

4:19-15.30

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 142

NJSA: 4:19-15.30 (Establishes pilot program concerning sterilization of cats and dogs released for adoption from various facilities and updates law concerning impoundment)

BILL NO: S2923 (Substituted for A4096)

SPONSOR(S) Sweeney and others

DATE INTRODUCED: May 23, 2011

COMMITTEE: **ASSEMBLY:** ---

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 5, 2011

SENATE: August 25, 2011

DATE OF APPROVAL: December 14, 2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (first reprint enacted)

S2923

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4096

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE:

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

LAW/RWH

P.L.2011, CHAPTER 142, *approved December 14, 2011*
Senate, No. 2923 (*First Reprint*)

1 AN ACT concerning the sterilization and impoundment of animals
2 and amending and supplementing P.L.1941, c.151.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to
8 read as follows:

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

10 "Animal rescue organization" means an individual or group of
11 individuals who, with or without salary or compensation, house and
12 care for homeless animals in the home of an individual or in other
13 facilities, with the intent of placing the animals in responsible, more
14 permanent homes as soon as possible.

15 "Animal rescue organization facility" means the home or other
16 facility in which an animal rescue organization houses and cares for
17 an animal.

18 "Certified animal control officer" means a person 18 years of age
19 or older who has satisfactorily completed the course of study
20 approved by the Commissioner of Health and Senior Services and
21 the Police Training Commission as prescribed by paragraphs (1)
22 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
23 15.16a); or who has been employed in the State of New Jersey in
24 the capacity of, and with similar responsibilities to those required
25 of, a certified animal control officer pursuant to the provisions of
26 P.L.1983, c.525 for a period of three years before January 17, 1987.

27 "Dog" **[shall mean]** means any dog, bitch or spayed bitch.

28 "Dog of licensing age" **[shall mean]** means any dog which has
29 attained the age of seven months or which possesses a set of
30 permanent teeth.

31 "Foster home" means placement of a cat or dog with an
32 individual or group that is not an animal rescue organization for the
33 purpose of temporarily caring for the cat or dog, without the
34 individual or group assuming ownership and with the intent of the
35 individual or group relinquishing the cat or dog to a suitable owner
36 when one is located.

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:

¹Senate amendments adopted in accordance with Governor's recommendations August 25, 2011.

1 "Kennel" **【shall mean】** means any establishment wherein or
2 whereon the business of boarding or selling dogs or breeding dogs
3 for sale is carried on, except a pet shop.

4 "Owner" when applied to the proprietorship of a dog shall
5 include every person having a right of property in that dog and
6 every person who has that dog in his keeping, and when applied to
7 the proprietorship of any other animal, including, but not limited to,
8 a cat, shall include every person having a right of property in that
9 animal and every person who has that animal in his keeping.

10 "Pet shop" **【shall mean】** means any place of business which is
11 not part of a kennel, wherein animals, including, but not limited to,
12 dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept
13 or displayed chiefly for the purpose of sale to individuals for
14 personal appreciation and companionship rather than for business or
15 research purposes.

16 "Pound" **【shall mean】** means an establishment for the
17 confinement of dogs or other animals seized either under the
18 provisions of this act or otherwise.

19 "Shelter" **【shall mean】** means any establishment where dogs or
20 other animals are received, housed and distributed.

21 "Sterilize" means to render an animal incapable of reproducing
22 by either spaying or neutering.

23 "Stray animal" means a domestic animal that is off the owner's
24 property and not under the direct control of the owner or person
25 charged with the care of the animal.】¹

26 (cf: P.L.1997, c.247, s.1)

27

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

30 16. **【Any person】** a. The certified animal control officer
31 appointed **【for the purpose】** by the governing body of the
32 municipality shall take into custody and impound **【or cause to be**
33 taken into custody and impounded, and】 any animal, to thereafter
34 **【destroyed】 be euthanized** or offered for adoption, as provided in
35 this section ¹**【. Specifically, the certified animal control officer**
36 **may take into custody and impound】¹:**

37 **【(a)】** (1) Any dog ¹**【or other animal】¹** off the premises of the
38 owner or of the person **【keeping or harboring said】** charged with
39 the care of the dog ¹**【or other animal】¹**, which **【said official or his**
40 **agent or agents have reason to believe】** is reasonably believed to be
41 a stray dog ¹**【or stray animal】¹**;

42 **【(b)】** (2) Any dog ¹**【or other animal】¹** off the premises of the
43 owner or **【of】** the person **【keeping or harboring said】** charged with
44 the care of the dog ¹**【or other animal】¹** without a current
45 registration tag on **【his】** its collar or elsewhere;

1 ~~[(c)]~~ (3) Any female dog in season off the premises of the owner
2 or ~~[of]~~ the person ~~[keeping or harboring said]~~ charged with the
3 care of the dog;

4 ~~[(d)]~~ (4) Any dog or other animal which is suspected to be rabid;
5 or

6 ~~[(e)]~~ (5) Any dog or other animal off the premises of the owner
7 or the person charged with its care that is reported to, or observed
8 by, a certified animal control officer to be ill, injured, or creating a
9 threat to public health, safety or welfare, or otherwise interfering
10 with the enjoyment of property.

11 b. If ~~[any]~~ an animal ~~[so seized wears]~~ taken into custody and
12 impounded pursuant to subsection a. of this section has a collar or
13 harness ~~[having inscribed thereon or attached thereto]~~ with
14 identification of the name and address of any person, or has a
15 registration tag, or has a microchip with an identification number
16 that can be traced to the owner or person charged with the care of
17 the animal, or the owner or the person ~~[keeping or harboring said]~~
18 charged with the care of the animal is otherwise known, ~~[any~~
19 person authorized by the governing body shall forthwith serve on
20 the person whose address is given on the collar, or on the owner or
21 the person keeping or harboring said animal, if known,] the
22 certified animal control officer shall ascertain the name and address
23 of the owner or the person charged with the care of the animal, and
24 serve to the identified person as soon as practicable, a notice in
25 writing ~~[stating]~~ that the animal has been seized and will be liable
26 to be offered for adoption or ~~[destroyed]~~ euthanized if not claimed
27 within seven days after the service of the notice.

28 c. A notice ~~[under]~~ required pursuant to this section may be
29 served ~~[either]~~ : (1) by delivering it to the person on whom it is to
30 be served, or by leaving it at the person's usual or last known place
31 of ~~[abode,]~~ residence or ~~[at]~~ the address given on the collar,
32 harness, or microchip identification; or (2) by ~~[forwarding it by~~
33 post in a prepaid letter addressed] mailing the notice to that person
34 at ~~[his]~~ the person's usual or last known place of ~~[abode]~~
35 residence, or to the address given on the collar, harness or
36 microchip identification.

