

4:22-19.2

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:16-14; 4:22-19, 4:22-19.2 (Animals - destruction - prohibit use of decompression or gas chambers)

LAWS 1982 CHAPTER 158

Bill No. A1025

FOR ATTACHMENTS  
SEE 45:16-14

Sponsor(s) Janiszewski and Cowan

Date Introduced March 1, 1982

Committee: Assembly Agriculture and Environment

Senate Natural Resource and Agriculture

Amended during passage Yes ~~No~~ Amendments denoted by asterisks  
according to Governor's recommendations

Date of Passage: Assembly May 17, 1982

Re-enacted 9-30-82

Senate June 21, 1982

Re-enacted 10-25-82

Date of approval Oct. 27, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message Yes ~~No~~

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsors' statement:

This bill prohibits the use of decompression chambers or devices, gas chambers, or any other similar devices for animal euthanasia.

6/22/81 1983  
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[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1025

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Assemblymen JANISZEWSKI and COWAN

Referred to Committee on Agriculture and Environment

AN ACT prohibiting the destruction of any animal through the use of decompression or gas chambers \***[and]**\* \*,\* amending P. L. 1941, c. 151 and R. S. 4:22-19 \*and supplementing Title 4 of the Revised Statutes\*.

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

1 \*\*\***[**1. Section 16 of P. L. 1941, c. 151 (C. 4:19-15.16) is amended  
2 to read as follows:

3 16. Any person appointed for the purpose by the governing body  
4 of the municipality, shall take into custody and impound or cause  
5 to be taken into custody and impounded, and thereafter destroyed  
6 or disposed of as provided in this section:

7 (a) Any dog off the premises of the owner or of the person  
8 keeping or harboring said dog which said official or his agent, or  
9 agents have reason to believe is a stray dog;

10 (b) Any dog off the premises of the owner or of the person keep-  
11 ing or harboring said dog without a current registration tag on his  
12 collar;

13 (c) Any female dog in season off the premises of the owner or of  
14 the person keeping or harboring said dog.

15 If any dog so seized wears a collar or harness having inscribed  
16 thereon or attached thereto the name and address of any person or  
17 a registration tag or the owner or the person keeping or harboring  
18 said dog is known, any person authorized by the governing body,  
19 shall forthwith serve on the person whose address is given on the  
20 collar, or on the owner or the person keeping or harboring said dog,

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted May 3, 1982.

\*\*—Senate committee amendments adopted June 14, 1982.

\*\*\*—Assembly amendments adopted in accordance with Governor's recommendations September 20, 1982.

21 if known, a notice in writing stating that the dog has been seized  
22 and will be liable to be disposed of or destroyed if not claimed  
23 within 7 days after the service of the notice.

24 A notice under this section may be served either by delivering it  
25 to the person on whom it is to be served, or by leaving it at the per-  
26 son's usual, or last known place of abode, or at the address given on  
27 the collar, or by forwarding it by post in a prepaid letter addressed  
28 to that person at his usual or last known place of abode, or to the  
29 address given on the collar.

30 When any dog so seized has been detained for 7 days after  
31 notice, when notice can be given as above set forth, or has been  
32 detained for 7 days after seizure, when no notice has been given  
33 as above set forth and if the owner or person keeping or harboring  
34 said dog has not claimed said dog and paid all expenses incurred  
35 by reason of its detention, including maintenance not exceeding  
36 \$4.00 per day, and if the dog be unlicensed at the time of the  
37 seizure and the owner or person keeping or harboring said dog has  
38 not produced a license and registration tag for said dog, any person  
39 authorized by the governing body, may cause the dog to be  
40 destroyed in manner causing as little pain as possible and consistent  
41 with the provisions of R. S. 4:22-19, *provided that nothing in this*  
42 *section shall be construed to authorize the use of a decompression*  
43 *chamber or decompression device of any kind or a gas chamber, or*  
44 *any similar method, device or chamber for the purpose of destroying*  
45 *or disposing of any dog \*\*or cat\*\*.* No dog or other animal so caught  
46 and detained or procured, obtained, sent or brought to a pound or  
47 shelter shall be sold or otherwise made available for the purpose  
48 of experimentation. Any person who sells or otherwise makes  
49 available any such dog or other animal for the purpose of experi-  
50 mentation shall be guilty of a disorderly persons offense.】\*\*\*

