

SENATE, No. 636

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

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District 15 (Hunterdon and Mercer)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/5/2020)

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

5

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

8

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

16

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

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

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

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

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

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

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

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

47 "Domestic companion animal" means any animal commonly
48 referred to as a pet that was bought, bred, raised or otherwise acquired,

1 in accordance with local ordinances and State and federal law, for the
2 primary purpose of providing companionship to the owner, rather than
3 for business or agricultural purposes.

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

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

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

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

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

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

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

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

45 "Veterinary holding facility" means any facility owned or operated
46 by a veterinarian, veterinary hospital, clinic, veterinary boarding
47 facility, or similar facility that houses stray, surrendered, or otherwise
48 impounded animals as a boarding agent or holding facility for an

1 animal control provider, municipal humane law enforcement officer,
2 chief human law enforcement officer of a county, humane law
3 enforcement officer of a county society for the prevention of cruelty to
4 animals , or local law enforcement.

5
6 3. (New section) a. Except as otherwise provided for pursuant
7 to subsection b. of section 13 of P.L. , c. (C.) (pending
8 before the Legislature as this bill), each regulated animal holding
9 facility shall be operated by a director, trained and certified
10 pursuant to sections 13 and 14 of P.L. , c. (C.) (pending
11 before the Legislature as this bill). The director shall ensure that
12 the regulated animal holding facility complies with the
13 requirements of P.L. , c. (C.) (pending before the
14 Legislature as this bill) and shall make the regulated animal holding
15 facility available for inspection pursuant to section 13 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill)
17 whenever requested by a certified inspector.

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

21 (1) fresh water;

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

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

28 (4) exercise outside of the animal's cage at least once in every
29 24-hour period, but more frequently, and of the type of exercise, as
30 may be required for the good condition and health of the species or
31 breed of animal as determined by a licensed veterinarian or
32 provided in the protocols established pursuant to paragraph (2) of
33 subsection a. of section 3 of P.L. , c. (C.) (pending before
34 the Legislature as this bill);

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

38 (6) prompt, necessary cleaning of the animal's cage, kennel, or
39 other areas used by the animal, at least two times during each 24-
40 hour period, in such a way that prevents disease and exposure to
41 water from hoses and sprays, cleaning solutions, detergents,
42 solvents, and other chemicals, and is consistent with the protocols
43 established pursuant to section 4 of P.L. , c. (C.)
44 (pending before the Legislature as this bill).

45
46 4. (New section) a. In consultation with a licensed veterinarian,
47 each regulated animal holding facility shall develop and implement
48 protocols concerning:

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

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

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

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

19 (a) nursing females;

20 (b) infant and unweaned animals;

21 (c) sick and injured animals;

22 (d) extremely frightened or reactive animals;

23 (e) older animals;

24 (f) animals requiring therapeutic exercise; and

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

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

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

42 (2) Any diseased, ill, or injured animal shall be separated from
43 all other animals in the regulated animal holding facility, and
44 housing and caring for the animal shall be provided apart from
45 healthy animals or animals with a different disease, illness, or
46 injury until the diseased, ill, or injured animal has recovered
47 sufficiently so as not to present a health or safety risk to another
48 animal.

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

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

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

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

34
35 5. (New section) a. Every regulated animal holding facility, in
36 cooperation and consultation with the Department of Health and the
37 municipality in which the facility is located, shall establish
38 community outreach policies and procedures, including, but not
39 limited to, the use of social media or a website, to maximize
40 opportunities for adoption of the animals in its care.

41 b. Each municipal clerk’s office in the State shall provide a
42 location easily viewed by the public in which a regulated animal
43 holding facility located within the municipality shall post
44 information about animals available for adoption.

