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

CURRENT VERSION OF TEXT
As amended on January 10, 2022 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 12/2/2021)
AN ACT concerning certain animals suspected of being rabid,
amending R.S.26:4-86 and R.S.26:4-94, and supplementing Title
26 of the Revised Statutes.

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

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

The Legislature therefore determines that it is the public policy of
the State to require those caring for an animal, including veterinarians
and staff at animal hospitals, to: (1) clearly communicate to the owner
the tests and procedures required and how the tests and procedures
may affect the condition of the animal’s body after death; and (2)
disclose whether the remains of the animal can be returned to the
owner, and the condition of the those remains. The Legislature further
determines that the importance of the connection between domestic
companion animals and their owners needs to be recognized and
addressed by those who treat animals, euthanize them, and handle their
remains after death. 2 The Legislature further finds and determines
that it is in the public interest to offer proper training to veterinarians.

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.
3Assembly amendments adopted in accordance with Governor’s
recommendations January 10, 2022.
veterinary technicians, veterinary assistants, and employees of animal hospitals and similar facilities to ensure that both the domestic companion animals and their owners are treated with respect, compassion, and consideration of their relationship.¹

¹[1.] ²[2.] (New section)  a. ³[No] Exempt as provided under subsection e. of this section, no³ rabies testing shall be performed on a dead domestic companion animal until the health official requiring the rabies testing², or the veterinarian preparing and submitting the specimen for² rabies testing, and the owner of the animal have complied with the requirements of subsections b. through d. and c.² of this section.

b. Whenever it is necessary to test a dead domestic companion animal for rabies, prior to commencing any testing procedure, the health official requiring the rabies testing², or the veterinarian preparing and submitting the specimen for² rabies testing, as applicable, shall notify at the first opportunity the owner of the animal, if known, verbally and in writing, of:

(1) the necessity of the rabies testing and the reasons therefor;
(2) the rabies testing protocol to be followed;
(3) the protocol to be followed with regard to the handling of the animal’s body;
(4) the protocol to be followed with regard to the disposal of the animal’s body or its return to the owner; and
(5) the possibility protocol² of decapitation² of the animal and, if decapitated, the possible loss of the animal’s head after completion of the rabies testing².

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

c. ²[When]ever the owner of the domestic companion animal ¹is upset about¹ objects to¹ the possible decapitation of the animal, the health official requiring, or the veterinarian performing, the rabies testing shall offer the owner the option to have only the brain removed for testing ¹, unless there is a medical necessity for the animal’s entire head to be taken¹. If the owner chooses to have only the brain removed, only the brain shall be removed for the rabies testing, and the remainder of the animal’s body shall be maintained intact. ¹[If it is medically necessary to take the entire head, the health official or veterinarian, as applicable, shall immediately notify the owner of this necessity and provide the owner with the notice and the reason for the medical necessity in writing.¹]

d.² Upon receiving the notification required in subsection b. of this section,²[If] and¹ the information required ¹¹, and if applicable, any notification that may be required,¹¹ pursuant to subsection c. of this section,² the owner of the animal shall immediately provide, in
writing, in the manner prescribed by the department pursuant to subsection 2[(f.) d.] 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 ][as requested or required], as applicable, pursuant to subsections b. and c. of this section; 2[(3) the owner’s consent to] signature to acknowledge notification about 2[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.] The Department of Health shall develop and provide on its website forms for use in providing the notification required pursuant to subsection b. and c. of this section, and the release, authorization, and consent and acknowledgement of notification required pursuant to subsection 2[(d.) c.] of this section.

2[g.] 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). In cases where a veterinarian or health official has made reasonable attempts to contact the owner to comply with this section and the owner is unable to be contacted or refuses to provide a signature, rabies testing can proceed. When contact is made but a written signature or acknowledgement by the owner cannot be obtained, the veterinarian or health official shall document the date and time that verbal notification was made to the owner and keep this information on file for six months.

h. 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.

i. 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. “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).

j. (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 Services Administration in the United States Department of Health and Human Services.

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

R.S.26:4-86 is amended to read as follows:

26:4-86. The local board or the duly authorized agent of the board, within its jurisdiction, shall be permitted by the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to examine the animal at any time, and daily if desired, within a period of ten days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies. If the animal dies within the ten-day confinement period or if the owner or person in charge of the animal elects to destroy the animal at any time during the confinement period, the local board may order a laboratory examination for rabies to be performed on the dead animal, in compliance with section 2 of P.L. , c. (pending before the Legislature as this bill).

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

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

R.S.26:4-94 is amended to read as follows:

26:4-94. Any person who violates any of the provisions of this article, or any notice served thereunder, shall be liable to a penalty of five dollars ($5.00) for the first offense, and not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each subsequent offense, to be recovered in a civil action brought by and in the name of the Department of Health or
a local board. Penalties hereunder shall be enforced and collected pursuant to sections R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78 of the Revised Statutes. (cf: P.L.2014, c.69, s.5)

This act shall take effect immediately.