

SENATE, No. 1834

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

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.



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 P.L.1941,
40 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 P.L.1941,
44 c.151 (C.4:19-15.1).

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

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

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

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

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

23 (1) fresh water;

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

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

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

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

45 (6) prompt, necessary cleaning of the animal's cage, kennel, or
46 other areas used by the animal, at least two times during each 24-
47 hour period, in such a way that prevents disease and exposure to

1 water from hoses and sprays, cleaning solutions, detergents,
2 solvents, and other chemicals, and is consistent with the protocols
3 established pursuant to section 4 of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

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

10

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

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

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

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

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

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

37 (a) nursing females;

38 (b) infant and unweaned animals;

39 (c) sick and injured animals;

40 (d) extremely frightened or reactive animals;

41 (e) older animals;

42 (f) animals requiring therapeutic exercise; and

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

44 The special care protocols for animals with special needs
45 established pursuant to this paragraph shall set forth the specific
46 deviations from the required care provided to the other cats, dogs,

1 or species in the shelter, pound, or kennel operating as a shelter or
2 pound, and the reason for the deviation.

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

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

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

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

1 e. When an animal is received at a shelter, pound, or kennel
2 operating as a shelter or pound, if the person receiving the animal
3 has reasonable cause to believe the animal is diseased, ill, or
4 injured, the person shall determine if the animal's condition can be
5 treated at the shelter, pound, or kennel operating as a shelter or
6 pound or if it is necessary to have the animal taken to a
7 veterinarian. Regardless of which action is determined to be
8 appropriate, the animal shall be provided care and treatment for the
9 animal's condition immediately. The shelter, pound, or kennel
10 operating as a shelter or pound shall record the care and treatment
11 provided and shall keep the record of the care and treatment as part
12 of the animal's medical records, a copy of which shall be provided
13 to any person reclaiming or adopting the animal.

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

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

32 b. A municipality shall require every shelter, pound, or kennel
33 operating as a shelter or pound located within, and licensed by, the
34 municipality to:

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

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

40 c. Whenever the certified animal control officer contracted by
41 a municipality impounds an animal in a shelter, pound, or kennel
42 operating as a shelter or pound, the certified animal control officer
43 shall report the impounding of the animal to its contracting
44 municipality and the municipality shall post a picture or an
45 identifying description of the animal on the Internet.

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

4 (1) confirm with the person bringing the animal to the shelter,
5 pound, or kennel operating as a shelter or pound, if not the owner of
6 the animal, whether the person has an interest in adopting the
7 animal and wishes to be notified if the animal is to be euthanized;
8 and

9 (2) if the person wishes to be so notified, obtain and record in
10 the facility's records the person's contact information and which
11 animal the person has an interest in adopting.
12

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

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

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

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

28 (1) The animal has been made available for adoption as required
29 pursuant to subsection e. of section 16 of P.L.1941, c.151 (C.4:19-
30 15.16);

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

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

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

45 (5) No foster home, animal rescue organization, or animal
46 rescue organization facility is available or willing to accept the
47 animal;

1 (6) The animal cannot be transferred to another shelter, pound,
2 or kennel operating as a shelter or pound, foster home, animal
3 rescue organization, or animal rescue organization facility because
4 none has room for the animal or is willing to accept the animal,
5 even on an emergency, temporary basis;

6 (7) If the animal is a cat which was found living outdoors with
7 no apparent owner, there is no available trap, neuter, vaccinate, ear-
8 tip, and return program for the cat established pursuant to section 7
9 of P.L. , c. (C.) (pending before the Legislature as this
10 bill) or otherwise, and the cat cannot be sterilized and returned to
11 the area where the cat was captured or released in another
12 appropriate outdoor area where cats are living outdoors with no
13 apparent owners; and

14 (8) All applicable requirements of P.L.1941, c.151 (C.4:19-
15 15.1 et seq.) and sections 1 through 10 of P.L. , c. (C.)
16 (pending before the Legislature as this bill) have been met.

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

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

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

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

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

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

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

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

44 d. The director of the shelter, pound, or kennel operating as a
45 shelter or pound or the director's designee shall sign and date the
46 written certification required pursuant to subsection c. of this
47 section. The shelter, pound, or kennel operating as a shelter or

1 pound shall keep the signed and dated written certification as part
2 of its records as required pursuant to section 8 of
3 P.L. , c. (C.) (pending before the Legislature as this bill)
4 and shall make the record available to the public as provided in that
5 section.

6 e. An animal impounded in a shelter, pound, or kennel
7 operating as a shelter or pound shall be euthanized only when
8 necessary, when every recourse enumerated in subsection c. of this
9 section has been exhausted, and in compliance with the provisions
10 of sections 1 through 17 of P.L.1941, c.151 (C.4:19-15.1 et seq.)
11 and P.L. , c. (C.) (pending before the Legislature as this
12 bill).

13 The procedures for administering euthanasia shall be as follows:

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

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

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

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

30 (a) intraperitoneal injections may be used only by, or under the
31 direction of, a licensed veterinarian, and (i) only when a licensed
32 veterinarian has determined that use of an intravenous injection is
33 not possible, or (ii) for an infant animal as determined to be
34 appropriate by a licensed veterinarian, a domestic companion
35 animal other than a cat or dog, or a comatose animal with depressed
36 vascular function,

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

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

46 (6) Following administration of the injection to euthanize the
47 animal, the animal shall be lowered onto a surface on which the

1 animal may lie or be held, without dropping, falling, or collapsing
2 without support while dying.

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

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

10 (b) no respiration;

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

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

15 f. The Board of Veterinary Medicine, in consultation with the
16 Department of Health, shall establish a program for veterinary
17 technicians to be trained and certified for the proper administration
18 and use of euthanasia for animals impounded in a shelter, pound, or
19 kennel operating as a shelter or pound and incorporating the
20 applicable requirements established by the rules and regulations
21 adopted pursuant to section 10 of P.L. , c. (C.) (pending
22 before the Legislature as this bill). However, no healthy animal or
23 animal with a treatable condition shall be used for the purposes of
24 the training required pursuant to this subsection.

