in the records  
4 of the shelter, pound, or kennel operating as a shelter or pound.

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

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

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

20 (3) may require the owner or person charged with the care of the  
21 animal to pay all the animal's expenses while in the care of the shelter,  
22 pound, or kennel operating as a shelter or pound, not to exceed **【\$4】**  
23 \$10 per day.

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

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

43 j. Any animal seized under this section suspected of being rabid  
44 shall be immediately reported to the executive officer of the local  
45 board of health and to the Department of Health, and shall be  
46 quarantined, observed, and otherwise handled and dealt with as

1 appropriate for an animal suspected of being rabid or as required by  
2 the Department of Health for the animals.

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

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

21 m. No shelter, pound, or kennel operating as a shelter or pound  
22 may refuse, limit, or otherwise obstruct the impoundment, transfer, or  
23 adoption of a cat or dog on the basis of age, appearance, color, breed,  
24 breed mix, size, or species.

25 n. A shelter, pound, or kennel operating as a shelter or pound  
26 shall establish hours of operation that allow it to be open to the public,  
27 and during the following times, shall make animals being held at the  
28 shelter, pound, or kennel operating as a shelter or pound available for  
29 adoption and reclamation:

30 (1) at least four hours on at least three of the five weekdays, and  
31 shall remain open until 7:00 p.m. on at least one of those weekdays;  
32 and

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

34 o. Prior to euthanizing an animal, the shelter, pound, or kennel  
35 operating as a shelter or pound shall comply with the provisions of  
36 section 6 of P.L. , c. (C. ) (pending before the Legislature as  
37 this bill).

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

39  
40 23. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to  
41 read as follows:

42 3. a. The Commissioner of Health shall, within 120 days after  
43 the effective date of P.L.1983, c.525, and pursuant to the  
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),  
45 adopt rules and regulations concerning the training and educational  
46 qualifications for the certification of animal control officers, including,  
47 but not limited to, a course of study approved by the commissioner and  
48 the Police Training Commission, in consultation with the New Jersey

1 Certified Animal Control Officers Association, which acquaints a  
2 person with:

3 (1) The law as it affects animal control, animal welfare, and  
4 animal cruelty;

5 (2) Animal behavior and the handling of stray or diseased  
6 animals; and

7 (3) Community safety as it relates to animal control.

8 (4) (Deleted by amendment, P.L.2017, c.331)

9 The commissioner, within 120 days after the effective date  
10 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
11 and pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
12 (C.52:14B-1 et seq.), shall adopt rules and regulations providing for  
13 additional training for certified animal control officers as required  
14 pursuant to section 12 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill) for the proper implementation of the  
16 responsibilities of an animal control officer pursuant to this section,  
17 section 16 of P.L.1941, c.151 (C.4:19-15.16), and any other  
18 applicable section of sections 1 through 12 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill).

20 Any person 18 years of age or older may satisfy the courses of  
21 study established pursuant to this subsection at that person's own time  
22 and expense; however, nothing in this section shall be construed as  
23 authorizing a person to exercise the powers and duties of an animal  
24 control officer absent municipal appointment or authorization pursuant  
25 to section 4 of P.L.1983, c.525 (C.4:19-15.16b).

26 b. (1) The commissioner shall provide for the issuance of a  
27 certificate to a person who possesses, or acquires, the training and  
28 education required to qualify as a certified animal control officer  
29 pursuant to paragraphs (1) through (3) of subsection a. of this section  
30 and to a person who has been employed in the State of New Jersey in  
31 the capacity of, and with similar responsibilities to those required of, a  
32 certified animal control officer pursuant to the provisions of  
33 P.L.1983, c.525, for a period of three years before January 17, 1987.  
34 The commissioner shall not issue a certificate to any person convicted  
35 of, or found civilly liable for, a violation of any provision of chapter  
36 22 of Title 4 of the Revised Statutes.

37 (2) The commissioner shall revoke the certificate of any person  
38 convicted of, or found civilly liable for, a violation of any provision of  
39 chapter 22 of Title 4 of the Revised Statutes, and shall place the name  
40 of the person on the list established pursuant to subsection c. of this  
41 section.

42 c. (1) The commissioner shall establish a list of all persons  
43 issued a certificate pursuant to subsection b. of this section (a) for  
44 whom that certificate has been revoked, or (b) who have been  
45 convicted of, or found civilly liable for, a violation of any provision of  
46 chapter 22 of Title 4 of the Revised Statutes. The commissioner shall  
47 provide each municipality in the State with a copy of this list within 30  
48 days after the list is established and not less often than annually

1 thereafter if no revised list required pursuant to paragraph (2) of this  
2 subsection has been issued in the interim.