37 ~~[Any person authorized by the governing body may cause an~~
38 animal to be destroyed] d. A shelter, pound, or kennel operating as
39 a shelter or pound receiving an animal from a certified animal
40 control officer pursuant to subsection a. of this section, or from any
41 other individual, group, or organization, shall hold the animal for at
42 least seven days before offering it for adoption, or euthanizing,
43 relocating, or sterilizing the animal, except if:

44 (1) the animal is surrendered voluntarily by its owner to the
45 shelter, pound, or kennel operating as a shelter or pound ¹, in which

1 case the provisions of subsection e. of this section shall apply¹ ;
2 'or'
3 (2) '【the age, health, or other care needs of the animal require
4 the shelter, pound, or kennel operating as a shelter or pound to place
5 it in an animal rescue organization facility, foster home, or other
6 unlicensed facility;
7 (3) the age, health, or behavior of the animal warrants
8 ethanizing it before seven days have elapsed; or
9 (4)】¹ the animal is suspected of being rabid, in which case the
10 provisions of subsection j. of this section shall apply.
11 e. If a shelter, pound or kennel operating as a shelter or pound
12 is not required to hold an animal for at least seven days pursuant to
13 paragraph (1) of subsection d. of this section, the shelter, pound, or
14 kennel operating as a shelter or pound:
15 (1) shall offer the animal for adoption for at least seven days
16 before euthanizing it; or
17 (2) may transfer the animal to an animal rescue organization
18 facility or a foster home prior to offering it for adoption if such a
19 transfer is determined to be in the best interest of the animal by the
20 shelter, pound, or kennel operating as a shelter or pound.
21 f. Except as otherwise provided for under '【subsections d.
22 and】 subsection'¹ e. of this section, no shelter, pound, or kennel
23 operating as a shelter or pound receiving an animal from a certified
24 animal control officer may transfer the animal to an animal rescue
25 organization facility or a foster home until the shelter, pound, or
26 kennel operating as a shelter or pound has held the animal for at
27 least seven days.
28 g. If the owner or the person charged with the care of the
29 animal seeks to claim it within seven days, or after the seven days
30 have elapsed but before the animal has been '【sterilized,】¹ adopted
31 '【,】¹ or euthanized, the shelter, pound, or kennel operating as a
32 shelter or pound:
33 (1) shall, in the case of a cat or dog, release it to the owner or
34 person charged with its care, '【without requiring it to be
35 sterilized,】¹ provided the owner or person charged with the care of
36 the animal provides proof of ownership, which may include a valid
37 cat or dog license, registration, rabies inoculation certificate or
38 documentation from the owner's veterinarian that the cat or dog has
39 received regular care from that veterinarian;
40 (2) may, in the case of a cat or dog, charge the cost of sterilizing
41 the cat or dog, if the owner requests such sterilizing when claiming
42 it; and
43 (3) may require the owner or person charged with the care of the
44 animal to pay all the animal's expenses while in the care of the
45 shelter, pound, or kennel operating as a shelter or pound¹, not to
46 exceed \$4 per day¹ .

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

13 (1) Notice is given as set forth above and the animal remains
14 unclaimed ; or

15 (2) The owner or person keeping or harboring the animal has not
16 claimed the animal and paid all expenses incurred by reason of its
17 detention, including maintenance costs not exceeding \$4.00 per day;
18 or

19 (3) The owner or person keeping or harboring a dog which was
20 unlicensed at the time of seizure does not produce a license and
21 registration tag for the dog].

22 i. At the time of adoption, the right of ownership in the animal
23 shall transfer to the new owner. No dog or other animal [so caught
24 and detained or procured, obtained,] taken into custody,
25 impounded, sent or otherwise brought to a [pound or] shelter,
26 pound, or kennel operating as a shelter or pound shall be sold or
27 otherwise be made available for the purpose of experimentation.
28 Any person who sells or otherwise makes available any such dog or
29 other animal for the purpose of experimentation shall be guilty of a
30 crime of the fourth degree.

31 [After observation, any] j. Any animal seized under this section
32 suspected of being rabid shall be immediately reported to the
33 executive officer of the local board of health and to the Department
34 of Health and Senior Services, and shall be quarantined, observed,
35 and otherwise handled and dealt with as appropriate for an animal
36 suspected of being rabid or as required by the Department of Health
37 and Senior Services for such animals.

38 k. When a certified animal control officer takes into custody
39 and impounds, or causes to be taken into custody and impounded,
40 an animal, the certified animal control officer may place the animal
41 in the custody of, or cause the animal to be placed in the custody of,
42 only a licensed shelter, pound, or kennel operating as a shelter or
43 pound. The certified animal control officer may not place the
44 animal in the custody of, or cause the animal to be placed in the
45 custody of, any animal rescue organization facility, foster home, or
46 other unlicensed facility. However, the licensed shelter, pound, or
47 kennel operating as a shelter or pound may place the animal in an

1 animal rescue organization facility, foster home, or other unlicensed
2 facility if necessary pursuant to ~~'[subsections d.,]~~ subsection¹ e.
3 ~~'[.]'~~ or h. of this section.

4 1. Notwithstanding the provisions of this section and sections 3
5 and 4 of P.L. , c. (C.) (pending before the Legislature as
6 this bill) to the contrary, no cat or dog being transferred between
7 shelters, pounds, or kennels operating as shelters or pounds, or
8 being transferred to an animal rescue organization facility or placed
9 in a foster home, shall be required to be sterilized prior to that
10 transfer.

11 (cf: P.L.1997, c.324, s.1)

12

13 3. (New section) a. The Department of Health and Senior
14 Services shall develop and establish a pilot program to be known as
15 the "Pet Sterilization Pilot Program." The pilot program shall
16 operate in any county with significant animal overpopulation issues
17 that is selected for the program by the Commissioner of Health and
18 Senior Services and agrees to participate in the program. Upon the
19 county's agreement to participate, every shelter, pound, and kennel
20 operating as a shelter or pound in the county shall participate in the
21 pilot program.

22 b. ~~'[The]~~ A shelter, pound, or kennel operating as a shelter or
23 pound in a county participating in the¹ pilot program established
24 under subsection a. of this section¹ shall ~~'[implement the following~~
25 requirements in each participating county:

26 (1) A shelter, pound, or kennel operating as a shelter or pound,
27 upon receiving an animal from a certified animal control officer
28 pursuant to section 16 of P.L.1941, c.151, (C.4:19-15.16), or from
29 any other individual, group, or organization, shall hold the animal
30 for at least seven days before offering it for adoption, or
31 euthanizing, relocating, or sterilizing the animal, except if:

32 (a) the animal is surrendered voluntarily by its owner to the
33 shelter, pound or kennel operating as a shelter or pound;

34 (b) the age, health, or other care needs of the animal require the
35 shelter, pound or kennel operating as a shelter or pound to place it
36 in an animal rescue organization facility, foster home, or other
37 facility, whether licensed or not; or

38 (c) the animal is suspected of being rabid, in which case
39 paragraph (5) of this subsection shall apply.

40 (2) If a shelter, pound, or kennel operating as a shelter or pound
41 is not required to hold an animal for at least seven days pursuant to
42 paragraph (1) of this subsection, the shelter, pound or kennel
43 operating as a shelter or pound:

44 (a) shall offer the animal for adoption for at least seven days
45 before euthanizing it, unless the animal is deemed by a licensed
46 veterinarian to be terminally ill and therefore should be euthanized
47 for humane reasons; or

1 (b) may transfer the animal to an animal rescue organization
2 facility or a foster home prior to offering it for adoption if such a
3 transfer is determined to be in the best interest of the animal by the
4 shelter, pound or kennel operating as a shelter or pound.

5 (3) Except as otherwise provided for under paragraphs (1) and
6 (2) of this subsection, no shelter, pound or kennel operating as a
7 shelter or pound receiving an animal from a certified animal control
8 officer may transfer the animal to an animal rescue organization
9 facility or a foster home until the shelter, pound, or kennel
10 operating as a shelter or pound has held the animal for at least seven
11 days.