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

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

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

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

45 h. In administering the requirements of this section, the
46 director of the shelter, pound, or kennel operating as a shelter or
47 pound shall exercise consideration and judgment in the assignment

1 and rotation of duties so as to minimize compassion fatigue suffered
2 by the employees and staff of the shelter, pound, or kennel
3 operating as a shelter or pound, including the director thereof. As
4 used in this subsection, “compassion fatigue” means any of the
5 negative emotional repercussions suffered by staff of shelters,
6 pounds, or kennels operating as shelters or pounds caring for the
7 animals in the facility, including, but not limited to, emotional
8 distress, heightened anxiety, depression, alcohol or other drug
9 abuse, or thoughts of, or attempted, suicide.

10 i. A shelter, pound, or kennel operating as a shelter or pound
11 shall not be required to hold an animal in a temporary enclosure for
12 more than seven days in order to avoid euthanizing any animal
13 pursuant to this section.

14
15 7. (New section) a. Each shelter, pound, or kennel operating
16 as a shelter or pound shall consider, study, and, if feasible, may
17 develop and implement a trap, neuter, vaccinate, ear-tip, and return
18 program for its facility as an alternative to euthanasia of any cat
19 found living outdoors with no apparent owner, colloquially referred
20 to as a “feral cat.” The purpose of this subsection is to encourage
21 the development and implementation of such programs but shall not
22 be construed to require implementation of a trap, neuter, vaccinate,
23 ear-tip, and return program by any shelter, pound, or kennel
24 operating as a shelter or pound.

25 b. Whenever a certified animal control officer, municipal
26 humane law enforcement officer, chief humane law enforcement
27 officer of a county, humane law enforcement officer of a county
28 society for the prevention of cruelty to animals, or other law
29 enforcement officer impounds a cat which has been found living
30 outdoors with no apparent owner, the officer shall impound the cat
31 at a shelter, pound, or kennel operating as a shelter or pound which:

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

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

37 (3) is located the closest geographically to the location where
38 the cat was captured.

39 c. If no shelter, pound, or kennel operating as a shelter or
40 pound meets the criteria established in subsection b. of this section
41 when an officer is required to impound a cat, the officer shall
42 impound the cat at a shelter, pound, or kennel operating as a shelter
43 or pound that is contracted to serve the municipality where the cat
44 was found.

45
46 8. (New section) a. Every shelter, pound, or kennel operating
47 as a shelter or pound shall maintain records of the animals brought

1 to, or kept at, the facility, and the disposition of the animal, as
2 required in the rules and regulations adopted pursuant to section 14
3 of P.L.1941, c.151 (C.4:19-15.14), including where the animal
4 came from, and, if applicable, the disposition of the animal when
5 the animal left the facility. The records shall be retained in
6 accordance with subsection h. of this section.

7 b. Each shelter, pound, or kennel operating as a shelter or
8 pound shall maintain continuously updated lists of each animal
9 reported lost or found by local law enforcement or other community
10 resources, check these lists against the animals at the shelter, pound,
11 or kennel operating as a shelter or pound, and notify the owner by
12 telephone, email, certified letter, or other verifiable written or
13 electronic communication whenever the facility finds that an animal
14 reported lost or found is in the facility.

15 c. Each shelter, pound, or kennel operating as a shelter or
16 pound shall make the records kept pursuant to this section available
17 to the public for inspection and review upon request and without
18 charge, but the facility may alter the public record so as to protect
19 any private information concerning the owner of the animal or the
20 animal's location.

21 d. Each shelter, pound, or kennel operating as a shelter or
22 pound shall report to the Department of Health annually the number
23 of animals that the facility has the capacity to hold on January 1 of
24 the preceding year, the number of animals that the facility has the
25 capacity to hold on December 31 of the same year, and, by species,
26 the number of animals held at the facility:

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

29 (2) during the previous calendar year

30 (a) impounded in total;

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

32 (c) relinquished by the owner;

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

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

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

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

38 (h) lost or stolen;

39 (i) returned to their owners;

40 (j) adopted from the shelter, pound, or kennel operating as a
41 shelter or pound;

42 (k) transferred from facilities or organizations (i) in New Jersey,
43 (ii) in Delaware, New York, or Pennsylvania, and (iii) outside of
44 New Jersey, Delaware, New York, or Pennsylvania;

45 (l) transferred to other facilities or organizations located 20
46 miles or less from the shelter, pound, or kennel operating as a
47 shelter or pound;

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

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

6 e. In addition to the information required to be reported
7 pursuant to subsection d. of this section, every shelter, pound, or
8 kennel operating as a shelter or pound shall report to the
9 Department of Health annually, the total number of cats found
10 living outdoors with no apparent owner during the previous
11 calendar year that were:

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

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

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

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

23 f. In addition to any information or records submitted to the
24 Department of Health by a shelter, pound, or kennel operating as a
25 shelter or pound pursuant to this section, the department shall
26 annually compile the statistics provided in the reports required
27 pursuant to subsections d. and e. of this section for all shelters,
28 pounds, and kennels operating as shelters or pounds Statewide. The
29 department shall make available to the public on its website
30 aggregate Statewide statistics as well as the statistics of each
31 shelter, pound, or kennel operating as a shelter or pound in a format
32 searchable by category for individual shelters, pounds, or kennels
33 operating as shelters or pounds.

34 g. The Department of Health shall consolidate and incorporate
35 information, reports, and statistics from all certifications and reports
36 required of each director of a shelter, pound, or kennel operating as
37 a shelter or pound pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.)
38 and P.L. , c. (C.) (pending before the Legislature as this
39 bill) in order to provide the information, reports, and statistics
40 required of the department pursuant to this section. All information,
41 reports, and statistics required to be compiled by the department
42 pursuant to this section shall be open to the public. The Department
43 of Health shall post the information, reports, and statistics required
44 pursuant to this section on its website on a webpage which is
45 readily accessible and available to the public.