51 \*\*\*1. Section 2 of P. L. 1979, c. 354 (C. 45:16-14) is amended to  
52 read as follows:

53 2. As used in this act:

54 "Unretrieved animal" means an animal placed for confined  
55 treatment or boarding by its owner or an agent thereof in the care  
56 and custody of a veterinarian or boarding kennel, which animal is  
57 not retrieved by the owner or agent thereof from the veterinarian  
58 within 72 hours of being notified in any manner that the confined  
59 treatment is completed or from the boarding kennel within 72  
60 hours of the last day the animal was to be boarded.

61 "Humane disposal" means euthanasia by or under the direct  
62 supervision of a veterinarian or placement in a suitable home or

63 animal shelter which shall not include any home or shelter which  
 64 engages in animal experimentation or, by sale or otherwise, makes  
 65 animals available for the purpose of animal experimentation.  
 66 *Humane disposal shall not include hypoxia induced by decom-*  
 67 *pression or in any other manner or the administration of a lethal*  
 68 *gas other than an inhalent anesthetic.\*\*\**

1 2. R. S. 4:22-19 is amended to read as follows:

2 4:22-19. A person who shall

3 a. Impound or confine, or cause to be impounded or confined, in  
 4 a pound or other place, a living animal or creature, and shall fail  
 5 to supply it during such confinement with a sufficient quantity of  
 6 good and wholesome food and water; or

7 b. *Destroy or cause to be destroyed any such animal*  
 8 *\*\*\*[through]\*\*\* \*\*\*by hypoxia induced by decompression or in*  
 9 *any other manner, by the administration of a lethal gas other than*  
 10 *an inhalent unesthetic, or in any other manner except by a method*  
 11 *of euthanasia generally accepted by the veterinary medical pro-*  
 12 *fession as being reliable, appropriate to the type of animal upon*  
 13 *which it is to be employed, and capable of producing loss of con-*  
 14 *sciousness and death as rapidly and painlessly as possible for such*  
 15 *animal\*\*\* \*\*\*[the use of a decompression chamber or decompres-*  
 16 *sion device of any kind, or gas chamber, or any similar method; or*

17 [b.] c. Destroy or cause to be destroyed any such animal except  
 18 by *\*\*[a]\*\* \*\*the\*\** method of euthanasia *\*\*[generally accepted]\*\**  
 19 *\*\*used\*\** by the *\*\*New Jersey\*\** veterinary medical profession<sup>\*\*\*</sup>  
 20 *\*\*[as being reliable, appropriate to the type of animal upon which*  
 21 *it is to be employed, and capable of producing loss of consciousness*  
 22 *and death as rapidly and painlessly as possible for such animal]\*\**  
 23 shall, in the case of a violation of [paragraph] subsection a., be  
 24 guilty of a [misdemeanor and punished as provided in section  
 25 4:22-17 of this Title] *disorderly persons offense*; or, in the case  
 26 of a violation of [paragraph] *\*\*\*[subsections b. or c.]\*\*\**  
 27 *\*\*\*subsection b.\*\*\**, be subject to a penalty of \$25.00 for the first  
 28 offense and \$50.00 for each subsequent offense. Each animal  
 29 destroyed in violation of [paragraph] subsection b. shall constitute  
 30 a separate offense. The penalty shall be collected in accordance  
 31 with "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.)  
 32 and all money collected shall be remitted to the State.

33 [Paragraphs] *\*\*\*[Subsections a.,]\*\*\* [and] \*\*\*[b. and c. of*  
 34 *this]\*\*\* \*\*\*This\*\*\** section shall apply *\*\*\*to kennels, pet shops,*  
 35 *shelters and pounds as defined and licensed pursuant to P. L. 1941,*  
 36 *c. 151 (C. 4:19-15.1 et seq.);\*\*\** to pounds and places of confinement

37 owned and operated by municipalities, counties or regional govern-  
38 mental authorities\*\*\*,\*\* and to every contractual warden or  
39 impounding service, any provision to the contrary in this title  
40 notwithstanding.