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

- 1 (1) confirm with the person surrendering the animal whether the
2 person has an interest in adopting the animal and wishes to be
3 notified if the animal is to be euthanized; and
- 4 (2) if the person wishes to be so notified, obtain and record in
5 the facility's records the person's contact information and which
6 animal the person had an interest in adopting.
- 7
- 8 6. (New section) a. At least two business days prior to the
9 date for euthanizing an animal, a regulated animal holding facility
10 shall, by verifiable written or electronic communication:
- 11 (1) notify or make a reasonable attempt to notify, for compliance
12 with paragraph (2) of subsection b. of this section, any animal
13 rescue organization, animal rescue organization facility, or
14 individual that has requested notification pursuant to subsection c.
15 of section 4 of P.L. , c. (C.) (pending before the
16 Legislature as this bill) whenever an animal is to be euthanized; and
- 17 (2) offer the animal for transfer to the animal rescue organization
18 or animal rescue organization facility.
- 19 b. No animal shall be euthanized until the director of the
20 regulated animal holding facility, or the director's designee, has
21 determined all of the following:
- 22 (1) The animal has been made available for adoption as required
23 pursuant to subsection e. of section 16 of P.L.1941, c.151 (C.4:19-
24 15.16);
- 25 (2) Any animal rescue organization, animal rescue organization
26 facility, or individual requesting notification prior to the animal
27 being euthanized has been notified or a reasonable attempt has been
28 made to do so, by verifiable written or electronic communication
29 but (a) there has been no response to the notification, or (b) there is
30 no interest in accepting the animal;
- 31 (3) Pursuant to section 7 of P.L. , c. (C.) (pending
32 before the Legislature as this bill), the regulated animal holding
33 facility has determined there is no interested party capable of
34 properly caring for the animal;
- 35 (4) There is no space or suitable area for the animal in any cage,
36 kennel, including any temporary cage or kennel, or other areas used
37 by the animal in the regulated animal holding facility;
- 38 (5) The animal cannot be placed in a cage, kennel, or other areas
39 used by the animal with another animal and there is no place in the
40 regulated animal holding facility for the animal to be housed alone;
- 41 (6) No foster home, animal rescue organization, or animal rescue
42 organization facility is available for, or willing to accept, the
43 animal;
- 44 (7) The animal cannot be transferred to another regulated animal
45 holding facility, foster home, animal rescue organization, or animal
46 rescue organization facility because none has room for the animal
47 or is willing to accept the animal, even on an emergency, temporary
48 basis;

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

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

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

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

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

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

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

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

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

40 The procedures for administering euthanasia shall be as follows:

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

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

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

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

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

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

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

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

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

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

34 (b) no respiration;

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

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

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

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

1 thereto, to the contrary, a regulated animal holding facility may
2 euthanize immediately:

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

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

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

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

27
28 7. (New section) Notwithstanding any provision of law, or rule
29 or regulation adopted pursuant thereto, to the contrary, no regulated
30 animal holding facility shall be required to relinquish to any person,
31 animal rescue organization, foster home, or other animal care
32 facility any animal if the director of the regulated animal holding
33 facility determines that the person, animal rescue organization,
34 foster home, or other animal care facility is incapable of proper care
35 of the animal.

36
37 8. (New section) a. Each regulated animal holding facility shall
38 consider, study, and, if feasible, develop and implement a trap, neuter,
39 vaccinate, ear-tip, and return program for its facility as an alternative
40 to euthanasia of any cat found living outdoors with no apparent owner,
41 colloquially referred to as a “feral cat.” The purpose of this subsection
42 is to encourage the development and implementation of such programs
43 but shall not be construed to require implementation of a trap, neuter,
44 vaccinate, ear-tip, and return program by any regulated animal holding
45 facility.

46 b. Whenever a certified animal control officer, municipal humane
47 law enforcement officer, chief humane law enforcement officer of a
48 county, humane law enforcement officer of a county society for the

1 prevention of cruelty to animals, or other law enforcement officer
2 impounds or surrenders a cat which has been found living outdoors
3 with no apparent owner, the officer shall, whenever possible, impound
4 or surrender the cat at a regulated animal holding facility which has in
5 place a trap, neuter, vaccinate, ear-tip, and return program and is
6 located the closest geographically to the location where the cat was
7 captured.

8

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

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

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

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

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

30 (2) during the previous calendar year

31 (a) impounded in total;

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

33 (c) relinquished by the owner;

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

35 (e) euthanized;

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

38 (g) lost or stolen;

39 (h) returned to their owners;

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

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

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

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

47 e. In addition to the information required to be reported
48 pursuant to subsection d. of this section, every regulated animal

1 holding facility shall report to the Department of Health annually,
2 the total number of cats found living outdoors with no apparent
3 owner during the previous calendar year that were:

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

6 (2) transferred to an animal rescue organization facility for the
7 purpose of sterilizing, vaccinating, ear-tipping, and returning the cat
8 to where the cat was captured, or socializing the cat and offering the
9 cat for adoption.