46 h. Notwithstanding any law, or rule or regulation adopted
47 pursuant thereto, to the contrary, the records maintained pursuant to

1 this section for each animal brought to, or kept at, the facility, shall
2 be retained for at least three years after the date on which the
3 animal is euthanized or leaves the facility. However, if compliance
4 with any federal, State or local law, or an ongoing investigation
5 requires the records to be retained for more than three years, the
6 Department of Health shall notify the director of the shelter, pound,
7 or kennel operating as a shelter or pound of the necessity of
8 retaining specific records and the facility shall retain those records
9 until the Department of Health notifies the director that the facility
10 is no longer required to retain the records.

11

12 9. (New section) Any kennel operating as a shelter or pound in
13 the State shall be properly licensed pursuant to section 8 of
14 P.L.1941, c.151 (C.4:19-15.8) by the municipality in which it is
15 located, and subject to the requirements and provisions of sections 1
16 through 16 of P.L. , c. (C.) (pending before the Legislature
17 as this bill) concerning shelters, pounds, and kennels operating as
18 shelters or pounds and the rules and regulations adopted pursuant to
19 section 14 of P.L.1941, c.151 (C.4:19-15.14).

20

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

27 (1) proper veterinary care of cats and dogs in shelters, pounds,
28 and kennels operating as shelters or pounds, including, but not
29 necessarily limited to, additional or continuing educational training
30 for veterinarians, veterinary protocols, and designation of core
31 vaccines for dogs or required vaccines for cats and their
32 administration, in compliance with subsections c. and d. of section
33 4 of P.L. , c. (C.) (pending before the Legislature as this
34 bill); and

35 (2) criteria for protection of the health of the animals and
36 procedures for the care, temporary housing, and transfer of animals
37 that minimize the necessity for euthanasia, including increased
38 professional staff, use of volunteers, adoption programs, and
39 transfer programs between foster homes, animal rescue organization
40 facilities, and other animal care facilities.

41 b. Annually, the Department of Health shall review inspection
42 records from shelters, pounds, and kennels operating as shelters or
43 pounds throughout the State and determine if the criteria and
44 procedures established pursuant to paragraph (2) of subsection a. of
45 this section require any modification to further minimize the
46 necessity for euthanasia.

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

8 b. The Office of Veterinary Public Health shall certify a
9 director for each shelter, pound, or kennel operating as a shelter or
10 pound who is properly trained and has met the certification
11 requirements developed and established pursuant to section 12 of
12 P.L. , c. (C.) (pending before the Legislature as this
13 bill). Until the adoption of the required training and certification
14 process pursuant to section 12 P.L. , c. (C.) (pending
15 before the Legislature as this bill) and subsection b. of section 14 of
16 P.L.1941, c.151 (C.4:19-15.14), enabling the Office of Veterinary
17 Public Health to certify a director, the director of the shelter, pound,
18 or kennel operating as a shelter or pound, or if none, its owner or
19 the owner's designee, shall serve as the acting director of the
20 shelter, pound, or kennel operating as a shelter or pound for the
21 purposes complying with sections 1 through 13 of
22 P.L. , c. (C.) (pending before the Legislature as this
23 bill), until a director can be properly trained and certified.

24 c. The Office of Veterinary Public Health shall appoint a
25 sufficient number of certified inspectors, trained and certified
26 pursuant to section 12 of P.L. , c. (C.) (pending before
27 the Legislature as this bill), to inspect each shelter, pound, or kennel
28 operating as a shelter or pound in the State at least three times in
29 each calendar year, comply with the provisions of subsection f. of
30 this section, and require the correction of any violations of sections
31 1 through 13 of P.L. , c. (C.) (pending before the
32 Legislature as this bill) identified during an inspection. The cost of
33 salaries, training, and certification of certified inspectors shall be
34 provided from the moneys deposited in the "Proper Care of
35 Sheltered Animals Fund," established pursuant to section 16 of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 d. Each certified inspector shall inspect each shelter, pound,
38 and kennel operating as a shelter or pound in the certified
39 inspector's jurisdiction as designated by the Office of Veterinary
40 Public Health, without notice to the shelter, pound, or kennel
41 operating as a shelter or pound, at least three times each calendar
42 year to ensure compliance with the requirements of sections 1
43 through 13 of P.L. , c. (C.) (pending before the Legislature
44 as this bill). A certified inspector shall have the authority to enter
45 immediately, at reasonable hours and without advance notice, any
46 shelter, pound, or kennel operating as a shelter or pound, upon
47 presentation of the appropriate credentials, to conduct an inspection.

1 e. The certified inspector shall report to the Commissioner of
2 Health, and maintain records of the results of each inspection
3 performed. The commissioner, upon receipt of an inspection report
4 indicating a violation, shall issue a notice of violation to the shelter,
5 pound, or kennel operating as a shelter or pound and an order to
6 comply. The authority of each certified inspector to inspect any
7 premises for purposes of investigating an alleged violation shall
8 extend to the entire premises, and the investigating certified
9 inspector shall inspect the entire premises regardless of where the
10 alleged violation may exist. The certified inspector shall make the
11 inspection records available to the commissioner for purposes of
12 enforcement.

13 f. Only certified inspectors appointed by the Office of
14 Veterinary Public Health or other properly trained and certified
15 staff of the Office of Veterinary Public Health shall inspect shelters,
16 pounds, or kennels operating as shelters or pounds and enforce the
17 provisions of sections 1 through 13 of P.L. , c. (C.)
18 (pending before the Legislature as this bill). The Office of
19 Veterinary Public Health may delegate any of its inspection or
20 enforcement authority to a local health authority or other local
21 government entity, provided:

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

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

30 Each municipality shall cooperate with the inspection and
31 enforcement efforts of the Office of Veterinary Public Health
32 pursuant to this section.