3 (2) Upon receipt of a notice required pursuant to section 3 or 4 of  
4 P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person who  
5 has been issued a certificate pursuant to subsection b. of this section,  
6 the commissioner shall add to the list the name of the person convicted  
7 of, or found civilly liable for, a violation of any provision of chapter  
8 22 of Title 4 of the Revised Statutes according to the notice, and shall  
9 issue a copy of the revised list to each municipality within 30 days  
10 after receipt of any notice.

11 (cf: P.L.2017, c.331, s.5)

12

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

15 5. a. Every shelter, pound, or kennel operating as a shelter or  
16 pound shall have a universal scanner for microchip identification.

17 When a cat or dog is put in the custody of and impounded with a  
18 shelter, pound, or kennel operating as a shelter or pound, or an  
19 animal rescue organization facility receives a cat or dog, the shelter,  
20 pound, kennel operating as a shelter or pound, or animal rescue  
21 organization facility shall, if the identity of the owner is not known,  
22 scan the animal for microchip identification **】, provided the shelter,**  
23 **pound, kennel operating as a shelter or pound, or animal rescue**  
24 **organization facility has such technology available】.**

25 b. Prior to release of any cat or dog for adoption, transfer to  
26 another facility or foster home, or euthanasia of the cat or dog, the  
27 shelter, pound, kennel operating as a shelter or pound, or animal  
28 rescue organization facility shall, if the identity of the owner is not  
29 known, scan the cat or dog for microchip identification **】, provided**  
30 **the shelter, pound, kennel operating as a shelter or pound, or animal**  
31 **rescue organization facility has such technology available】.**

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

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

42

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

45 6. a. The Department of Health shall establish a registry of  
46 animal rescue organizations and their facilities in the State. Any  
47 animal rescue organization **【may voluntarily participate in】**

1 operating in the State shall register with the department and shall be  
2 entered into the registry.

3 b. The department, pursuant to the "Administrative Procedure  
4 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules  
5 and regulations determined necessary to implement the **【voluntary】**  
6 registry and coordinate its use with the provisions of  
7 P.L.2011, c.142 (C.4:19-15.30 et al.) **【and】** , section 16 of  
8 P.L.1941, c.151 (C.4:19-15.16), and sections 1 through 17 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill) .  
10 (cf: P.L.2012, c.17, s.13)

11  
12 26. R.S.4:22-19 is amended to read as follows:

13 4:22-19. a. A person who shall **【:**

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

20 b. **【Destroy】** A person who shall kill or cause to be  
21 **【destroyed】** killed any **【such】** impounded animal by hypoxia  
22 induced by decompression or in any other manner **【,** by the  
23 administration of a lethal gas other than an inhalant anesthetic, or in  
24 any other manner~~】~~ except **【by a method of euthanasia generally**  
25 **accepted by the veterinary medical profession as being reliable,**  
26 **appropriate to the type of animal upon which it is to be employed,**  
27 **and capable of producing loss of consciousness and】** as provided  
28 pursuant to section 6 of P.L. , c. (C. ) (pending now before  
29 the Legislature as this bill), so as to bring death as rapidly and  
30 painlessly as possible 【for such】 to the animal, shall **【,** in the case  
31 of a violation of subsection a., be guilty of a disorderly persons  
32 offense and shall be punished as provided in subsection a. of  
33 R.S.4:22-17; or, in the case of a violation of subsection b.,~~】~~ be  
34 subject to a penalty of **【\$25】** \$125 for the first offense and **【\$50】**  
35 \$250 for each subsequent offense. Each animal destroyed in  
36 violation of this subsection **【b.】** shall constitute a separate offense.  
37 The penalty shall be collected in accordance with the "Penalty  
38 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.)  
39 and all money collected shall be remitted to the **【State】** Department  
40 of Health.

41 This section shall apply to kennels, pet shops, shelters, and  
42 pounds as defined and licensed pursuant to P.L.1941, c.151  
43 (C.4:19-15.1 et seq.); to pounds and places of confinement owned  
44 and operated by municipalities, counties or regional governmental  
45 authorities; and to every contractual warden or impounding service,  
46 any provision to the contrary in this title notwithstanding.