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

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

30

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

33 a. subject to the requirements and the provisions of (a)
34 P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. , c. (C.)
35 (pending before the Legislature as this bill), and the rules and
36 regulations adopted pursuant thereto, and (b) the requirements of
37 the rules and regulations adopted pursuant to section 14 of
38 P.L.1941, c.151 (C.4:19-15.14); and

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

41

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

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

8 (2) criteria for protection of the health of the animals and
9 procedures for the care, temporary housing, and transfer of animals
10 that minimize the necessity for euthanasia, including increased
11 professional staff, use of volunteers, adoption programs, and
12 transfer programs between foster homes, animal rescue organization
13 facilities, and other animal care facilities.

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

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

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

36
37 13. (New section) a. The Office of Veterinary Public Health in
38 the Department of Health, at the direction of the commissioner,
39 shall enforce the provisions of P.L. , c. (C.) (pending before
40 the Legislature as this bill) and the rules and regulations adopted
41 pursuant thereto.

42 b. The Office of Veterinary Public Health shall certify a
43 director for each regulated animal holding facility who is properly
44 trained and has met the certification requirements pursuant to
45 section 14 of P.L. , c. (C.) (pending before the
46 Legislature as this bill). Until such time that the required training
47 and certification process is in place enabling the Office of
48 Veterinary Public Health to certify a director as required pursuant to

1 this subsection, the chief operating officer of the regulated animal
2 holding facility, or if none, its owner or the owner's designee, shall
3 serve as the director of the regulated animal holding facility for the
4 purposes of P.L. , c. (C.) (pending before the
5 Legislature as this bill), until a director can be properly trained and
6 certified as provided pursuant to section 14 of P.L. , c. (C.)
7 (pending before the Legislature as this bill).

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

12 d. Each certified inspector shall inspect each of the regulated
13 animal holding facilities in the certified inspector's jurisdiction as
14 designated by the Office of Veterinary Public Health, without
15 notice to the regulated animal holding facility, at least three times
16 each calendar year to ensure compliance with the requirements of
17 P.L. , c. (C.) (pending before the Legislature as this bill). A
18 certified inspector shall have the authority to immediately enter, at
19 reasonable hours and without advance notice, any regulated animal
20 holding facility, upon presentation of the appropriate credentials, to
21 conduct an inspection.

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

33 f. The Office of Veterinary Public Health, with the approval of
34 the commissioner, may delegate any of its enforcement authority
35 granted under this section to the appropriate local health authority,
36 after the appropriate employees have received the training required
37 pursuant to section 14 of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39

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

46 (1) directors of regulated animal holding facilities operating in
47 the State;