12 (4) If require every cat or dog to be sterilized before releasing
13 it to¹ a person ['seeks to adopt] adopting' a cat or dog 'from the
14 shelter, pound, or kennel operating as a shelter or pound' when
15 adoption is permitted pursuant to '[this subsection, the shelter,
16 pound, or kennel operating as a shelter or pound, before releasing
17 the animal to the person adopting it, shall require the animal to be
18 sterilized] section 16 of P.L.1941, c.151 (C.4:19-15.16), except as
19 provided under section 4 of P.L. , c. (C.) (pending before
20 the Legislature as this bill)'¹. The shelter, pound, or kennel
21 operating as a shelter or pound may charge the person adopting the
22 animal the cost of sterilization.

23 '(5) If an animal is suspected of being rabid, the animal shall
24 immediately be reported to the executive officer of the local board
25 of health and to the Department of Health and Senior Services, and
26 shall be quarantined, observed, and otherwise handled and dealt
27 with as appropriate for an animal suspected of being rabid or as
28 required by the Department of Health and Senior Services for such
29 animals.]'¹

30 c. The pilot program shall operate for a period of at least two
31 years. No later than two years after the pilot program is established
32 and becomes operative, the Commissioner of Health and Senior
33 Services shall submit a written report to the Governor and, pursuant
34 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.
35 The report shall contain information on the implementation of the
36 pilot program and shall include the recommendation of the
37 commissioner on the feasibility of implementing the pilot program
38 on a Statewide basis.

39
40 4. (New section) a. Pursuant to the pilot program established
41 '[pursuant to] under' section 3 of P.L. , c. (C.) (pending
42 before the Legislature as this bill), a person may adopt and remove
43 a cat or dog from a shelter, pound, 'or' kennel operating as a shelter
44 or pound, '[or animal rescue organization facility.]'¹ without
45 sterilizing the cat or dog, if: (1) the cat or dog is less than six
46 months old; and (2) the person pays a refundable deposit, the
47 amount of which is to be established by the shelter, pound, 'or'

1 kennel operating as a shelter or pound **‘[, or animal rescue**
2 **organization facility]’**.

3 b. The shelter, pound, **‘or’** kennel operating as a shelter or
4 pound **‘[, or animal rescue organization facility]’** shall refund the
5 deposit required pursuant to subsection a. of this section if, within
6 180 days after the date of adoption, the person who adopted the cat
7 or dog submits a certification from a licensed veterinarian that the
8 cat or dog (1) has been sterilized, or (2) cannot be sterilized because
9 it would be detrimental to the health of the cat or dog for reasons
10 other than age. The shelter, pound, **‘or’** kennel operating as a
11 shelter or pound **‘[, or animal rescue organization facility]’** shall
12 issue the refund within 30 days after receipt of the licensed
13 veterinarian’s certification.

14 c. A person adopting a cat or dog that cannot be sterilized for
15 reasons other than age may remove the cat or dog from the shelter,
16 pound, **‘or’** kennel operating as a shelter or pound **‘[, or animal**
17 **rescue organization facility]’** without paying a deposit on the cat or
18 dog, provided that a licensed veterinarian has certified the cat or
19 dog cannot be sterilized because it would be detrimental to the
20 health of the cat or dog for reasons other than age.

21

22 5. (New section) a. When a cat or dog is put in the custody of
23 and impounded with a shelter, pound, or kennel operating as a
24 shelter or pound, or an animal rescue organization facility receives
25 a cat or dog, the shelter, pound, kennel operating as a shelter or
26 pound, or animal rescue organization facility shall, if the identity of
27 the owner is not known, scan the animal for microchip
28 identification, provided the shelter, pound, kennel operating as a
29 shelter or pound, or animal rescue organization facility has such
30 technology available.

31 b. Prior to release of any cat or dog for adoption, transfer to
32 another facility or foster home, or euthanasia of the cat or dog, the
33 shelter, pound, kennel operating as a shelter or pound, or animal
34 rescue organization facility shall, if the identity of the owner is not
35 known, scan the cat or dog for microchip identification, provided
36 the shelter, pound, kennel operating as a shelter or pound, or animal
37 rescue organization facility has such technology available.

38 c. If either scan required pursuant to subsection a. or b. of this
39 section reveals information concerning the owner of the cat or dog,
40 the shelter, pound, kennel operating as a shelter or pound, or animal
41 rescue organization facility shall immediately seek to contact and
42 notify the owner of the whereabouts of the cat or dog. Furthermore,
43 if microchip identification is found, the shelter, pound, kennel
44 operating as a shelter or pound, or animal rescue organization
45 facility shall hold the animal for at least seven days after the
46 notification to the owner.

1 6. (New section) a. The Department of Health and Senior
2 Services shall establish a registry of animal rescue organizations
3 and their facilities in the State. Any animal rescue organization
4 may voluntarily participate in the registry.

5 b. The department, pursuant to the “Administrative Procedure
6 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
7 and regulations determined necessary to implement the voluntary
8 registry and coordinate its use with the provisions of P.L. ,
9 c. (C.) (pending before the Legislature as this bill) and section
10 16 of P.L.1941, c.151 (C.4:19-15.16).

11
12 7. This act shall take effect on the 180th day following
13 enactment, but the Department of Health and Senior Services may
14 take any administrative or regulatory action prior thereto to
15 implement the provisions of the act.

16
17
18
19

20 Establishes pilot program concerning sterilization of cats and
21 dogs released for adoption from various facilities; and updates law
22 concerning impoundment.

SENATE, No. 2923

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 23, 2011

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Establishes pilot program concerning sterilization of cats and dogs released for adoption from various facilities; and updates law concerning impoundment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2011)

1 AN ACT concerning the sterilization and impoundment of animals
2 and amending and supplementing P.L.1941, c.151.

3

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

6

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

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

10 “Animal rescue organization” means an individual or group of
11 individuals who, with or without salary or compensation, house and
12 care for homeless animals in the home of an individual or in other
13 facilities, with the intent of placing the animals in responsible, more
14 permanent homes as soon as possible.

15 “Animal rescue organization facility” means the home or other
16 facility in which an animal rescue organization houses and cares for
17 an animal.

18 "Certified animal control officer" means a person 18 years of age
19 or older who has satisfactorily completed the course of study
20 approved by the Commissioner of Health and Senior Services and
21 the Police Training Commission as prescribed by paragraphs (1)
22 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
23 15.16a); or who has been employed in the State of New Jersey in
24 the capacity of, and with similar responsibilities to those required
25 of, a certified animal control officer pursuant to the provisions of
26 P.L.1983, c.525 for a period of three years before January 17, 1987.

27 "Dog" **[shall mean]** means any dog, bitch or spayed bitch.

28 "Dog of licensing age" **[shall mean]** means any dog which has
29 attained the age of seven months or which possesses a set of
30 permanent teeth.

31 “Foster home” means placement of a cat or dog with an
32 individual or group that is not an animal rescue organization for the
33 purpose of temporarily caring for the cat or dog, without the
34 individual or group assuming ownership and with the intent of the
35 individual or group relinquishing the cat or dog to a suitable owner
36 when one is located.

37 "Kennel" **[shall mean]** means any establishment wherein or
38 whereon the business of boarding or selling dogs or breeding dogs
39 for sale is carried on, except a pet shop.

40 "Owner" when applied to the proprietorship of a dog shall
41 include every person having a right of property in that dog and
42 every person who has that dog in his keeping, and when applied to
43 the proprietorship of any other animal, including, but not limited to,
44 a cat, shall include every person having a right of property in that
45 animal and every person who has that animal in his keeping.