1       c. Notwithstanding the provisions of R.S.4:22-55 or any other  
2 law, or any rule or regulation adopted pursuant thereto, to the  
3 contrary, any penalty collected pursuant to subsection b. of this  
4 section shall be deposited in the “Proper Care of Sheltered Animals  
5 Fund,” established pursuant to section 16 of P.L.     , c.     (C.     )  
6 (pending before the Legislature as this bill).  
7 (cf: P.L.2001, c.229, s.3)

8  
9       27. R.S.4:22-55 is amended to read as follows:

10       4:22-55. a. Except as provided pursuant to subsection b. of this  
11 section and subsection c. of R.S.4:22-19, all fines, penalties and  
12 moneys imposed and collected under the provisions of article 2 of  
13 chapter 22 of Title 4 of the Revised Statutes, shall be paid by the court  
14 or by the clerk or court officer receiving the fines, penalties or moneys,  
15 within 30 days and without demand, to the county to be used for the  
16 purpose of protecting animals in the county.

17       b. If an enforcement action for a violation of article 2 of chapter  
18 22 of Title 4 of the Revised Statutes is brought:

19       (1) in Superior Court primarily as a result of the reporting of the  
20 violation to the county prosecutor by a certified animal control officer  
21 or a municipal humane law enforcement officer, the fines, penalties, or  
22 moneys collected shall be paid as follows: one half to the municipality  
23 in which the violation occurred; and one half to the county to be used  
24 for the purpose of protecting animals in the county.

25       (2) in a municipal court of a municipality in which a municipal  
26 humane law enforcement officer has been designated pursuant to  
27 section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or  
28 moneys collected shall be paid without demand, to the municipality in  
29 which the violation occurred.

30       (3) in a municipal court of a municipality in which a municipal  
31 humane law enforcement officer has not been designated pursuant to  
32 section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or  
33 moneys collected shall be paid as follows: one half to the municipality  
34 in which the violation occurred; and one half to the county to be used  
35 for the purpose of protecting animals in the county.

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

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

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

45 (cf: P.L.2017, c.331, s.22)

1       28. This act shall take effect on the 180<sup>th</sup> day after the date of  
2 enactment except the Commissioner of Health may take any  
3 anticipatory administrative action in advance as shall be necessary  
4 for the implementation of this act.

5  
6  
7                                   STATEMENT

8  
9       This bill establishes additional requirements for the operation  
10 and oversight of animal shelters, pounds, and kennels operating as  
11 shelters or pounds.

12       The bill requires each shelter, pound, or kennel operating as a  
13 shelter or pound to have a director, trained and certified as provided  
14 in sections 11 and 12 of the bill, and allows the current director or,  
15 if none, the owner or the owner's designee, to serve as an acting  
16 director until a director can be properly trained and certified. The  
17 bill also requires the director of a shelter, pound, or kennel  
18 operating as a shelter or pound to ensure the compliance of the  
19 shelter, pound, or kennel operating as a shelter or pound with  
20 sections 1 through 13 of the bill and the rules and regulations  
21 adopted by the Department of Health (DOH) pursuant to section 14  
22 of P.L.1941, c.151 (C.4:19-15.14), as amended in the bill.

23       The bill requires the Office of Veterinary Public Health (OVPH)  
24 in DOH to certify the director of each animal shelter, pound, or  
25 kennel operating as a shelter or pound and to appoint a sufficient  
26 number of certified inspectors to conduct unannounced inspections  
27 of each shelter, pound, and kennel operating as a shelter or pound at  
28 least three times each year. The bill authorizes the OVPH to  
29 delegate its inspection and enforcement authority to local health  
30 authorities or other local government entities, provided that trained  
31 and certified inspectors are conducting the inspections or  
32 implementing enforcement, and at least one inspection each year is  
33 conducted by OVPH independent certified inspectors or trained and  
34 certified staff.

35       The bill directs the DOH to develop training and certification  
36 programs with Rutgers, the State University, for the director of  
37 every shelter, pound, or kennel operating as a shelter or pound, and  
38 inspectors, and for additional training for certified animal control  
39 officers. The bill directs the DOH to adopt rules and regulations  
40 that enumerate the specific requirements for the training and course  
41 of study. The bill also directs the DOH to contract with Rutgers to  
42 provide the training and issue certificates for successful completion  
43 thereof.

44       Sections 3 through 8 of the bill establish specific requirements  
45 concerning the care and treatment of animals and recordkeeping  
46 concerning the animals in shelters, pounds, and kennels operating as  
47 shelters and pounds. These provisions include requirements  
48 concerning the administration of euthanasia, required steps to avoid

1 euthanizing animals, and provisions to address feral cat issues. The  
2 bill authorizes the OVPH to oversee enforcement of the bill's  
3 requirements and requires directors to ensure compliance with the  
4 bill's provisions.

5 The bill establishes the "Proper Care of Sheltered Animals Fund"  
6 to provide grants to shelters, pounds, and kennels operating as  
7 shelters and pounds to assist them in complying with the provisions  
8 of the bill. The bill specifies that no moneys in the fund may be  
9 used for administrative costs of the DOH.