33

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

37 (1) to implement the training, education and certification
38 requirements established by rules and regulations adopted pursuant
39 to subsection c. of section 14 of P.L.1941, c.151 (C.4:19-15.14) for
40 a director of a shelter, pound, or kennel operating as a shelter or
41 pound, a certified inspector, and an authorized person trained and
42 certified to conduct inspections or implement enforcement pursuant
43 to subsection f. of section 11 of P.L. , c. (C.) (pending
44 before the Legislature as this bill); and

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

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

5 c. The commissioner shall provide, in conjunction with
6 Rutgers, the State University, for the issuance of a certificate to any
7 person who possesses, or acquires, the training and education
8 required to qualify as a certified director for a shelter, pound, or
9 kennel operating as a shelter or pound, certified inspector,
10 authorized person, or properly trained certified animal control
11 officer pursuant to subsection a. of this section.

12
13 13. (New section) a. No shelter, pound, or kennel operating as
14 a shelter or pound may operate in the State unless it can
15 demonstrate it is in good standing with its licensing municipality
16 and the Department of Health, as evidenced by its most recent
17 inspection.

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

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

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

28 Thereafter, failure to demonstrate that the facility is in
29 compliance with the rules and regulations adopted by the
30 Department of Health or in compliance with an inspection order
31 issued concerning a violation shall be grounds for immediate
32 license revocation, following a hearing.

33
34 14. (New section) Any person may bring a civil action in
35 Superior Court or municipal court, as appropriate, for declaratory or
36 injunctive relief with respect to a violation of sections 1 through 13
37 of P.L. , c. (C.) (pending before the Legislature as this bill),
38 and petition the court to compel compliance.

39
40 15. (New section) a. A person who fails to comply with the
41 requirements established pursuant to section 8 of
42 P.L. , c. (C.) (pending before the Legislature as this bill), shall
43 be subject to a fine of \$100 for the first violation, \$200 for the second
44 violation, and \$300 for the third and subsequent violations, to be
45 collected by the Department of Health in a civil action by a summary
46 proceeding under the "Penalty Enforcement Law of 1999," P.L.1999,
47 c. 274 (C.2A:58-10 et seq.). Also, the license of a shelter, pound, or

1 kennel operating as a shelter or pound shall be, following a hearing,
2 subject to suspension or revocation if the shelter, pound, or kennel
3 operating as a shelter or pound is found liable for a third or subsequent
4 violation of section 8 of P.L. , c. (C.) (pending before the
5 Legislature as this bill).

6 b. A person who fails to comply with the requirements
7 established pursuant to section 3, 4, 5, 6, 9, 10, or 13 of
8 P.L. , c. (C.) (pending before the Legislature as this bill), or
9 any rules or regulations adopted pursuant to section 10 of
10 P.L. , c. (C.) (pending before the Legislature as this bill) or
11 section 14 of P.L.1941, c.151 (C.4:19-15.14), shall be subject to a fine
12 of \$200 for the first violation, \$400 for the second violation, and \$800
13 for the third and subsequent violations, to be collected by the
14 Department of Health in a civil action by a summary proceeding under
15 the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-
16 10 et seq.). Fines collected pursuant to this section shall be deposited
17 in the "Proper Care of Sheltered Animals Fund," established pursuant
18 to section 16 of P.L. , c. (C.) (pending before the Legislature as
19 this bill).

20
21 16. (New section) a. There is established in the Department of
22 Health a special, nonlapsing fund to be known as the "Proper Care of
23 Sheltered Animals Fund." The fund shall be administered by the
24 department and shall be credited with:

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

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

32 (3) funds appropriated from the "Stray and Homeless Animals
33 Fund," established pursuant to section 17 of P.L. , c. (C.)
34 (pending before the Legislature as this bill);

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

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

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

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

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

45 (a) spaying and neutering of cats and dogs, vaccinations, and
46 veterinary care for the animals in the shelters, pounds, and kennels
47 operating as shelters and pounds,

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

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

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

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

15 (2) A private shelter, pound, or kennel operating as a shelter or
16 pound receiving 75 percent or more of its animals from within the
17 State during a calendar year shall be eligible to receive a grant
18 pursuant to paragraph (2) of subsection b. of this section only if it
19 complies with the following requirements:

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

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

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

33
34 17. (New section) a. There is established in the Department of
35 the Treasury a special fund to be known as the "Stray and Homeless
36 Animals Fund."

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

42 c. Any costs incurred by the Division of Taxation for collection
43 or administration attributable to this section may be deducted from
44 receipts collected pursuant to this section, as determined by the
45 Director of the Division of Budget and Accounting in the Department
46 of the Treasury. The State Treasurer shall deposit net contributions

1 collected pursuant to this section into the “Stray and Homeless
2 Animals Fund.”

3 d. The Legislature shall annually appropriate all funds deposited
4 in the “Stray and Homeless Animals Fund” to the “Proper Care of
5 Sheltered Animals Fund” in the Department of Health, established
6 pursuant to section 16 of P.L. , c. (C.) (pending before the
7 Legislature as this bill), to be used exclusively for the purposes of that
8 fund.

9
10 18. (New section) a. For the purpose of providing the moneys
11 necessary to implement the inspection and enforcement requirements
12 of section 1 through 13 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), there is imposed a one percent surcharge on
14 the retail price of any pet food item sold at retail. The surcharge shall
15 be collected from retailers and paid to the State Treasurer for deposit
16 in the “Proper Care of Sheltered Animals Fund,” established pursuant
17 to section 16 of P.L. , c. (C.) (pending before the Legislature
18 as this bill).

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

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

29 d. The State Treasurer shall deposit receipts collected pursuant to
30 this section into the “Proper Care of Sheltered Animals Fund,”
31 established pursuant to section 16 of P.L. , c. (C.) (pending
32 before the Legislature as this bill).

33 e. Notwithstanding any provision of the “Administrative
34 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
35 the Director of the Division of Taxation in the Department of the
36 Treasury may adopt immediately upon filing with the Office of
37 Administrative Law such regulations as the director deems necessary
38 to implement the provisions of this section, which regulations shall be
39 effective for a period not to exceed 360 days following the effective
40 date of P.L. , c. (C.) (pending before the Legislature as this bill)
41 and may thereafter be amended, adopted, or readopted by the director
42 in accordance with the requirements of P.L.1968, c.410.