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 "Pet shop" **【shall mean】** means any place of business which is
2 not part of a kennel, wherein animals, including, but not limited to,
3 dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept
4 or displayed chiefly for the purpose of sale to individuals for
5 personal appreciation and companionship rather than for business or
6 research purposes .

7 "Pound" **【shall mean】** means an establishment for the
8 confinement of dogs or other animals seized either under the
9 provisions of this act or otherwise.

10 "Shelter" **【shall mean】** means any establishment where dogs or
11 other animals are received, housed and distributed.

12 "Sterilize" means to render an animal incapable of reproducing
13 by either spaying or neutering.

14 "Stray animal" means a domestic animal that is off the owner's
15 property and not under the direct control of the owner or person
16 charged with the care of the animal.

17 (cf: P.L.1997, c.247, s.1)

18

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

21 16. **【Any person】** a. The certified animal control officer
22 appointed 【for the purpose】 by the governing body of the
23 municipality shall take into custody and impound 【or cause to be
24 taken into custody and impounded, and】 any animal, to thereafter
25 【destroyed】 be euthanized or offered for adoption, as provided in
26 this section. Specifically, the certified animal control officer may
27 take into custody and impound:

28 **【(a)】** (1) Any dog or other animal off the premises of the owner
29 or of the person **【keeping or harboring said】** charged with the care
30 of the dog or other animal, which 【said official or his agent or
31 agents have reason to believe】 is reasonably believed to be a stray
32 dog or stray animal;

33 **【(b)】** (2) Any dog or other animal off the premises of the owner
34 or **【of】** the person **【keeping or harboring said】** charged with the
35 care of the dog or other animal without a current registration tag on
36 **【his】** its collar or elsewhere;

37 **【(c)】** (3) Any female dog in season off the premises of the owner
38 or **【of】** the person **【keeping or harboring said】** charged with the
39 care of the dog;

40 **【(d)】** (4) Any dog or other animal which is suspected to be rabid;
41 or

42 **【(e)】** (5) Any dog or other animal off the premises of the owner
43 or the person charged with its care that is reported to, or observed
44 by, a certified animal control officer to be ill, injured, or creating a
45 threat to public health, safety or welfare, or otherwise interfering
46 with the enjoyment of property.

1 b. If ~~any~~ an animal ~~so seized wears~~ taken into custody and
2 impounded pursuant to subsection a. of this section has a collar or
3 harness ~~having inscribed thereon or attached thereto~~ with
4 identification of the name and address of any person, or has a
5 registration tag, or has a microchip with an identification number
6 that can be traced to the owner or person charged with the care of
7 the animal, or the owner or the person ~~keeping or harboring said~~
8 charged with the care of the animal is otherwise known, ~~any~~
9 person authorized by the governing body shall forthwith serve on
10 the person whose address is given on the collar, or on the owner or
11 the person keeping or harboring said animal, if known, ~~the~~
12 certified animal control officer shall ascertain the name and address
13 of the owner or the person charged with the care of the animal, and
14 serve to the identified person as soon as practicable, a notice in
15 writing ~~stating~~ that the animal has been seized and will be liable
16 to be offered for adoption or ~~destroyed~~ euthanized if not claimed
17 within seven days after the service of the notice.

18 c. A notice ~~under~~ required pursuant to this section may be
19 served ~~either~~ : (1) by delivering it to the person on whom it is to
20 be served, or by leaving it at the person's usual or last known place
21 of ~~abode,~~ residence or ~~at~~ the address given on the collar,
22 harness, or microchip identification; or (2) by ~~forwarding it by~~
23 post in a prepaid letter addressed mailing the notice to that person
24 at ~~his~~ the person's usual or last known place of ~~abode~~
25 residence, or to the address given on the collar, harness or
26 microchip identification.

27 ~~Any person authorized by the governing body may cause an~~
28 animal to be destroyed d. A shelter, pound, or kennel operating as
29 a shelter or pound receiving an animal from a certified animal
30 control officer pursuant to subsection a. of this section, or from any
31 other individual, group, or organization, shall hold the animal for at
32 least seven days before offering it for adoption, or euthanizing,
33 relocating, or sterilizing the animal, except if:

34 (1) the animal is surrendered voluntarily by its owner to the
35 shelter, pound, or kennel operating as a shelter or pound;

36 (2) the age, health, or other care needs of the animal require the
37 shelter, pound, or kennel operating as a shelter or pound to place it
38 in an animal rescue organization facility, foster home, or other
39 unlicensed facility;

40 (3) the age, health, or behavior of the animal warrants
41 euthanizing it before seven days have elapsed; or

42 (4) the animal is suspected of being rabid, in which case the
43 provisions of subsection j. of this section shall apply.

44 e. If a shelter, pound or kennel operating as a shelter or pound
45 is not required to hold an animal for at least seven days pursuant to

1 paragraph (1) of subsection d. of this section, the shelter, pound, or
2 kennel operating as a shelter or pound:

3 (1) shall offer the animal for adoption for at least seven days
4 before euthanizing it; or

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

9 f. Except as otherwise provided for under subsections d. and e.
10 of this section, no shelter, pound, or kennel operating as a shelter or
11 pound receiving an animal from a certified animal control officer
12 may transfer the animal to an animal rescue organization facility or
13 a foster home until the shelter, pound, or kennel operating as a
14 shelter or pound has held the animal for at least seven days.

15 g. If the owner or the person charged with the care of the
16 animal seeks to claim it within seven days, or after the seven days
17 have elapsed but before the animal has been sterilized, adopted, or
18 euthanized, the shelter, pound, or kennel operating as a shelter or
19 pound:

20 (1) shall, in the case of a cat or dog, release it to the owner or
21 person charged with its care, without requiring it to be sterilized,
22 provided the owner or person charged with the care of the animal
23 provides proof of ownership, which may include a valid cat or dog
24 license, registration, rabies inoculation certificate or documentation
25 from the owner's veterinarian that the cat or dog has received
26 regular care from that veterinarian;

27 (2) may, in the case of a cat or dog, charge the cost of sterilizing
28 the cat or dog, if the owner requests such sterilizing when claiming
29 it; and

30 (3) may require the owner or person charged with the care of the
31 animal to pay all the animal's expenses while in the care of the
32 shelter, pound, or kennel operating as a shelter or pound.

33 h. If the animal remains unclaimed, is not claimed due to the
34 failure of the owner or other person to comply with the
35 requirements of this section, or is not adopted after seven days after
36 the date on which notice is served pursuant to subsection c. of this
37 section or, if no notice can be served, not less than seven days after
38 the date on which the animal was impounded, the impounded
39 animal may be placed in a foster home, transferred to another
40 shelter, pound, kennel operating as a shelter or pound, or animal
41 rescue organization facility, or euthanized in a manner causing as
42 little pain as possible and consistent with the provisions of
43 R.S.4:22-19 [or to be offered for adoption seven days after seizure;
44 provided that:

45 (1) Notice is given as set forth above and the animal remains
46 unclaimed ; or

47 (2) The owner or person keeping or harboring the animal has not
48 claimed the animal and paid all expenses incurred by reason of its

1 detention, including maintenance costs not exceeding \$4.00 per day;
2 or

3 (3) The owner or person keeping or harboring a dog which was
4 unlicensed at the time of seizure does not produce a license and
5 registration tag for the dog].