1 (2) certified inspectors appointed pursuant to section 13 of
2 P.L. , c. (C.) (pending before the Legislature as this bill) to
3 inspect regulated animal holding facilities operating in the State;
4 and
5 (3) employees of a local health authority authorized to assume
6 the enforcement authority of the Office of Veterinary Public Health
7 pursuant to section 13 of P.L. , c. (C.) (pending before the
8 Legislature as this bill).
9 b. The rules and regulations adopted pursuant to subsection a.
10 of this section shall include, but need not be limited to, a course of
11 study which provides the person with the necessary training in:
12 (1) the State law, rules, and regulations concerning the regulation
13 of regulated animal holding facilities, including, at a minimum, the
14 provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L. ,
15 c. (C.) (pending before the Legislature as this bill),
16 the rules and regulations adopted pursuant thereto, and the rules and
17 regulations adopted pursuant to section 14 of P.L.1941, c.151
18 (C.4:19-15.14);
19 (2) the State animal cruelty statutes, any rules or regulations
20 adopted pursuant thereto, and their proper application;
21 (3) all State agencies, and all associations, entities, and officials
22 in the State involved in animal control and cruelty prevention, and
23 their respective roles and responsibilities concerning enforcement
24 of the law, rules, and regulations set forth in paragraphs (1) and (2)
25 of this subsection;
26 (4) the best practices established for animal care, cleaning of
27 cages or enclosures, veterinary oversight, maintaining enclosures,
28 the physical and psychological requirements for animals, control of
29 rabies, required and proper quarantines, and transport rules, and
30 their proper implementation; and
31 (5) recognition of cat and dog breeds, acceptable and dangerous
32 cat and dog behaviors, safe animal handling techniques, animal
33 disease recognition and prevention, and proper veterinary services.
34 c. The commissioner shall revise the training required for
35 certified animal control officers pursuant to section 3 of P.L.1983,
36 c.525 (C.4:19-15.16a) to provide for training in the proper
37 implementation of the responsibilities of an animal control officer
38 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16), P.L. ,
39 c. (C.) (pending before the Legislature as this bill), and the
40 rules and regulations adopted pursuant thereto.
41 d. The commissioner shall develop, in cooperation with
42 Rutgers, the State University, the training required pursuant to
43 subsections a., b., and c. of this section. The commissioner shall
44 contract with Rutgers, the State University, to provide the training
45 and to do so no later than one year after the effective date of P.L. ,
46 c. (C.) (pending before the Legislature as this bill). The
47 commissioner shall provide, in conjunction with Rutgers, the State
48 University, for the issuance of a certificate to any person who

1 possesses, or acquires, the training and education required to
2 qualify as a certified director for a regulated animal holding facility,
3 certified inspector, or authorized local health authority employee
4 pursuant to subsection a. of this section.

5
6 15. (New section) No regulated animal holding facility may
7 operate in the State unless it can demonstrate it is in good standing
8 with its licensing municipality and the Department of Health, as
9 evidenced by its most recent inspection. Within 180 days after the
10 effective date of P.L. , c. (C.) (pending before the
11 Legislature as this bill), every regulated animal holding facility in
12 the State shall demonstrate it is in good standing in the manner
13 prescribed by the Department of Health, or the date by which the
14 regulated animal holding facility shall be in compliance with any
15 inspection order issued concerning a pending violation. Thereafter,
16 failure to demonstrate good standing or compliance with an
17 inspection order shall be grounds for, following a hearing,
18 immediate license revocation.

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

25
26 17. (New section) a. A person who fails to comply with the
27 requirements established pursuant to section 9 of P.L. ,
28 c. (C.) (pending before the Legislature as this bill), shall be
29 subject to a fine of \$100 for the first violation, \$200 for the second
30 violation, and \$300 for the third and subsequent violations, to be
31 collected by the Department of Health in a civil action by a
32 summary proceeding under the "Penalty Enforcement Law of
33 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.). Also, the license of a
34 regulated animal holding facility found liable for a third or
35 subsequent violation of this subsection shall be, following a
36 hearing, subject to suspension or revocation.

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

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

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

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

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

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

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

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

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

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

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

28
29 19. (New section) a. There is established in the Department of
30 the Treasury a special fund to be known as the "Stray and Homeless
31 Animals Fund."

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

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

44 d. The Legislature shall annually appropriate all funds
45 deposited in the "Stray and Homeless Animals Fund" to the "Proper
46 Care of Sheltered Animals Fund" in the Department of Health,
47 established pursuant to section 18 of P.L. , c. (C.) (pending

1 before the Legislature as this bill), to be used exclusively for the
2 purposes of that fund.

3

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

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

7 “Animal control provider” means any person or entity that
8 provides animal control services for a municipality, including, but not
9 limited to, a certified animal control officer or a company providing
10 animal control services.

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

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

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

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

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

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

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

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

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

1 "Owner" when applied to the proprietorship of a dog shall include
2 every person having a right of property in that dog and every person
3 who has that dog in **his** the person's keeping, and when applied to
4 the proprietorship of any other animal, including, but not limited to, a
5 cat, shall include every person having a right of property in that animal
6 **and every person who has that animal in his keeping.** , but shall not
7 include a person who feeds an animal living outdoors with no apparent
8 owner, including, but not limited to, an animal colloquially referred to
9 as a "feral cat."