1 \*3. (New section) *Within 30 days of the effective date of this*  
2 *act, any \*\*\*[decompression chamber or device of any kind or any*  
3 *gas chamber]\*\*\* \*\*chamber or device used to induce hypoxia*  
4 *through decompression or in any other manner and any gas*  
5 *chamber or similar device except one which is used for the*  
6 *administration of an inhalent anesthetic\*\*\* shall be dismantled and*  
7 *removed from the premises. The owner of any premises on which*  
8 *the chamber or device remains 30 days subsequent to the effective*  
9 *date of this act shall be guilty of a disorderly persons offense.\**

1 \***[3.]**\* \*4.\* This act shall take effect immediately.

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ASSEMBLY, No. 1025

**STATE OF NEW JERSEY**

INTRODUCED MARCH 1, 1982

By Assemblymen JANISZEWSKI and COWAN

Referred to Committee on Agriculture and Environment

AN ACT prohibiting the destruction of any animal through the use  
of decompression or gas chambers and amending P. L. 1941,  
c. 151 and R. S. 4:22-19.

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

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

3 16. Any person appointed for the purpose by the governing body  
4 of the municipality, shall take into custody and impound or cause  
5 to be taken into custody and impounded, and thereafter destroyed  
6 or disposed of as provided in this section:

7 (a) Any dog off the premises of the owner or of the person  
8 keeping or harboring said dog which said official or his agent, or  
9 agents have reason to believe is a stray dog;

10 (b) Any dog off the premises of the owner or of the person keep-  
11 ing or harboring said dog without a current registration tag on his  
12 collar;

13 (c) Any female dog in season off the premises of the owner or of  
14 the person keeping or harboring said dog.

15 If any dog so seized wears a collar or harness having inscribed  
16 thereon or attached thereto the name and address of any person or  
17 a registration tag or the owner or the person keeping or harboring  
18 said dog is known, any person authorized by the governing body,  
19 shall forthwith serve on the person whose address is given on the  
20 collar, or on the owner or the person keeping or harboring said dog,

**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 printed in italics thus is new matter.**

21 if known, a notice in writing stating that the dog has been seized  
 22 and will be liable to be disposed of or destroyed if not claimed  
 23 within 7 days after the service of the notice.

24 A notice under this section may be served either by delivering it  
 25 to the person on whom it is to be served, or by leaving it at the per-  
 26 son's usual, or last known place of abode, or at the address given on  
 27 the collar, or by forwarding it by post in a prepaid letter addressed  
 28 to that person at his usual or last known place of abode, or to the  
 29 address given on the collar.

30 When any dog so seized has been detained for 7 days after  
 31 notice, when notice can be given as above set forth, or has been  
 32 detained for 7 days after seizure, when no notice has been given  
 33 as above set forth and if the owner or person keeping or harboring  
 34 said dog has not claimed said dog and paid all expenses incurred  
 35 by reason of its detention, including maintenance not exceeding  
 36 \$4.00 per day, and if the dog be unlicensed at the time of the  
 37 seizure and the owner or person keeping or harboring said dog has  
 38 not produced a license and registration tag for said dog, any person  
 39 authorized by the governing body, may cause the dog to be  
 40 destroyed in manner causing as little pain as possible and consistent  
 41 with the provisions of R. S. 4:22-19, *provided that nothing in this*  
 42 *section shall be construed to authorize the use of a decompression*  
 43 *chamber or decompression device of any kind or a gas chamber, or*  
 44 *any similar method, device or chamber for the purpose of destroying*  
 45 *or disposing of any dog. No dog or other animal so caught and*  
 46 *detained or procured, obtained, sent or brought to a pound or*  
 47 *shelter shall be sold or otherwise made available for the purpose*  
 48 *of experimentation. Any person who sells or otherwise makes*  
 49 *available any such dog or other animal for the purpose of experi-*  
 50 *mentation shall be guilty of a disorderly persons offense.*

1 2. R. S. 4:22-19 is amended to read as follows:

2 4:22-19. A person who shall

3 a. Impound or confine, or cause to be impounded or confined, in  
 4 a pound or other place, a living animal or creature, and shall fail  
 5 to supply it during such confinement with a sufficient quantity of  
 6 good and wholesome food and water; or

7 b. *Destroy or cause to be destroyed any such animal through*  
 8 *the use of a decompression chamber or decompression device of*  
 9 *any kind, or gas chamber, or any similar method; or*