6 i. At the time of adoption, the right of ownership in the animal
7 shall transfer to the new owner. No dog or other animal [so caught
8 and detained or procured, obtained,] taken into custody,
9 impounded, sent or otherwise brought to a [pound or] shelter,
10 pound, or kennel operating as a shelter or pound shall be sold or
11 otherwise be made available for the purpose of experimentation.
12 Any person who sells or otherwise makes available any such dog or
13 other animal for the purpose of experimentation shall be guilty of a
14 crime of the fourth degree.

15 [After observation, any] j. Any animal seized under this section
16 suspected of being rabid shall be immediately reported to the
17 executive officer of the local board of health and to the Department
18 of Health and Senior Services, and shall be quarantined, observed,
19 and otherwise handled and dealt with as appropriate for an animal
20 suspected of being rabid or as required by the Department of Health
21 and Senior Services for such animals.

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

35 l. Notwithstanding the provisions of this section and sections 3
36 and 4 of P.L. , c. (C.) (pending before the Legislature as
37 this bill) to the contrary, no cat or dog being transferred between
38 shelters, pounds, or kennels operating as shelters or pounds, or
39 being transferred to an animal rescue organization facility or placed
40 in a foster home, shall be required to be sterilized prior to that
41 transfer.

42 (cf: P.L.1997, c.324, s.1)

43
44 3. (New section) a. The Department of Health and Senior
45 Services shall develop and establish a pilot program to be known as
46 the "Pet Sterilization Pilot Program." The pilot program shall operate
47 in any county with significant animal overpopulation issues that is

1 selected for the program by the Commissioner of Health and Senior
2 Services and agrees to participate in the program. Upon the county's
3 agreement to participate, every shelter, pound, and kennel operating as
4 a shelter or pound in the county shall participate in the pilot program.

5 b. The pilot program shall implement the following requirements in
6 each participating county:

7 (1) A shelter, pound, or kennel operating as a shelter or pound,
8 upon receiving an animal from a certified animal control officer
9 pursuant to section 16 of P.L.1941, c.151, (C.4:19-15.16), or from any
10 other individual, group, or organization, shall hold the animal for at
11 least seven days before offering it for adoption, or euthanizing,
12 relocating, or sterilizing the animal, except if:

13 (a) the animal is surrendered voluntarily by its owner to the
14 shelter, pound or kennel operating as a shelter or pound;

15 (b) the age, health, or other care needs of the animal require the
16 shelter, pound or kennel operating as a shelter or pound to place it in
17 an animal rescue organization facility, foster home, or other facility,
18 whether licensed or not; or

19 (c) the animal is suspected of being rabid, in which case paragraph
20 (5) of this subsection shall apply.

21 (2) If a shelter, pound, or kennel operating as a shelter or pound is
22 not required to hold an animal for at least seven days pursuant to
23 paragraph (1) of this subsection, the shelter, pound or kennel operating
24 as a shelter or pound:

25 (a) shall offer the animal for adoption for at least seven days
26 before euthanizing it, unless the animal is deemed by a licensed
27 veterinarian to be terminally ill and therefore should be euthanized for
28 humane reasons; or

29 (b) may transfer the animal to an animal rescue organization
30 facility or a foster home prior to offering it for adoption if such a
31 transfer is determined to be in the best interest of the animal by the
32 shelter, pound or kennel operating as a shelter or pound.

33 (3) Except as otherwise provided for under paragraphs (1) and (2)
34 of this subsection, no shelter, pound or kennel operating as a shelter or
35 pound receiving an animal from a certified animal control officer may
36 transfer the animal to an animal rescue organization facility or a foster
37 home until the shelter, pound, or kennel operating as a shelter or pound
38 has held the animal for at least seven days.

39 (4) If a person seeks to adopt a cat or dog when adoption is
40 permitted pursuant to this subsection, the shelter, pound, or kennel
41 operating as a shelter or pound, before releasing the animal to the
42 person adopting it, shall require the animal to be sterilized. The
43 shelter, pound, or kennel operating as a shelter or pound may charge
44 the person adopting the animal the cost of sterilization.

45 (5) If an animal is suspected of being rabid, the animal shall
46 immediately be reported to the executive officer of the local board of
47 health and to the Department of Health and Senior Services, and shall
48 be quarantined, observed, and otherwise handled and dealt with as

1 appropriate for an animal suspected of being rabid or as required by
2 the Department of Health and Senior Services for such animals.

3 c. The pilot program shall operate for a period of at least two years.
4 No later than two years after the pilot program is established and
5 becomes operative, the Commissioner of Health and Senior Services
6 shall submit a written report to the Governor and, pursuant to section 2
7 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The report shall
8 contain information on the implementation of the pilot program and
9 shall include the recommendation of the commissioner on the
10 feasibility of implementing the pilot program on a Statewide basis.

11

12 4. (New section) a. Pursuant to the pilot program established
13 pursuant to section 3 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), a person may adopt and remove a cat or
15 dog from a shelter, pound, kennel operating as a shelter or pound,
16 or animal rescue organization facility, without sterilizing the cat or
17 dog, if: (1) the cat or dog is less than six months old; and (2) the
18 person pays a refundable deposit, the amount of which is to be
19 established by the shelter, pound, kennel operating as a shelter or
20 pound, or animal rescue organization facility.

21 b. The shelter, pound, kennel operating as a shelter or pound,
22 or animal rescue organization facility shall refund the deposit
23 required pursuant to subsection a. of this section if, within 180 days
24 after the date of adoption, the person who adopted the cat or dog
25 submits a certification from a licensed veterinarian that the cat or
26 dog (1) has been sterilized, or (2) cannot be sterilized because it
27 would be detrimental to the health of the cat or dog for reasons
28 other than age. The shelter, pound, kennel operating as a shelter or
29 pound, or animal rescue organization facility shall issue the refund
30 within 30 days after receipt of the licensed veterinarian's
31 certification.

32 c. A person adopting a cat or dog that cannot be sterilized for
33 reasons other than age may remove the cat or dog from the shelter,
34 pound, kennel operating as a shelter or pound, or animal rescue
35 organization facility without paying a deposit on the cat or dog,
36 provided that a licensed veterinarian has certified the cat or dog
37 cannot be sterilized because it would be detrimental to the health of
38 the cat or dog for reasons other than age.

39

40 5. (New section) a. When a cat or dog is put in the custody of
41 and impounded with a shelter, pound, or kennel operating as a
42 shelter or pound, or an animal rescue organization facility receives
43 a cat or dog, the shelter, pound, kennel operating as a shelter or
44 pound, or animal rescue organization facility shall, if the identity of
45 the owner is not known, scan the animal for microchip
46 identification, provided the shelter, pound, kennel operating as a
47 shelter or pound, or animal rescue organization facility has such
48 technology available.

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

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

17

18 6. (New section) a. The Department of Health and Senior
19 Services shall establish a registry of animal rescue organizations
20 and their facilities in the State. Any animal rescue organization
21 may voluntarily participate in the registry.

22 b. The department, pursuant to the “Administrative Procedure
23 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
24 and regulations determined necessary to implement the voluntary
25 registry and coordinate its use with the provisions of P.L. ,
26 c. (C.) (pending before the Legislature as this bill) and section
27 16 of P.L.1941, c.151 (C.4:19-15.16).

28

29 7. This act shall take effect on the 180th day following
30 enactment, but the Department of Health and Senior Services may
31 take any administrative or regulatory action prior thereto to
32 implement the provisions of the act.