10 Except for grants awarded when there is a natural disaster, the  
11 bill specifies that only a shelter, pound, or kennel operating as a  
12 shelter or pound that receives 75 percent or more of its animals from  
13 within New Jersey during a calendar year can be eligible to receive a  
14 grant from the "Proper Care of Sheltered Animals Fund." The bill  
15 also specifies that a private shelter, pound, or kennel operating as a  
16 shelter or pound receiving 75 percent or more of its animals from  
17 within New Jersey during a calendar year can be eligible to receive a  
18 grant only if it fully complies with the reporting requirements  
19 established under section 8 of the bill, and is a nonprofit private  
20 shelter, pound, or kennel operating as a shelter or pound, as defined in  
21 section 16 of the bill.

22 The bill establishes three sources of funding for the grants awarded  
23 from the "Proper Care of Sheltered Animals Fund."

24 First, the bill establishes a voluntary check-off on personal  
25 income tax to allow for donations for the "Stray and Homeless  
26 Animal Fund," the proceeds of which would be deposited into the  
27 "Proper Care of Sheltered Animals Fund."

28 Second, the bill establishes new penalties, increases existing  
29 penalties, and requires the penalties to be deposited in the "Proper  
30 Care of Sheltered Animals Fund."

31 The bill establishes that violations of:

32 1) the bill's recordkeeping requirements are subject to a fine of  
33 \$100 for the first violation, \$200 for the second violation, and \$300  
34 for the third and subsequent violations; and

35 2) the requirements other than those concerning recordkeeping  
36 and trap-neuter-vaccinate-eartip-and-release programs under the bill  
37 are subject to a fine of \$200 for the first violation, \$400 for the  
38 second violation, and \$800 for the third and subsequent violations.

39 The bill also establishes that third-time violators of requirements  
40 other than those concerning recordkeeping and trap-neuter-  
41 vaccinate-eartip-and-release programs would be subject to license  
42 revocation.

43 Third, the bill establishes a one percent surcharge on the price of  
44 any pet food item sold at retail, to be collected from retailers and  
45 deposited into the "Proper Care of Sheltered Animals Fund."

46 The bill also establishes requirements to increase opportunities to  
47 offer animals in shelters, pounds, and kennels operating as shelters  
48 or pounds for adoption. The bill requires every shelter, pound, or

1 kennel operating as a shelter or pound, in cooperation and  
2 consultation with DOH and the municipality in which the facility is  
3 located, to establish community outreach policies and procedures,  
4 including, but not limited to, the use of social media or a website, to  
5 maximize opportunities for adoption of the animals in its care.

6 The bill also requires each municipality in the State to require  
7 every shelter, pound, or kennel operating as a shelter or pound  
8 located within, and licensed by, the municipality to:

9 1) establish and maintain a website on the Internet; and

10 2) post on the website (a) a picture or an identifying description  
11 of any animal impounded in the shelter, pound, or kennel operating  
12 as a shelter or pound, and (b) information about animals available  
13 for adoption.

14 Furthermore, whenever the certified animal control officer  
15 contracted by a municipality impounds an animal in a shelter,  
16 pound, or kennel operating as a shelter or pound, the bill requires  
17 the certified animal control officer to report the impounding of the  
18 animal to its contracting municipality and requires the municipality  
19 to post a picture or an identifying description of the animal on the  
20 Internet. The employee receiving animals is also required to:

21 1) confirm with the person bringing the animal to the shelter,  
22 pound, or kennel operating as a shelter or pound, if not the owner of  
23 the animal, whether the person has an interest in adopting the  
24 animal and wishes to be notified if the animal is to be euthanized;  
25 and

26 2) if the person wishes to be so notified, obtain and record in  
27 the facility's records the person's contact information and which  
28 animal the person has an interest in adopting.

29 This bill addresses the compelling public interest of protecting  
30 animals from neglect, mistreatment, and physical suffering in  
31 shelters and pounds throughout the State. It is of urgent public  
32 importance to recommit the State to the protection of animals and  
33 the achievement of important and necessary measures in improving  
34 care for displaced and homeless animals. These measures can be  
35 achieved through renewed and vigorous regulation of shelters,  
36 pounds, and kennels operating as shelters or pounds. Shelters and  
37 pounds should be caring, safe havens for animals. Their operators  
38 have a duty to make as many animals available for adoption as  
39 possible and prolong every animal's life in their care. The killing  
40 of animals in shelters and pounds is often a needless tragedy,  
41 especially when the animals are healthy or can recover from illness  
42 through treatment. Euthanasia should be used only as a last resort.