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

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

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

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

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

37 "Veterinary holding facility" means any facility owned or operated
38 by a veterinarian, veterinary hospital, clinic, veterinary boarding
39 facility, or similar facility that houses stray, surrendered, or otherwise
40 impounded animals as a boarding agent or holding facility for an
41 animal control provider, municipal humane law enforcement officer,
42 chief humane law enforcement officer of a county, humane law
43 enforcement officer of a county society for the prevention of cruelty to
44 animals, or local law enforcement.

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

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

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

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

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

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

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

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

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

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

1 the owner of the pet shop has been afforded a hearing pursuant to
2 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

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

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

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

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

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

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

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

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 regulated animal holding
40 facility :

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
43 a 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
46 collar or elsewhere;

47 (3) Any female dog in season off the premises of the owner or
48 the 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
9 a regulated animal holding facility has reasonable cause to believe
10 the animal is injured or ill, the animal shall be immediately taken to
11 a licensed veterinarian.

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

24 For any animal suspected of being lost or stray, if the regulated
25 animal holding facility cannot find any identifying information on
26 or concerning the animal, the facility 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
29 information concerning how to contact the facility, including, but
30 not limited to, its phone number, email address, and hours of
31 operation during which the owner may reclaim the animal. If the
32 regulated animal holding facility does not have a website, the
33 facility shall post the required information in the municipal clerk's
34 office of the municipality which licenses the regulated animal
35 holding facility.

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

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

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

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

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

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

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

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

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

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

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

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

43 g. If the owner or the person charged with the care of the
44 animal seeks to claim **it** the animal within seven days or after the
45 seven days have elapsed but before the animal has been adopted or

1 euthanized, the **【shelter, pound, or kennel operating as a shelter or**
2 **pound】** regulated animal holding facility:

3 (1) shall, in the case of a cat or dog, release the animal to the
4 owner or person charged with **【its】** the animal's care, provided the
5 owner or person charged with the care of the animal provides proof
6 of ownership, which may include a valid cat or dog license,
7 registration, rabies inoculation certificate, or documentation from
8 the owner's veterinarian that the cat or dog has received regular care
9 from that veterinarian;

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

13 (3) may require the owner or person charged with the care of the
14 animal to pay all the animal's expenses while in the care of the
15 **【shelter, pound, or kennel operating as a shelter or pound】**
16 regulated animal holding facility, not to exceed \$4 per day.

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

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

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

44 k. When a certified animal control officer takes into custody
45 and impounds, or causes to be taken into custody and impounded,
46 an animal, the certified animal control officer may place the animal
47 in the custody of, or cause the animal to be placed in the custody of,

1 only a licensed [shelter, pound, or kennel operating as a shelter or
2 pound] regulated animal holding facility. The certified animal
3 control officer may not place the animal in the custody of, or cause
4 the animal to be placed in the custody of, any animal rescue
5 organization facility, foster home, or other unlicensed facility.
6 However, the licensed [shelter, pound, or kennel operating as a
7 shelter or pound] regulated animal holding facility may place the
8 animal in an animal rescue organization facility, foster home, or
9 other unlicensed facility if necessary pursuant to subsection e. or h.
10 of this section.

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

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

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

26 (1) at least five hours every weekday, and remaining open until
27 7:00 p.m. on at least one of those weekdays; and

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

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

30

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

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

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

41

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

44 5. a. Every regulated animal holding facility shall have a
45 universal scanner for microchip identification. When a cat or dog is
46 put in the custody of and impounded with a [shelter, pound, or
47 kennel operating as a shelter or pound,] regulated animal holding

1 facility or an animal rescue organization facility receives a cat or
 2 dog, the **【shelter, pound, kennel operating as a shelter or pound,】**
 3 regulated animal holding facility or animal rescue organization
 4 facility shall, if the identity of the owner is not known, scan the
 5 animal for microchip identification **【**, provided the shelter, pound,
 6 kennel operating as a shelter or pound, or animal rescue
 7 organization facility has such technology available**】**.

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

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

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

27

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

30 6. a. The Department of Health shall establish a registry of
 31 animal rescue organizations and their facilities in the State. Any
 32 animal rescue organization **【may voluntarily participate in】**
 33 operating in the State shall register with the department and shall be
 34 entered into the registry.