33

34

35

STATEMENT

36

37 The bill establishes a pilot program concerning required
38 sterilization of stray and adopted animals, and revises various other
39 sections of law addressing care, impoundment, and sterilization of
40 stray, abandoned, and adopted animals.

41 With regard to the pilot program, the bill establishes a program to
42 be known as the Pet Sterilization Pilot Program. It would operate in
43 any county with significant animal overpopulation issues that is
44 selected for the program by the Commissioner of Health and Senior
45 Services, with the county’s agreement to participate in the program.
46 Upon the county’s agreement to participate, every shelter, pound, and
47 kennel operating as a shelter or pound in the county would be required
48 to participate in the pilot program.

1 The bill also establishes several requirements concerning offering
2 animals for adoption, and euthanizing, relocating or sterilizing the
3 animals, enumerated in subsection b. of section 3 of the bill, including
4 requiring a person adopting a cat or dog from a shelter, pound, or
5 kennel operating as a shelter or pound in the participating county to
6 have the animal sterilized. The bill permits the shelter, pound, and
7 kennel operating as a shelter or pound to charge the person adopting
8 the cat or dog the cost of sterilizing the adopted cat or dog.

9 The bill further provides for the pilot program to operate for a
10 period of at least two years. No later than two years after the pilot
11 program is established and becomes operative, the Commissioner of
12 Health and Senior Services is required to submit a written report to the
13 Governor and the Legislature, providing information on the
14 implementation of the pilot program and including the
15 recommendation of the commissioner on the feasibility of
16 implementing the pilot program on a Statewide basis.

ASSEMBLY, No. 4096

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 23, 2011

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Establishes pilot program concerning sterilization of cats and dogs released for adoption from various facilities; and updates law concerning impoundment.

CURRENT VERSION OF TEXT

As introduced.



A4096 BURZICHELLI

2

1 AN ACT concerning the sterilization and impoundment of animals
2 and amending and supplementing P.L.1941, c.151.

3

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

6

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

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

10 “Animal rescue organization” means an individual or group of
11 individuals who, with or without salary or compensation, house and
12 care for homeless animals in the home of an individual or in other
13 facilities, with the intent of placing the animals in responsible, more
14 permanent homes as soon as possible.

15 “Animal rescue organization facility” means the home or other
16 facility in which an animal rescue organization houses and cares for
17 an animal.

18 "Certified animal control officer" means a person 18 years of age
19 or older who has satisfactorily completed the course of study
20 approved by the Commissioner of Health and Senior Services and
21 the Police Training Commission as prescribed by paragraphs (1)
22 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
23 15.16a); or who has been employed in the State of New Jersey in
24 the capacity of, and with similar responsibilities to those required
25 of, a certified animal control officer pursuant to the provisions of
26 P.L.1983, c.525 for a period of three years before January 17, 1987.

27 "Dog" **[shall mean]** means any dog, bitch or spayed bitch.

28 "Dog of licensing age" **[shall mean]** means any dog which has
29 attained the age of seven months or which possesses a set of
30 permanent teeth.

31 “Foster home” means placement of a cat or dog with an
32 individual or group that is not an animal rescue organization for the
33 purpose of temporarily caring for the cat or dog, without the
34 individual or group assuming ownership and with the intent of the
35 individual or group relinquishing the cat or dog to a suitable owner
36 when one is located.

37 "Kennel" **[shall mean]** means any establishment wherein or
38 whereon the business of boarding or selling dogs or breeding dogs
39 for sale is carried on, except a pet shop.

40 "Owner" when applied to the proprietorship of a dog shall
41 include every person having a right of property in that dog and
42 every person who has that dog in his keeping, and when applied to
43 the proprietorship of any other animal, including, but not limited to,
44 a cat, shall include every person having a right of property in that
45 animal and every person who has that animal in his keeping.

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 "Pet shop" **【shall mean】** means any place of business which is
2 not part of a kennel, wherein animals, including, but not limited to,
3 dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept
4 or displayed chiefly for the purpose of sale to individuals for
5 personal appreciation and companionship rather than for business or
6 research purposes .

7 "Pound" **【shall mean】** means an establishment for the
8 confinement of dogs or other animals seized either under the
9 provisions of this act or otherwise.

10 "Shelter" **【shall mean】** means any establishment where dogs or
11 other animals are received, housed and distributed.

12 "Sterilize" means to render an animal incapable of reproducing
13 by either spaying or neutering.

14 "Stray animal" means a domestic animal that is off the owner's
15 property and not under the direct control of the owner or person
16 charged with the care of the animal.

17 (cf: P.L.1997, c.247, s.1)

18

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

21 16. **【Any person】** a. The certified animal control officer
22 appointed **【for the purpose】** by the governing body of the
23 municipality shall take into custody and impound **【or cause to be**
24 taken into custody and impounded, and】 any animal, to thereafter
25 **【destroyed】 be euthanized** or offered for adoption, as provided in
26 this section. Specifically, the certified animal control officer may
27 take into custody and impound:

28 **【(a)】** (1) Any dog or other animal off the premises of the owner
29 or of the person **【keeping or harboring said】** charged with the care
30 of the dog or other animal, which **【said official or his agent or**
31 agents have reason to believe】 is reasonably believed to be a stray
32 dog or stray animal;

33 **【(b)】** (2) Any dog or other animal off the premises of the owner
34 or **【of】** the person **【keeping or harboring said】** charged with the
35 care of the dog or other animal without a current registration tag on
36 **【his】** its collar or elsewhere;

37 **【(c)】** (3) Any female dog in season off the premises of the owner
38 or **【of】** the person **【keeping or harboring said】** charged with the
39 care of the dog;

40 **【(d)】** (4) Any dog or other animal which is suspected to be rabid;
41 or

42 **【(e)】** (5) Any dog or other animal off the premises of the owner
43 or the person charged with its care that is reported to, or observed
44 by, a certified animal control officer to be ill, injured, or creating a
45 threat to public health, safety or welfare, or otherwise interfering
46 with the enjoyment of property.

1 b. If ~~any~~ an animal ~~so seized wears~~ taken into custody and
2 impounded pursuant to subsection a. of this section ~~has~~ a collar or
3 harness ~~having inscribed thereon or attached thereto~~ with
4 identification of the name and address of any person , or ~~has~~ a
5 registration tag, or has a microchip with an identification number
6 that can be traced to the owner or person charged with the care of
7 the animal, or the owner or the person ~~keeping or harboring said~~
8 charged with the care of the animal is otherwise known, ~~any~~
9 person authorized by the governing body shall forthwith serve on
10 the person whose address is given on the collar, or on the owner or
11 the person keeping or harboring said animal, if known, ~~the~~
12 certified animal control officer shall ascertain the name and address
13 of the owner or the person charged with the care of the animal, and
14 serve to the identified person as soon as practicable, a notice in
15 writing ~~stating~~ that the animal has been seized and will be liable
16 to be offered for adoption or ~~destroyed~~ euthanized if not claimed
17 within seven days after the service of the notice.

18 c. A notice ~~under~~ required pursuant to this section may be
19 served ~~either~~ : (1) by delivering it to the person on whom it is to
20 be served, or by leaving it at the person's usual or last known place
21 of ~~abode,~~ residence or ~~at~~ the address given on the collar,
22 harness, or microchip identification; or (2) by ~~forwarding it by~~
23 post in a prepaid letter addressed mailing the notice to that person
24 at ~~his~~ the person's usual or last known place of ~~abode~~
25 residence, or to the address given on the collar, harness or
26 microchip identification.

