

[Second Reprint]

ASSEMBLY, No. 1219

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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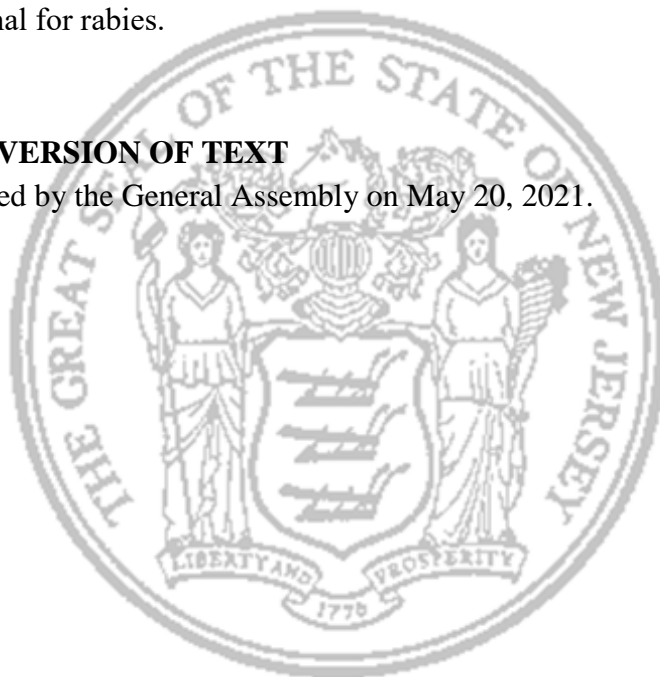
**Assemblymen Johnson, Peterson, Assemblywoman Vainieri Huttle,
Assemblyman Freiman and Assemblywoman Swain**

SYNOPSIS

Requires owner notification of rabies testing protocol prior to testing of owner's animal for rabies.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 20, 2021.



(Sponsorship Updated As Of: 12/2/2021)

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

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

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:

¹Assembly AAN committee amendments adopted December 14, 2020.

²Assembly floor amendments adopted May 20, 2021.

1 hospitals and similar facilities to ensure that both the domestic
 2 companion animals and their owners are treated with respect,
 3 compassion, and consideration of their relationship.¹²

4
 5 ¹~~1.1~~ 2.1 (New section) a. No rabies testing shall be performed
 6 on a dead domestic companion animal until the health official
 7 requiring ²~~the rabies testing~~², or the veterinarian ²~~performing, the~~
 8 preparing and submitting the specimen for² rabies testing, and the
 9 owner of the animal have complied with the requirements of
 10 subsections b. ²~~through d.~~ and c.² of this section.

11 b. Whenever it is necessary to test a dead domestic companion
 12 animal for rabies, prior to commencing any testing procedure, the
 13 health official requiring ²~~the rabies testing~~², or the veterinarian
 14 ²~~performing, the~~ preparing and submitting the specimen for² rabies
 15 testing, as applicable, shall notify at the first opportunity the owner of
 16 the animal, if known, verbally and in writing, of:

17 (1) the necessity of the rabies testing and the reasons therefor;

18 (2) the rabies testing protocol to be followed;

19 (3) the protocol to be followed with regard to the handling of the
 20 animal's body;

21 (4) the protocol to be followed with regard to the disposal of the
 22 animal's body or its return to the owner; and

23 (5) the ²~~possibility~~ protocol² of decapitation ²~~of the animal~~
 24 and, if decapitated, the possible loss of the animal's head after
 25 completion of the rabies testing².

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

30 c. ²~~Whenever the owner of the domestic companion animal~~ ¹~~is~~
 31 ~~upset about~~ objects to¹ the possible decapitation of the animal, the
 32 health official requiring, or the veterinarian performing, the rabies
 33 testing shall offer the owner the option to have only the brain removed
 34 for testing ¹~~, unless there is a medical necessity for the animal's~~
 35 ~~entire head to be taken~~¹. If the owner chooses to have only the brain
 36 removed, only the brain shall be removed for the rabies testing, and the
 37 remainder of the animal's body shall be maintained intact. ¹~~If it is~~
 38 ~~medically necessary to take the entire head, the health official or~~
 39 ~~veterinarian, as applicable, shall immediately notify the owner of this~~
 40 ~~necessity and provide the owner with the notice and the reason for the~~
 41 ~~medical necessity in writing.~~¹

42 d.² Upon receiving the notification required in subsection
 43 b. of this section, ²~~and~~¹ the information required ¹~~, and if~~
 44 ~~applicable, any notification that may be required,~~¹ pursuant to
 45 subsection c. of this section,² the owner of the animal shall
 46 immediately provide, in writing, in the manner prescribed by the
 47 department pursuant to subsection ²~~f.~~ d.² of this section:

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

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

²[(3)] (2)² the owner's ²[consent to] signature to acknowledge notification about² the protocols and procedures to be followed pursuant to this section.

²[e. The owner of the domestic companion animal may be required to pay a reasonable additional cost for rabies testing of only the brain.

f.] d.² The Department of Health shall develop and provide on its website forms for use in providing the ¹[notifications] notification¹ required pursuant to ¹[subsections] subsection¹ b. ¹[and c.]¹ of this section, and the release, ²[authorization, and consent] and acknowledgement of notification² required pursuant to subsection ²[d.] c.² of this section.

²[g.] e.² This section shall not apply to rabies testing required pursuant to section 10 of P.L.1989, c.307 (C.4:19-26) or to the handling of an impounded animal that is suspected of being rabid pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16).

²[h.] f.² Nothing in this section shall be construed to interfere with the powers of any municipality to control rabies consistent with R.S.26:4-95.

²[i.] g.² As used in this section, "domestic companion animal" means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. ²"Domestic companion animal" shall not include "domestic livestock" as defined in subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).²

²[¹3. (New section) a. The Department of Health, in consultation with the State Board of Veterinary Medicine, shall recommend, develop, and offer sensitivity training for veterinarians, veterinary technicians, veterinary assistants, and employees of animal hospitals and other facilities providing health care to domestic companion animals. The training shall provide education in the communication skills necessary to address emotional trauma, loss, and grief for the owners of domestic companion animals when the animal is sick or dying, the necessity of euthanizing the animal, and the necessary procedures associated with the care or euthanizing of the animal. The training shall incorporate the guidelines for addressing trauma and principles of mental health first aid developed by the Substance Abuse and Mental Health

1 Services Administration in the United States Department of Health
 2 and Human Services.

3 b. Every veterinarian, veterinary technician, veterinary assistant,
 4 and employee of an animal hospitals or other facilities providing
 5 health care to domestic companion animals in a capacity that
 6 requires the person to care for animals, euthanize them, or handle
 7 their remains shall be offered the training established pursuant to
 8 subsection a. of this section but shall not be required to complete
 9 the training.¹²

10
 11 ¹[2.] ²[4.] ³ R.S.26:4-86 is amended to read as follows:

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

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

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

30 (cf: P.L.1989, c.297, s.1)

31
 32 ¹[3.] ²[5.] ⁴ R.S.26:4-94 is amended to read as follows:

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

42 (cf: P.L.2014, c.69, s.5)

43
 44 ¹[4.] ²[6.] ⁵ This act shall take effect immediately.