

[First Reprint]

## **ASSEMBLY, No. 1219**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

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**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblymen Johnson and Peterson**

**SYNOPSIS**

Requires owner notification of rabies testing protocol and owner options prior to testing of owner's animal for rabies; directs DOH to recommend, develop, and offer sensitivity training for veterinarians and veterinary workers.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Agriculture Committee on December 14, 2020, with amendments.



1 AN ACT concerning certain animals suspected of being rabid,  
2 amending R.S.26:4-86 and R.S.26:4-94, and supplementing Title  
3 26 of the Revised Statutes.

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

7  
8 <sup>1</sup>1. (New section) The Legislature finds and declares that: pets  
9 are important in the lives of their owners and are often integral to  
10 the owner's well-being and emotional and mental health; a domestic  
11 companion animal, the term often used for a pet in State law, may  
12 provide companionship to its owner as important as the owner's  
13 human companions and family members and, in some cases, may be  
14 the owner's only companion in the household; a domestic  
15 companion animal is often as treasured as a family member; the loss  
16 of a domestic companion animal can be mourned with the same  
17 depth of emotion as the loss of a human family member and may  
18 have a profound effect on the mental health of an owner;  
19 organizations such as the Substance Abuse and Mental Health  
20 Services Administration in the United States Department of Health  
21 and Human Services and the National Association on Mental Illness  
22 have noted the effectiveness of animal therapy in treating or  
23 managing mental illness and the benefits attributed to the  
24 unconditional acceptance and affection received from interacting  
25 with an animal; because of the importance of a domestic companion  
26 animal to its owner its illness or death is traumatic for the owner,  
27 particularly when the owner authorizes euthanizing the animal; such  
28 trauma is unnecessarily exacerbated when the owner is not properly  
29 notified about procedures that are required in connection with the  
30 disposition of the remains of the domestic companion animal; and  
31 failure to forewarn the owner of any necessary dismemberment of  
32 the animal for public health reasons is wrongful and unnecessarily  
33 injurious to the owner.

34 The Legislature therefore determines that it is the public policy  
35 of the State to require those caring for an animal, including  
36 veterinarians and staff at animal hospitals, to: (1) clearly  
37 communicate to the owner the tests and procedures required and  
38 how the tests and procedures may affect the condition of the  
39 animal's body after death; and (2) disclose whether the remains of  
40 the animal can be returned to the owner, and the condition of the  
41 those remains. The Legislature further determines that the  
42 importance of the connection between domestic companion animals  
43 and their owners needs to be recognized and addressed by those  
44 who treat animals, euthanize them, and handle their remains after

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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted December 14, 2020.

1 death. The Legislature further finds and determines that it is in the  
2 public interest to offer proper training to veterinarians, veterinary  
3 technicians, veterinary assistants, and employees of animal  
4 hospitals and similar facilities to ensure that both the domestic  
5 companion animals and their owners are treated with respect,  
6 compassion, and consideration of their relationship.<sup>1</sup>

7  
8 <sup>1</sup>**[1.] 2.**<sup>1</sup> (New section) a. No rabies testing shall be performed  
9 on a dead domestic companion animal until the health official  
10 requiring, or the veterinarian performing, the rabies testing, and the  
11 owner of the animal have complied with the requirements of  
12 subsections b. through d. of this section.

13 b. Whenever it is necessary to test a dead domestic companion  
14 animal for rabies, prior to commencing any testing procedure, the  
15 health official requiring, or the veterinarian performing, the rabies  
16 testing, as applicable, shall notify at the first opportunity the owner  
17 of the animal, if known, verbally and in writing, of:

- 18 (1) the necessity of the rabies testing and the reasons therefor;  
19 (2) the rabies testing protocol to be followed;  
20 (3) the protocol to be followed with regard to the handling of the  
21 animal's body;  
22 (4) the protocol to be followed with regard to the disposal of the  
23 animal's body or its return to the owner; and  
24 (5) the possibility of decapitation of the animal and, if  
25 decapitated, the possible loss of the animal's head after completion  
26 of the rabies testing.

27 <sup>1</sup>**[To the greatest extent possible, the protocols followed**  
28 **pursuant to paragraphs (2) through (4) of this subsection shall**  
29 **provide that, if an animal's head is decapitated, the head is returned**  
30 **to the owner with the rest of the animal's body if the head does not**  
31 **test positive for rabies.]**<sup>1</sup>

32 c. Whenever the owner of the domestic companion animal <sup>1</sup>**[is**  
33 **upset about]** objects to<sup>1</sup> the possible decapitation of the animal, the  
34 health official requiring, or the veterinarian performing, the rabies  
35 testing shall offer the owner the option to have only the brain  
36 removed for testing <sup>1</sup>**[, unless there is a medical necessity for the**  
37 **animal's entire head to be taken]**<sup>1</sup>. If the owner chooses to have  
38 only the brain removed, only the brain shall be removed for the  
39 rabies testing, and the remainder of the animal's body shall be  
40 maintained intact. <sup>1</sup>**[If it is medically necessary to take the entire**  
41 **head, the health official or veterinarian, as applicable, shall**  
42 **immediately notify the owner of this necessity and provide the**  
43 **owner with the notice and the reason for the medical necessity in**  
44 **writing.]**<sup>1</sup>