27 ~~Any person authorized by the governing body may cause an~~
28 animal to be destroyed d. A shelter, pound, or kennel operating as
29 a shelter or pound receiving an animal from a certified animal
30 control officer pursuant to subsection a. of this section, or from any
31 other individual, group, or organization, shall hold the animal for at
32 least seven days before offering it for adoption, or euthanizing,
33 relocating, or sterilizing the animal, except if:

34 (1) the animal is surrendered voluntarily by its owner to the
35 shelter, pound, or kennel operating as a shelter or pound;

36 (2) the age, health, or other care needs of the animal require the
37 shelter, pound, or kennel operating as a shelter or pound to place it
38 in an animal rescue organization facility, foster home, or other
39 unlicensed facility;

40 (3) the age, health, or behavior of the animal warrants
41 euthanizing it before seven days have elapsed; or

42 (4) the animal is suspected of being rabid, in which case the
43 provisions of subsection j. of this section shall apply.

44 e. If a shelter, pound or kennel operating as a shelter or pound
45 is not required to hold an animal for at least seven days pursuant to

1 paragraph (1) of subsection d. of this section, the shelter, pound, or
2 kennel operating as a shelter or pound:

3 (1) shall offer the animal for adoption for at least seven days
4 before euthanizing it; or

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

9 f. Except as otherwise provided for under subsections d. and e.
10 of this section, no shelter, pound, or kennel operating as a shelter or
11 pound receiving an animal from a certified animal control officer
12 may transfer the animal to an animal rescue organization facility or
13 a foster home until the shelter, pound, or kennel operating as a
14 shelter or pound has held the animal for at least seven days.

15 g. If the owner or the person charged with the care of the
16 animal seeks to claim it within seven days, or after the seven days
17 have elapsed but before the animal has been sterilized, adopted, or
18 euthanized, the shelter, pound, or kennel operating as a shelter or
19 pound:

20 (1) shall, in the case of a cat or dog, release it to the owner or
21 person charged with its care, without requiring it to be sterilized,
22 provided the owner or person charged with the care of the animal
23 provides proof of ownership, which may include a valid cat or dog
24 license, registration, rabies inoculation certificate or documentation
25 from the owner's veterinarian that the cat or dog has received
26 regular care from that veterinarian;

27 (2) may, in the case of a cat or dog, charge the cost of sterilizing
28 the cat or dog, if the owner requests such sterilizing when claiming
29 it; and

30 (3) may require the owner or person charged with the care of
31 the animal to pay all the animal's expenses while in the care of the
32 shelter, pound, or kennel operating as a shelter or pound.

33 h. If the animal remains unclaimed, is not claimed due to the
34 failure of the owner or other person to comply with the
35 requirements of this section, or is not adopted after seven days after
36 the date on which notice is served pursuant to subsection c. of this
37 section or, if no notice can be served, not less than seven days after
38 the date on which the animal was impounded, the impounded
39 animal may be placed in a foster home, transferred to another
40 shelter, pound, kennel operating as a shelter or pound, or animal
41 rescue organization facility, or euthanized in a manner causing as
42 little pain as possible and consistent with the provisions of
43 R.S.4:22-19 [or to be offered for adoption seven days after seizure;
44 provided that:

45 (1) Notice is given as set forth above and the animal remains
46 unclaimed ; or

47 (2) The owner or person keeping or harboring the animal has not
48 claimed the animal and paid all expenses incurred by reason of its

1 detention, including maintenance costs not exceeding \$4.00 per day;
2 or

3 (3) The owner or person keeping or harboring a dog which was
4 unlicensed at the time of seizure does not produce a license and
5 registration tag for the dog].

6 i. At the time of adoption, the right of ownership in the animal
7 shall transfer to the new owner. No dog or other animal [so caught
8 and detained or procured, obtained,] taken into custody,
9 impounded, sent or otherwise brought to a [pound or] shelter,
10 pound, or kennel operating as a shelter or pound shall be sold or
11 otherwise be made available for the purpose of experimentation.
12 Any person who sells or otherwise makes available any such dog or
13 other animal for the purpose of experimentation shall be guilty of a
14 crime of the fourth degree.

15 [After observation, any] j. Any animal seized under this section
16 suspected of being rabid shall be immediately reported to the
17 executive officer of the local board of health and to the Department
18 of Health and Senior Services, and shall be quarantined, observed,
19 and otherwise handled and dealt with as appropriate for an animal
20 suspected of being rabid or as required by the Department of Health
21 and Senior Services for such animals.

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

35 l. Notwithstanding the provisions of this section and sections 3
36 and 4 of P.L. , c. (C.) (pending before the Legislature as
37 this bill) to the contrary, no cat or dog being transferred between
38 shelters, pounds, or kennels operating as shelters or pounds, or
39 being transferred to an animal rescue organization facility or placed
40 in a foster home, shall be required to be sterilized prior to that
41 transfer.

42 (cf: P.L.1997, c.324, s.1)

43

44 3. (New section) a. The Department of Health and Senior
45 Services shall develop and establish a pilot program to be known as
46 the "Pet Sterilization Pilot Program." The pilot program shall operate
47 in any county with significant animal overpopulation issues that is

1 selected for the program by the Commissioner of Health and Senior
2 Services and agrees to participate in the program. Upon the county's
3 agreement to participate, every shelter, pound, and kennel operating as
4 a shelter or pound in the county shall participate in the pilot program.

5 b. The pilot program shall implement the following requirements in
6 each participating county:

7 (1) A shelter, pound, or kennel operating as a shelter or pound,
8 upon receiving an animal from a certified animal control officer
9 pursuant to section 16 of P.L.1941, c.151, (C.4:19-15.16), or from any
10 other individual, group, or organization, shall hold the animal for at
11 least seven days before offering it for adoption, or euthanizing,
12 relocating, or sterilizing the animal, except if:

13 (a) the animal is surrendered voluntarily by its owner to the
14 shelter, pound or kennel operating as a shelter or pound;

15 (b) the age, health, or other care needs of the animal require the
16 shelter, pound or kennel operating as a shelter or pound to place it in
17 an animal rescue organization facility, foster home, or other facility,
18 whether licensed or not; or

19 (c) the animal is suspected of being rabid, in which case paragraph
20 (5) of this subsection shall apply.

21 (2) If a shelter, pound, or kennel operating as a shelter or pound is
22 not required to hold an animal for at least seven days pursuant to
23 paragraph (1) of this subsection, the shelter, pound or kennel operating
24 as a shelter or pound:

25 (a) shall offer the animal for adoption for at least seven days
26 before euthanizing it, unless the animal is deemed by a licensed
27 veterinarian to be terminally ill and therefore should be euthanized for
28 humane reasons; or

29 (b) may transfer the animal to an animal rescue organization
30 facility or a foster home prior to offering it for adoption if such a
31 transfer is determined to be in the best interest of the animal by the
32 shelter, pound or kennel operating as a shelter or pound.

33 (3) Except as otherwise provided for under paragraphs (1) and (2)
34 of this subsection, no shelter, pound or kennel operating as a shelter or
35 pound receiving an animal from a certified animal control officer may
36 transfer the animal to an animal rescue organization facility or a foster
37 home until the shelter, pound, or kennel operating as a shelter or pound
38 has held the animal for at least seven days.