43 f. The Department of Health shall:

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

1 (2) report annually to the Governor and, pursuant to section 2 of
2 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, its assessment and
3 recommendations concerning (a) whether the surcharge is sufficient or
4 whether it should be decreased, increased, or applied to additional
5 items, and (b) if recommending a decrease, increase, or application to
6 additional items, the amount of the recommended decrease or increase,
7 or the additional items to which the surcharge is to be applied, as
8 applicable.

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

12 h. As used in this section, "pet food item" means any bag, box, or
13 other container containing substances of nutrient value sold for the
14 purpose of feeding any species of animal being kept as a pet.
15

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

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

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 person, company, or
22 other entity providing 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 Senior Services** and the Police
38 Training Commission as prescribed by paragraphs (1) through (3) of
39 subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a); or who
40 has been employed in the State of New Jersey in the capacity of, and
41 with similar responsibilities to those required of, a certified animal
42 control officer pursuant to the provisions of P.L.1983, c.525 for a
43 period of three 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.

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

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

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

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

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

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

31 "Shelter" means **【any establishment where dogs or other animals**
32 **are received, housed and distributed】** a public or private facility
33 operated for the temporary or permanent housing and care of
34 abandoned, abused, owner-surrendered, stray, or otherwise displaced
35 or homeless animals. A shelter shall include a facility operated by a
36 county, municipality, local law enforcement agency, or other
37 governmental entity, or a contractor directly or indirectly thereof, a
38 county society for the prevention of cruelty to animals, a humane
39 society, or other nonprofit organization, or a for-profit entity or
40 business that is not a pet shop concerned with the care and control of
41 animals, other than an animal rescue organization or an animal rescue
42 organization facility.

43 "Sterilize" means to permanently render an animal incapable of
44 reproducing by either spaying, **【or】** neutering, or applying the
45 generally accepted methods under professional veterinary standards.

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

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

3 8. a. Any person who keeps or operates or proposes to establish a
4 kennel, a pet shop, a shelter, or a pound shall apply to the clerk or
5 other official designated to license dogs in the municipality where such
6 establishment is located, for a license entitling **him** the person to
7 keep or operate such establishment. The application shall describe the
8 premises where the establishment is located or is proposed to be
9 located, the purpose or purposes for which it is to be maintained **],**
10 **and]** .

11 For a kennel not operating as a shelter or pound or a pet shop, the
12 application shall be accompanied by the written approval of the local
13 municipal and health authorities showing compliance with the local
14 and State rules and regulations governing location of and sanitation at
15 such establishments.

16 For a shelter, pound, or kennel operating as a shelter or pound, the
17 application shall be accompanied by the written approval of the Office
18 of Veterinary Public Health in the Department of Health showing
19 compliance with the rules and regulations adopted pursuant to section
20 14 of P.L.1941, c.151 (C.4:19-15.14) that concern the proper operation
21 of shelters, pounds, and kennels operating as shelters or pounds, and
22 the written approval of local municipal authorities concerning the
23 location of the establishments, other local enforcement and licensing
24 issues not related to the inspection or enforcement requirements
25 established pursuant to sections 1 through 13 of P.L. , c. (C.)
26 (pending before the Legislature as this bill), and any inspection or
27 enforcement authority delegated to the local health authority or other
28 local government entity pursuant to subsection f. of section 11 of
29 P.L. , c. (C.) (pending before the Legislature as this bill).

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

34 (1) has a director, properly trained and certified pursuant to
35 sections 11 and 12 of P.L. , c. (C.) (pending before the
36 Legislature as this bill) or has an acting director in place as provided in
37 subsection b. of section 11 of P.L. , c. (C.) (pending before
38 the Legislature as this bill); and

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

42 b. All licenses issued for a kennel, pet shop, shelter, or pound
43 shall state the purpose for which the establishment is maintained, and
44 all licenses shall expire on the last day of June of each year, and be
45 subject to revocation by the municipality on recommendation of the
46 Department of Health or the local board of health for failure to comply
47 with the rules and regulations of the **State department]** Department of

1 Health or local board governing the same, after the owner has been
2 afforded a hearing by either the State department or local board, except
3 as provided in subsection c. of this section.

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

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

17 The municipality, based on the criteria for the recommendation of
18 the local health authority provided under subsections c. and d. of
19 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license for
20 90 days or may revoke the license if it is determined at the hearing that
21 the pet shop: (1) failed to maintain proper hygiene and exercise
22 reasonable care in safeguarding the health of animals in its custody or
23 (2) sold a substantial number of animals that the pet shop knew, or
24 reasonably should have known, to be unfit for purchase.

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

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

34 f. Within one year after the effective date of
35 P.L. , c. (C) (pending before the Legislature as this bill), every
36 shelter, pound, or kennel operating as a shelter or pound operating in
37 the State shall demonstrate to its licensing municipality and the
38 Department of Health, in the manner prescribed by the department,
39 that the shelter, pound, or kennel operating as a shelter or pound:

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

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

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

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

3 14. a. The [State] Department of Health shall adopt, within six
4 months of the approval of [this act] P.L.1941, c.151 (C.4:19-
5 15.1 et seq.) and with the [co-operation] cooperation and assistance of
6 the [State] Department of Agriculture, [prepare and promulgate]
7 rules and regulations governing the sanitary conduct and operation of
8 kennels, pet shops, shelters and pounds, to preserve sanitation therein
9 and prevent the spread of rabies and other diseases of dogs within and
10 from such establishments.

11 [Such] The rules and regulations adopted pursuant to this section
12 shall be enforced by the [State] Department of Health and by local
13 boards of health.

14 b. Within 180 days after the effective date of P.L. , c. (C.)
15 (pending before the Legislature as this bill), the Department of Health,
16 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
17 (C.52:14B-1 et seq.), shall adopt rules and regulations governing the
18 operation and oversight of shelters, pounds, and kennels operating as
19 shelters or pounds to provide for the requirements established pursuant
20 to sections 1 through 16 of P.L. , c. (C.) (pending before the
21 Legislature as this bill). Every three years after the adoption of the
22 rules and regulations pursuant to this subsection, the department shall
23 consider revisions to the rules and regulations adopted pursuant to this
24 subsection, consult with the director of each shelter, pound, and kennel
25 operating as a shelter or pound in the State concerning such revision,
26 and revise the rules and regulations as necessary.