10 **[b.]** c. Destroy or cause to be destroyed any such animal except  
 11 by a method of euthanasia generally accepted by the veterinary  
 12 medical profession as being reliable, appropriate to the type of  
 13 animal upon which it is to be employed, and capable of producing

14 loss of consciousness and death *as rapidly and painlessly as possible*  
15 for such animal shall, in the case of a violation of **[paragraph]**  
16 *subsection a.*, be guilty of a **[misdemeanor and punished as provided**  
17 **in section 4:22-17 of this Title]** *disorderly persons offense*; or, in  
18 the case of a violation of **[paragraph]** *subsections b. or c.*, be  
19 subject to a penalty of \$25.00 for the first offense and \$50.00 for  
20 each subsequent offense. Each animal destroyed in violation of  
21 **[paragraph]** *subsection b.* shall constitute a separate offense. The  
22 penalty shall be collected in accordance with “the penalty enforce-  
23 ment law” (N. J. S. 2A :58-1 et seq.) and all money collected shall  
24 be remitted to the State.

25 **[Paragraphs]** *Subsections a.*, **[and]** *b. and c.* of this section shall  
26 apply to pounds and places of confinement owned and operated by  
27 municipalities, counties or regional governmental authorities and  
28 to every contractual warden or impounding service, any provision  
29 to the contrary in this title notwithstanding.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill prohibits the use of decompression chambers or devices,  
gas chambers, or any other similar devices for animal euthanasia.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1025**  
with Assembly committee amendment

**STATE OF NEW JERSEY**

DATED: APRIL 19, 1982

This bill amends the statutes concerning the humane disposal of animals to prohibit the use of decompression chambers or devices, gas chambers, or any other similar devices. Any person who utilizes a decompression or gas chamber for this purpose would be subject to a fine of \$25.00 for the first offense and \$50.00 for each subsequent offense.

This bill also increases the penalties imposed on persons found guilty of not supplying an animal sufficient water or food while being impounded or confined to a fine of up to \$1,000.00 and imprisonment up to 6 months (as prescribed by the New Jersey Criminal Code for a disorderly persons offense).

The bill also makes some minor technical amendments to present statutory language.

The Assembly Agriculture and Environment Committee amended the bill to require the dismantling and removal of decompression chambers or devices within 30 days of the effective date. Failure to do so would subject the owner to the penalty for a disorderly persons offense.

SENATE NATURAL RESOURCES AND AGRICULTURE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1025**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 14, 1982

This bill amends the statutes concerning the humane disposal of animals to prohibit the use of decompression chambers or devices, gas chambers, or any other similar devices. Any person who utilizes a decompression or gas chamber for this purpose would be subject to a fine of \$25,00 for the first offense and \$50.00 for each subsequent offense.

This bill also increases the penalties imposed on persons found guilty of not supplying an animal sufficient water or food while being impounded or confined to a fine of up to \$1,000.00 and imprisonment up to 6 months (as prescribed by the New Jersey Criminal Code for a disorderly persons offense).

The bill further requires the dismantling and removal of decompression chambers or devices within 30 days of the effective date. Failure to do so would subject the owner to the penalty for a disorderly persons offense.

The bill also makes some minor technical amendments to present statutory language.

The Senate Natural Resources and Agriculture Committee amended the bill to make explicit that the use of decompression or gas chambers for euthanizing cats would also be prohibited and to make clear that it shall be a disorderly persons offense to euthanize an animal in any manner other than that used by the New Jersey veterinary medical profession.

September 20, 1982

ASSEMBLY BILL NO. 1025 (2OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1025 (2OCR) with my objections for reconsideration.

This bill would prohibit the destruction of animals through the use of decompression chambers, gas chambers, or any other similar devices. The bill would also prohibit the destruction of any animal except by a method of euthanasia used by the New Jersey veterinary medical profession. Any violator of these prohibitions would be subject to a fine of \$25 for the first offense and \$50 for each subsequent offense.