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

42 (cf: P.L.2012, c.17, s.13)

43

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

45 4:22-19. a. A person who shall **【**:

46 a. Impound**】** impound or confine, or cause to be impounded or
 47 confined, in a pound or other place, a living animal or creature, and

1 shall fail to supply it during such confinement with a daily,
 2 sufficient quantity of good and wholesome food and water **;** or
 3 shall be guilty of a disorderly persons offense and shall be punished
 4 as provided in subsection b. of R.S.4:22-17.

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

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

35 c. Notwithstanding the provisions of R.S.4:22-55 or any other
 36 law, or any rule or regulation adopted pursuant thereto, to the
 37 contrary, any penalty collected pursuant to subsection b. of this
 38 section shall be deposited in the "Proper Care of Sheltered Animals
 39 Fund," established pursuant to section 18 of P.L. ,
 40 c. (C.)(pending before the Legislature as this bill).
 41 (cf: P.L.2001, c.229, s.3)

42
 43 27. R.S.4:22-55 is amended to read as follows:

44 4:22-55. a. Except as provided pursuant to subsection b. of this
 45 section and subsection c. of R.S.4:22-19, all fines, penalties and
 46 moneys imposed and collected under the provisions of article 2 of
 47 chapter 22 of Title 4 of the Revised Statutes, shall be paid by the court

1 or by the clerk or court officer receiving the fines, penalties or moneys,
2 within 30 days and without demand, to the county to be used for the
3 purpose of protecting animals in the county.

4 b. If an enforcement action for a violation of article 2 of chapter
5 22 of Title 4 of the Revised Statutes is brought:

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

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

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

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

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

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

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

33

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

36

37

38

STATEMENT

39

40 This bill establishes requirements for the operation of shelters,
41 pounds, kennels operating as shelters or pounds, and veterinary
42 holding facilities and provides for their regulation as regulated animal
43 holding facilities. A “veterinary holding facility” is defined under the
44 bill as any facility owned or operated by a veterinarian, veterinary
45 hospital, clinic, veterinary boarding facility, or similar facility that
46 houses stray, surrendered, or otherwise impounded animals as a
47 boarding agent or holding facility for an animal control provider,
48 municipal humane law enforcement officer, chief humane law

1 enforcement officer of a county, humane law enforcement officer of
2 county society for the prevention of cruelty to animals, or local law
3 enforcement. These facilities are not regulated under current law and,
4 under the bill, are to be licensed as pounds by the municipality in
5 which the facility is located. All the regulated animal holding facilities
6 are required to report information on the animals in each facility. The
7 bill establishes operating requirements for these facilities and
8 procedures for euthanizing animals. The bill authorizes the Office of
9 Veterinary Public Health in the Department of Health to oversee
10 enforcement of the bill's requirements and to appoint certified
11 inspectors to make at least three unannounced inspections annually.
12 The bill authorizes the Office of Veterinary Public Health to delegate
13 its authority to local health authorities if the local health authority has
14 properly trained employees to assume this responsibility.

15 The bill requires special training for directors and certified
16 inspectors of regulated animal holding facilities, to be provided by
17 contract between the Department of Health and Rutgers, the State
18 University of New Jersey. Each regulated animal control facility is
19 required to have a trained and certified director to ensure compliance
20 with the bill's requirements.

21 The bill establishes the "Proper Care of Sheltered Animals Fund"
22 to provide grants to regulated animal holding facilities to assist them in
23 complying with the provisions of the bill. The bill establishes a
24 voluntary check-off on personal income tax to allow for donations for
25 the "Stray and Homeless Animal Fund," the proceeds of which would
26 be deposited into the "Proper Care of Sheltered Animals Fund." The
27 bill establishes penalties, increases other penalties, and requires the
28 penalties to be deposited in the "Proper Care of Sheltered Animals
29 Fund." The bill establishes that violations of:

30 1) the bill's record keeping requirements are subject to a fine of
31 \$100 for the first violation, \$200 for the second violation, and \$300 for
32 the third and subsequent violations;

33 2) the other requirements under the bill are subject to a fine of
34 \$200 for the first violation, \$400 for the second violation, and \$800 for
35 the third and subsequent violations; and

36 3) third-time violators are to be subject to license revocation.