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

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

35 (b) certified inspectors appointed pursuant to subsection c. of
36 section 11 of P.L. , c. (C.) (pending before the Legislature
37 as this bill) to inspect shelters, pounds, and kennels operating as
38 shelters and pounds in the State, including authorized persons
39 conducting inspections or implementing enforcement for a local
40 health authority or municipal authority pursuant to subsection f. of
41 section 11 of P.L. , c. (C.) (pending before the Legislature
42 as this bill).

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

46 (a) the State law, rules, and regulations concerning the
47 regulation of shelters, pounds, and kennels operating as shelters and

1 pounds, including, at a minimum, the applicable provisions of
2 P.L.1941, c.151 (C.4:19-15.1 et seq.) and sections 1 through 16 of
3 P.L. , c. (C.) (pending before the Legislature as
4 this bill), and the rules and regulations adopted pursuant to this
5 section;

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

8 (c) all State agencies, and all associations, entities, and officials
9 in the State involved in animal control and cruelty prevention, and
10 their respective roles and responsibilities concerning enforcement
11 of the law, rules, and regulations set forth in paragraphs (1) and (2)
12 of this subsection;

13 (d) the best practices established for animal care, cleaning of
14 cages or enclosures, veterinary oversight, maintaining enclosures,
15 the physical and psychological requirements for animals, control of
16 rabies, required and proper quarantines, and transport rules, and
17 their proper implementation;

18 (e) the best management practices for shelters, pounds, and
19 kennels operating as shelters or pounds that minimize the need for
20 euthanasia and ensure its administration only when necessary and in
21 the most humane manner possible, including, but not limited to (a)
22 the best practices for humane euthanasia of animals, (b) the
23 requirements and protocols concerning euthanasia established
24 pursuant to section 6 of P.L. , c. (C.) (pending before the
25 Legislature as this bill), and (c) criteria that minimize the necessity
26 of euthanasia established pursuant to paragraph (2) of subsection a.
27 of section 10 of P.L. , c. (C.) (pending before the
28 Legislature as this bill); and

29 (f) recognition of cat and dog breeds, acceptable and dangerous
30 cat and dog behaviors, safe animal handling techniques, animal
31 disease recognition and prevention, and proper veterinary services.

32 Euthanasia shall not be administered to a healthy or treatable
33 animal during training pursuant to subparagraph (e) of this
34 paragraph.

35 d. At least six months before the commissioner considers a
36 revision of rules and regulations pursuant to subsection b. of this
37 section, the Department of Health shall solicit from the public
38 suggestions concerning the proper operation of shelters, pounds, and
39 kennels operating as shelters or pounds and revision of the rules and
40 regulations adopted pursuant to this section. The department shall
41 provide notice of the request for suggestions or revisions on its
42 website, including information on submitting the suggestions or
43 revisions to the department. The notice shall also be posted at each
44 shelter, pound, kennel operating as a shelter or pound, pet shop, and
45 business selling pet supplies in the State. Upon proposing revised
46 rules and regulations, in addition to the required publication of the
47 proposed rules and regulations in the New Jersey Register, the

1 department shall notify the public of the rule proposal in the same
2 manner as it provided notice of its request for suggestions or revisions,
3 and shall include in that notice information concerning where the
4 proposal is published, how the proposal may be accessed and reviewed
5 by the public, and the comment period provided for the proposal.

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

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

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

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

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

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

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

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

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

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

1 For any animal suspected of being lost or stray, the shelter, pound,
2 or kennel operating as a shelter or pound shall post on the Internet a
3 photograph and identifying information concerning the animal, the
4 location of the facility where the animal is being held, and information
5 concerning how to contact the facility, including, but not limited to, its
6 phone number, email address, and hours of operation during which the
7 owner may reclaim the animal.

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

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

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

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

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

33 (2) The shelter, pound, or kennel operating as a shelter or pound
34 may release a cat known with reasonable certainty to have no owner
35 and to have been living outdoors in an area where cats are living with
36 no apparent owners as soon as appropriate in accordance with the
37 protocols established pursuant to paragraph (4) of subsection a. of
38 section 4 of P.L. , c. (C.) (pending before the Legislature as
39 this bill) after the cat is sterilized, vaccinated, and ear-tipped.
40 Otherwise, a cat found living outdoors without an apparent owner shall
41 be held for seven days before it is sterilized, vaccinated, ear-tipped,
42 and released. No cat under four months of age found living outdoors
43 without an apparent owner shall be released. A cat under four months
44 of age shall be offered for adoption for at least seven days. Thereafter,
45 the shelter, pound, or kennel operating as a shelter or pound may
46 euthanize the cat after complying with the provisions of section 6 of
47 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

15 f. **[Except as otherwise provided for under subsection e. of this**
16 **section, no shelter, pound, or kennel operating as a shelter or pound**
17 **receiving an animal from a certified animal control officer may**
18 **transfer the animal to an animal rescue organization facility or a foster**
19 **home until the shelter, pound, or kennel operating as a shelter or pound**
20 **has held the animal for at least seven days]** Except as authorized
21 pursuant to paragraph (2) of subsection e. of this section, a shelter,
22 pound, or kennel operating as a shelter or pound shall not transfer an
23 animal to an animal rescue organization facility until the animal has
24 been held for seven days. If a transfer is required pursuant to
25 paragraph (2) of subsection e. of this section, the shelter, pound, or
26 kennel operating as a shelter or pound shall take a photograph of the
27 animal before the transfer and shall hold the photograph in the records
28 of the shelter, pound, or kennel operating as a shelter or pound.

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

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

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

44 (3) may require the owner or person charged with the care of the
45 animal to pay all the animal's expenses while in the care of the shelter,

1 pound, or kennel operating as a shelter or pound, not to exceed **[\$4]**
2 \$10 per day.