I have been informed by the State Department of Health that chloroform boxes and other techniques for the administration of inhalent anesthetics are essential tools which are used by the Department as well as by county and municipal animal shelters for the destruction of animals which are unmanageable or unhandleable because of rabies or some other reason. These devices are considered by experts to be humane and painless. The Department is concerned that, under the present wording of this bill, chloroform boxes would also be outlawed along with more objectionable and frequently abused devices, such as carbon monoxide gas chambers. The action taken in this conditional veto seeks to exclude from the prohibition of gas chambers the use of chloroform boxes and other techniques for the administration of inhalent anesthetics.

It is also clear that prohibiting the destruction of any animal except by a method of euthanasia used by the New Jersey veterinary medical profession does not provide sufficiently concise guidelines for application by law enforcement officials and by the courts. Therefore, this conditional veto also seeks to combine the prohibition of the use of gas chambers and decompression devices with a

requirement that only those methods be used which are accepted by the veterinary medical profession as being reliable, appropriate to the types of animals upon which they are to be employed, and capable of producing loss of consciousness and death as rapidly and painlessly as possible for such animals. In addition, the conditional veto extends these prohibitions to kennels, pet shops, shelters and pounds as defined and licensed pursuant to the statutes relating to dogs and other domestic animals.

Finally, the conditional veto eliminates the first section of this bill, which is redundant and unnecessary in view of an extant reference in the statute amended by that section to the statute regarding cruelty to animals which is amended in the second section of the bill, and adds a section amending the definition of "humane disposal" for the purposes of the statutes concerning the veterinary medical profession to exclude hypoxia induced by decompression and the use of certain gas chambers.

Accordingly, I recommend the following amendments<sup>2</sup> for concurrence by the Legislature:

Pages 1-2, Section 1, Lines 1-50: Delete entirely, insert the following:

"1. Section 2 of P.L. 1979, c. 354 (C.45:16-14) is amended to read as follows:

2. As used in this act:

"Unretrieved animal" means an animal placed for confined treatment or boarding by its owner or an agent thereof in the care and custody of a veterinarian or boarding kennel, which animal is not retrieved by the owner or agent thereof from the veterinarian within 72 hours of being notified in any manner that the confined treatment is completed or from the boarding kennel within 72 hours of the last day the animal was to be boarded.

"Humane disposal" means euthanasia by or under the direct supervision of a veterinarian or placement in a suitable home or animal shelter which shall not include any

home or shelter which engages in animal experimentation or, by sale or otherwise, makes animals available for the purpose of animal experimentation. Humane disposal shall not include hypoxia induced by decompression or in any other manner or the administration of a lethal gas other than an inhalent anesthetic.

Page 2, Section 2, Line 7: After "animal" omit "through", insert "by hypoxia induced by decompression or in any other manner, by the administration of a lethal gas other than an inhalent anesthetic, or in any other manner except by a method of euthanasia generally accepted by the veterinary medical profession as being reliable, appropriate to the type of animal upon which it is to be employed, and capable of producing loss of consciousness and death as rapidly and painlessly as possible for such animal".

Page 2, Section 2, Lines 8-15: Delete entirely.

Page 3, Section 2, Line 19: After "violation of" omit "subsections b. or c.", insert "subsection b.".

Page 3, Section 2, Line 25: Delete entirely, and insert "This section shall".

Page 3, Section 2, Line 26: After "apply", insert "to kennels, pet shops, shelters and pounds as defined and licensed pursuant to P.L. 1941, c. 151 (C.4:19-15.1 et seq.);".

Page 3, Section 2, Line 27: After "authorities", insert ";".

Page 3, Section 3, Lines 2-3: After "act"; omit "any decompression chamber or device of any kind or any gas chamber", insert "any chamber or device used to induce hypoxia through decompression or in any other manner and any

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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gas chamber or similar device except one which is used for  
the administration of an inhalent anesthetic".

Respectfully,

/s/ Thomas H. Kean  
GOVERNOR

[seal]

/s/ W. Cary Edwards  
Chief Counsel to the Governor

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, OCTOBER 28, 1982

Governor Thomas H. Kean has signed the following bills:

A-1025, sponsored by Assemblyman Robert C. Janiszewski, D-Hudson, which prohibits the destruction of any animals by the use of a decompression chamber or gas chamber.

S-1770, sponsored by State Senator Gerald Cardinale, R-Bergen, which validates bond proceedings for the Montvale school district.

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