45 d. Upon receiving the notification required in subsection b. of  
46 this section, <sup>1</sup>and<sup>1</sup> the information required <sup>1</sup>**[, and if applicable,**  
47 **any notification that may be required,]**<sup>1</sup> pursuant to subsection c. of

1 this section, the owner of the animal shall immediately provide, in  
2 writing, in the manner prescribed by the department pursuant to  
3 subsection f. of this section:

4 (1) release of the animal to the health official or veterinarian, as  
5 applicable, for the rabies testing, in accordance with the protocols  
6 to be followed pursuant to subsection b. of this section;

7 (2) authorization to take only the animal's brain or the entire  
8 head of the animal <sup>1</sup>["as requested or required"], as applicable,  
9 pursuant to subsections b. and c. of this section; and

10 (3) the owner's consent to the protocols and procedures to be  
11 followed pursuant to this section.

12 e. The owner of the domestic companion animal may be  
13 required to pay a reasonable additional cost for rabies testing of  
14 only the brain.

15 f. The Department of Health shall develop and provide on its  
16 website forms for use in providing the <sup>1</sup>["notifications"] notification<sup>1</sup>  
17 required pursuant to <sup>1</sup>["subsections"] subsection<sup>1</sup> b. <sup>1</sup>["and c."] of  
18 this section, and the release, authorization, and consent required  
19 pursuant to subsection d. of this section.

20 g. This section shall not apply to rabies testing required  
21 pursuant to section 10 of P.L.1989, c.307 (C.4:19-26) or to the  
22 handling of an impounded animal that is suspected of being rabid  
23 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16).

24 h. Nothing in this section shall be construed to interfere with  
25 the powers of any municipality to control rabies consistent with  
26 R.S.26:4-95.

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

33  
34 <sup>1</sup>3. (New section) a. The Department of Health, in consultation  
35 with the State Board of Veterinary Medicine, shall recommend,  
36 develop, and offer sensitivity training for veterinarians, veterinary  
37 technicians, veterinary assistants, and employees of animal  
38 hospitals and other facilities providing health care to domestic  
39 companion animals. The training shall provide education in the  
40 communication skills necessary to address emotional trauma, loss,  
41 and grief for the owners of domestic companion animals when the  
42 animal is sick or dying, the necessity of euthanizing the animal, and  
43 the necessary procedures associated with the care or euthanizing of  
44 the animal. The training shall incorporate the guidelines for  
45 addressing trauma and principles of mental health first aid  
46 developed by the Substance Abuse and Mental Health Services  
47 Administration in the United States Department of Health and  
48 Human Services.

1     b. Every veterinarian, veterinary technician, veterinary assistant,  
 2     and employee of an animal hospitals or other facilities providing  
 3     health care to domestic companion animals in a capacity that  
 4     requires the person to care for animals, euthanize them, or handle  
 5     their remains shall be offered the training established pursuant to  
 6     subsection a. of this section but shall not be required to complete  
 7     the training.<sup>1</sup>

8  
 9     <sup>1</sup>**[2.] 4.**<sup>1</sup> R.S.26:4-86 is amended to read as follows:

10     26:4-86. The local board or the duly authorized agent of **[such ]**  
 11     the board, within its jurisdiction, shall be permitted by the owner or  
 12     person in charge of a dog, cat or other animal which has attacked or  
 13     bitten a person, to examine the animal at any time, and daily if  
 14     desired, within a period of **[ten] 10** days after the animal has  
 15     attacked or bitten a person, to determine whether the animal shows  
 16     symptoms of rabies.

17     If the animal dies within the **[ten] 10**-day confinement period or  
 18     if the owner or person in charge of the animal **[elects to destroy]**  
 19     chooses to euthanize the animal at any time during the confinement  
 20     period, the local board may order a laboratory examination for  
 21     rabies to be performed on the dead animal, in compliance with  
 22     section <sup>1</sup>**[1] 2**<sup>1</sup> of P.L. , c. (C. ) (pending before the  
 23     Legislature as this bill).

24     **[No]** Except as provided for in section <sup>1</sup>**[1] 2**<sup>1</sup> of P.L. ,  
 25     c. (C. ) (pending before the Legislature as this bill), no person  
 26     shall refuse, obstruct, or interfere with the local board in making  
 27     any examination authorized pursuant to this section.

28     (cf: P.L.1989, c.297, s.1)

29  
 30     <sup>1</sup>**[3.] 5.**<sup>1</sup> R.S.26:4-94 is amended to read as follows:

31     26:4-94. Any person who violates any of the provisions of this  
 32     article, or any notice served thereunder, shall be liable to a penalty  
 33     of **[five dollars (\$5.00)] \$50** for the first offense, and not less than  
 34     **[five dollars (\$5.00)] \$50** nor more than **[fifty dollars (\$50.00)]**  
 35     **\$250** for each subsequent offense, to be recovered in a civil action  
 36     brought by and in the name of the **[State] Department of Health** or  
 37     a local board. Penalties hereunder shall be enforced and collected  
 38     pursuant to **[sections] R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78**  
 39     **[of the Revised Statutes].**

40     (cf: P.L.2014, c.69, s.5)

41  
 42     <sup>1</sup>**[4.] 6.**<sup>1</sup> This act shall take effect immediately.