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

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

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

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

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

46 m. No shelter, pound, or kennel operating as a shelter or pound
47 may refuse, limit, or otherwise obstruct the impoundment, transfer, or

1 adoption of a cat or dog on the basis of age, appearance, color, breed,
2 breed mix, size, or species.

3 n. A shelter, pound, or kennel operating as a shelter or pound
4 shall establish hours of operation that allow it to be open to the public,
5 and during the following times, shall make animals being held at the
6 shelter, pound, or kennel operating as a shelter or pound available for
7 adoption and reclamation:

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

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

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

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

17
18 23. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
19 read as follows:

20 3. a. The Commissioner of Health shall, within 120 days after the
21 effective date of P.L.1983, c.525, and pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
23 regulations concerning the training and educational qualifications for
24 the certification of animal control officers, including, but not limited
25 to, a course of study approved by the commissioner and the Police
26 Training Commission, in consultation with the New Jersey Certified
27 Animal Control Officers Association, which acquaints a person with:

28 (1) The law as it affects animal control, animal welfare, and animal
29 cruelty;

30 (2) Animal behavior and the handling of stray or diseased animals;
31 and

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

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

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

45 Any person 18 years of age or older may satisfy the courses of
46 study established pursuant to this subsection at that person's own time
47 and expense; however, nothing in this section shall be construed as

1 authorizing a person to exercise the powers and duties of an animal
2 control officer absent municipal appointment or authorization pursuant
3 to section 4 of P.L.1983, c.525 (C.4:19-15.16b).

4 b. (1) The commissioner shall provide for the issuance of a
5 certificate to a person who possesses, or acquires, the training and
6 education required to qualify as a certified animal control officer
7 pursuant to paragraphs (1) through (3) of subsection a. of this section
8 and to a person who has been employed in the State of New Jersey in
9 the capacity of, and with similar responsibilities to those required of, a
10 certified animal control officer pursuant to the provisions of P.L.1983,
11 c.525, for a period of three years before January 17, 1987. The
12 commissioner shall not issue a certificate to any person convicted of,
13 or found civilly liable for, a violation of any provision of chapter 22 of
14 Title 4 of the Revised Statutes.

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

20 c. (1) The commissioner shall establish a list of all persons
21 issued a certificate pursuant to subsection b. of this section (a) for
22 whom that certificate has been revoked, or (b) who have been
23 convicted of, or found civilly liable for, a violation of any provision of
24 chapter 22 of Title 4 of the Revised Statutes. The commissioner shall
25 provide each municipality in the State with a copy of this list within 30
26 days after the list is established and not less often than annually
27 thereafter if no revised list required pursuant to paragraph (2) of this
28 subsection has been issued in the interim.

29 (2) Upon receipt of a notice required pursuant to section 3 or 4 of
30 P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person who
31 has been issued a certificate pursuant to subsection b. of this section,
32 the commissioner shall add to the list the name of the person convicted
33 of, or found civilly liable for, a violation of any provision of chapter
34 22 of Title 4 of the Revised Statutes according to the notice, and shall
35 issue a copy of the revised list to each municipality within 30 days
36 after receipt of any notice.

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

38
39 24. Section 5 of P.L.2011, c.142 (C.4:19-15.32) is amended to
40 read as follows:

41 5. a. Every shelter, pound, or kennel operating as a shelter or
42 pound shall have a universal scanner for microchip identification.
43 When a cat or dog is put in the custody of and impounded with a
44 shelter, pound, or kennel operating as a shelter or pound, or an
45 animal rescue organization facility receives a cat or dog, the shelter,
46 pound, kennel operating as a shelter or pound, or animal rescue
47 organization facility shall, if the identity of the owner is not known,

1 scan the animal for microchip identification **】, provided the shelter,**
2 pound, kennel operating as a shelter or pound, or animal rescue
3 organization facility has such technology available**】.**

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

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

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

21

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

24 6. a. The Department of Health shall establish a registry of
25 animal rescue organizations and their facilities in the State. Any
26 animal rescue organization **【may voluntarily participate in】**
27 operating in the State shall register with the department and shall be
28 entered into the registry.

29 b. The department, pursuant to the "Administrative Procedure
30 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
31 and regulations determined necessary to implement the **【voluntary】**
32 registry and coordinate its use with the provisions of P.L.2011,
33 c.142 (C.4:19-15.30 et al.) **【and】** , section 16 of P.L.1941, c.151
34 (C.4:19-15.16), and sections 1 through 17 of P.L. , c. (C.)
35 (pending before the Legislature as this bill) .

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

37

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

39 4:22-19. a. A person who shall **【:**

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

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

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

28 c. Notwithstanding the provisions of R.S.4:22-55 or any other
29 law, or any rule or regulation adopted pursuant thereto, to the
30 contrary, any penalty collected pursuant to subsection b. of this
31 section shall be deposited in the "Proper Care of Sheltered Animals
32 Fund," established pursuant to section 16 of P.L. , c. (C.)
33 (pending before the Legislature as this bill).

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

35

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

37 4:22-55. a. Except as provided pursuant to subsection b. of this
38 section and subsection c. of R.S.4:22-19, all fines, penalties and
39 moneys imposed and collected under the provisions of article 2 of
40 chapter 22 of Title 4 of the Revised Statutes, shall be paid by the court
41 or by the clerk or court officer receiving the fines, penalties or moneys,
42 within 30 days and without demand, to the county to be used for the
43 purpose of protecting animals in the county.

44 b. If an enforcement action for a violation of article 2 of chapter
45 22 of Title 4 of the Revised Statutes is brought:

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

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

12 (3) in a municipal court of a municipality in which a municipal
13 humane law enforcement officer has not 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 as follows: one half to the municipality
16 in which the violation occurred; and one half to the county to be used
17 for the purpose of protecting animals in the county.

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

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

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

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

28
29 28. This act shall take effect on the 180th day after the date of
30 enactment except the Commissioner of Health may take any
31 anticipatory administrative action in advance as shall be necessary
32 for the implementation of this act.

33 34 35 STATEMENT

36
37 This bill establishes additional requirements for the operation
38 and oversight of animal shelters, pounds, and kennels operating as
39 shelters or pounds.

40 The bill requires each shelter, pound, or kennel operating as a
41 shelter or pound to have a director, trained and certified as provided
42 in sections 11 and 12 of the bill, and allows the current director or,
43 if none, the owner or the owner's designee, to serve as an acting
44 director until a director can be properly trained and certified. The
45 bill also requires the director of a shelter, pound, or kennel
46 operating as a shelter or pound to ensure the compliance of the
47 shelter, pound, or kennel operating as a shelter or pound with

1 sections 1 through 13 of the bill and the rules and regulations
2 adopted by the Department of Health (DOH) pursuant to section 14
3 of P.L.1941, c.151 (C.4:19-15.14), as amended in the bill.

4 The bill requires the Office of Veterinary Public Health (OVPH)
5 in DOH to certify the director of each animal shelter, pound, or
6 kennel operating as a shelter or pound and to appoint a sufficient
7 number of certified inspectors to conduct unannounced inspections
8 of each shelter, pound, and kennel operating as a shelter or pound at
9 least three times each year. The bill authorizes the OVPH to
10 delegate its inspection and enforcement authority to local health
11 authorities or other local government entities, provided that trained
12 and certified inspectors are conducting the inspections or
13 implementing enforcement, and at least one inspection each year is
14 conducted by OVPH independent certified inspectors or trained and
15 certified staff.

16 The bill directs the DOH to develop training and certification
17 programs with Rutgers, the State University, for the director of
18 every shelter, pound, or kennel operating as a shelter or pound, and
19 inspectors, and for additional training for certified animal control
20 officers. The bill directs the DOH to adopt rules and regulations
21 that enumerate the specific requirements for the training and course
22 of study. The bill also directs the DOH to contract with Rutgers to
23 provide the training and issue certificates for successful completion
24 thereof.

25 Sections 3 through 8 of the bill establish specific requirements
26 concerning the care and treatment of animals and recordkeeping
27 concerning the animals in shelters, pounds, and kennels operating as
28 shelters and pounds. These provisions include requirements
29 concerning the administration of euthanasia, required steps to avoid
30 euthanizing animals, and provisions to address feral cat issues. The
31 bill authorizes the OVPH to oversee enforcement of the bill's
32 requirements and requires directors to ensure compliance with the
33 bill's provisions.

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

39 Except for grants awarded when there is a natural disaster, the
40 bill specifies that only a shelter, pound, or kennel operating as a
41 shelter or pound that receives 75 percent or more of its animals from
42 within New Jersey during a calendar year can be eligible to receive a
43 grant from the "Proper Care of Sheltered Animals Fund." The bill
44 also specifies that a private shelter, pound, or kennel operating as a
45 shelter or pound receiving 75 percent or more of its animals from
46 within New Jersey during a calendar year can be eligible to receive a
47 grant only if it fully complies with the reporting requirements

1 established under section 8 of the bill, and is a nonprofit private
2 shelter, pound, or kennel operating as a shelter or pound, as defined in
3 section 16 of the bill.

4 The bill establishes three sources of funding for the grants awarded
5 from the “Proper Care of Sheltered Animals Fund.”

6 First, the bill establishes a voluntary check-off on personal
7 income tax to allow for donations for the “Stray and Homeless
8 Animal Fund,” the proceeds of which would be deposited into the
9 “Proper Care of Sheltered Animals Fund.”

10 Second, the bill establishes new penalties, increases existing
11 penalties, and requires the penalties to be deposited in the “Proper
12 Care of Sheltered Animals Fund.”

13 The bill establishes that violations of:

14 1) the bill’s recordkeeping requirements are subject to a fine of
15 \$100 for the first violation, \$200 for the second violation, and \$300
16 for the third and subsequent violations; and

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

21 The bill also establishes that third-time violators of requirements
22 other than those concerning recordkeeping and trap-neuter-
23 vaccinate-eartip-and-release programs would be subject to license
24 revocation.

25 Third, the bill establishes a one percent surcharge on the price of
26 any pet food item sold at retail, to be collected from retailers and
27 deposited into the “Proper Care of Sheltered Animals Fund.”

28 The bill also establishes requirements to increase opportunities to
29 offer animals in shelters, pounds, and kennels operating as shelters
30 or pounds for adoption. The bill requires every shelter, pound, or
31 kennel operating as a shelter or pound, in cooperation and
32 consultation with DOH and the municipality in which the facility is
33 located, to establish community outreach policies and procedures,
34 including, but not limited to, the use of social media or a website, to
35 maximize opportunities for adoption of the animals in its care.

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

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

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

44 Furthermore, whenever the certified animal control officer
45 contracted by a municipality impounds an animal in a shelter,
46 pound, or kennel operating as a shelter or pound, the bill requires
47 the certified animal control officer to report the impounding of the

1 animal to its contracting municipality and requires the municipality
2 to post a picture or an identifying description of the animal on the
3 Internet. The employee receiving animals is also required to:

4 1) confirm with the person bringing the animal to the shelter,
5 pound, or kennel operating as a shelter or pound, if not the owner of
6 the animal, whether the person has an interest in adopting the
7 animal and wishes to be notified if the animal is to be euthanized;
8 and

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

12 This bill addresses the compelling public interest of protecting
13 animals from neglect, mistreatment, and physical suffering in
14 shelters and pounds throughout the State. It is of urgent public
15 importance to recommit the State to the protection of animals and
16 the achievement of important and necessary measures in improving
17 care for displaced and homeless animals. These measures can be
18 achieved through renewed and vigorous regulation of shelters,
19 pounds, and kennels operating as shelters or pounds. Shelters and
20 pounds should be caring, safe havens for animals. Their operators
21 have a duty to make as many animals available for adoption as
22 possible and prolong every animal's life in their care. The killing
23 of animals in shelters and pounds is often a needless tragedy,
24 especially when the animals are healthy or can recover from illness
25 through treatment. Euthanasia should be used only as a last resort.