39 (4) If a person seeks to adopt a cat or dog when adoption is
40 permitted pursuant to this subsection, the shelter, pound, or kennel
41 operating as a shelter or pound, before releasing the animal to the
42 person adopting it, shall require the animal to be sterilized. The
43 shelter, pound, or kennel operating as a shelter or pound may charge
44 the person adopting the animal the cost of sterilization.

45 (5) If an animal is suspected of being rabid, the animal shall
46 immediately be reported to the executive officer of the local board of
47 health and to the Department of Health and Senior Services, and shall
48 be quarantined, observed, and otherwise handled and dealt with as

1 appropriate for an animal suspected of being rabid or as required by
2 the Department of Health and Senior Services for such animals.

3 c. The pilot program shall operate for a period of at least two years.
4 No later than two years after the pilot program is established and
5 becomes operative, the Commissioner of Health and Senior Services
6 shall submit a written report to the Governor and, pursuant to section 2
7 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The report shall
8 contain information on the implementation of the pilot program and
9 shall include the recommendation of the commissioner on the
10 feasibility of implementing the pilot program on a Statewide basis.

11

12 4. (New section) a. Pursuant to the pilot program established
13 pursuant to section 3 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), a person may adopt and remove a cat or
15 dog from a shelter, pound, kennel operating as a shelter or pound,
16 or animal rescue organization facility, without sterilizing the cat or
17 dog, if: (1) the cat or dog is less than six months old; and (2) the
18 person pays a refundable deposit, the amount of which is to be
19 established by the shelter, pound, kennel operating as a shelter or
20 pound, or animal rescue organization facility.

21 b. The shelter, pound, kennel operating as a shelter or pound,
22 or animal rescue organization facility shall refund the deposit
23 required pursuant to subsection a. of this section if, within 180 days
24 after the date of adoption, the person who adopted the cat or dog
25 submits a certification from a licensed veterinarian that the cat or
26 dog (1) has been sterilized, or (2) cannot be sterilized because it
27 would be detrimental to the health of the cat or dog for reasons
28 other than age. The shelter, pound, kennel operating as a shelter or
29 pound, or animal rescue organization facility shall issue the refund
30 within 30 days after receipt of the licensed veterinarian's
31 certification.

32 c. A person adopting a cat or dog that cannot be sterilized for
33 reasons other than age may remove the cat or dog from the shelter,
34 pound, kennel operating as a shelter or pound, or animal rescue
35 organization facility without paying a deposit on the cat or dog,
36 provided that a licensed veterinarian has certified the cat or dog
37 cannot be sterilized because it would be detrimental to the health of
38 the cat or dog for reasons other than age.

39

40 5. (New section) a. When a cat or dog is put in the custody of
41 and impounded with a shelter, pound, or kennel operating as a
42 shelter or pound, or an animal rescue organization facility receives
43 a cat or dog, the shelter, pound, kennel operating as a shelter or
44 pound, or animal rescue organization facility shall, if the identity of
45 the owner is not known, scan the animal for microchip
46 identification, provided the shelter, pound, kennel operating as a
47 shelter or pound, or animal rescue organization facility has such
48 technology available.

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

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

17

18 6. (New section) a. The Department of Health and Senior
19 Services shall establish a registry of animal rescue organizations
20 and their facilities in the State. Any animal rescue organization
21 may voluntarily participate in the registry.

22 b. The department, pursuant to the “Administrative Procedure
23 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
24 and regulations determined necessary to implement the voluntary
25 registry and coordinate its use with the provisions of P.L. ,
26 c. (C.) (pending before the Legislature as this bill) and section
27 16 of P.L.1941, c.151 (C.4:19-15.16).

28

29 7. This act shall take effect on the 180th day following
30 enactment, but the Department of Health and Senior Services may
31 take any administrative or regulatory action prior thereto to
32 implement the provisions of the act.

33

34

35

STATEMENT

36

37 The bill establishes a pilot program concerning required
38 sterilization of stray and adopted animals, and revises various other
39 sections of law addressing care, impoundment, and sterilization of
40 stray, abandoned, and adopted animals.

41 With regard to the pilot program, the bill establishes a program to
42 be known as the Pet Sterilization Pilot Program. It would operate in
43 any county with significant animal overpopulation issues that is
44 selected for the program by the Commissioner of Health and Senior
45 Services, with the county’s agreement to participate in the program.
46 Upon the county’s agreement to participate, every shelter, pound, and
47 kennel operating as a shelter or pound in the county would be required
48 to participate in the pilot program.

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1 The bill also establishes several requirements concerning offering
2 animals for adoption, and euthanizing, relocating or sterilizing the
3 animals, enumerated in subsection b. of section 3 of the bill, including
4 requiring a person adopting a cat or dog from a shelter, pound, or
5 kennel operating as a shelter or pound in the participating county to
6 have the animal sterilized. The bill permits the shelter, pound, and
7 kennel operating as a shelter or pound to charge the person adopting
8 the cat or dog the cost of sterilizing the adopted cat or dog.

9 The bill further provides for the pilot program to operate for a
10 period of at least two years. No later than two years after the pilot
11 program is established and becomes operative, the Commissioner of
12 Health and Senior Services is required to submit a written report to the
13 Governor and the Legislature, providing information on the
14 implementation of the pilot program and including the
15 recommendation of the commissioner on the feasibility of
16 implementing the pilot program on a Statewide basis.

SENATE BILL No. 2923

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2923 with my recommendations for reconsideration.

This bill establishes a pilot program for the sterilization of dogs and cats released for adoption. Using a voluntary framework for community participation, this bill will allow New Jersey to evaluate the potential efficacy of mandatory pet sterilization for all adopted animals. Each year, millions of dogs and cats are euthanized because of overpopulation. Mandatory sterilization for adopted animals is a humane solution to this senseless loss of life. Senate Bill No. 2923 also sensibly requires a pound or shelter to offer a voluntarily surrendered animal for adoption for at least seven days before euthanizing, and permits transferring surrendered animals to a rescue facility or foster home.

Separately, this bill modifies the State's impoundment laws. Under existing law, any animal captured by an animal control officer must be held for seven days before it can be offered for adoption, transferred to a more suitable shelter, or euthanized. Senate Bill No. 2923 changes this standard, and permits these animals to be transferred or euthanized before seven days if the shelter determines that the age, health, or behavior of the animal warrants such action.

I share the intent of the sponsors in crafting this exception. Under current law, animals with incurable injury or disease must have their suffering unfairly prolonged for a week, rather than humanely relieving their pain. Unfortunately, this exception also creates the potential that older or mildly

injured animals could be euthanized immediately, and before even a diligent search by an owner could locate a lost pet.

I have worked closely with this bill's sponsors to address revisions to this section that could inadvertently prevent owners from finding and bringing home their lost pets. I therefore recommend removing these provisions and maintaining a seven day hold period for any animal not voluntarily surrendered before it can be offered for adoption, transferred to another facility, or euthanized.

These amendments, as well as the pilot program, will protect companion animals, their owners, and our State's pounds and animal shelters.

Accordingly, I herewith return Senate Bill No. 2923 and recommend that it be amended as follows:

| | |
|--|---|
| <u>Page 3, Section 1, Lines 14-16:</u> | Delete in their entirety |
| <u>Page 3, Section 2, Line 26:</u> | After "this section" delete " <u>. Specifically, the certified animal control officer may</u> " |
| <u>Page 3, Section 2, Line 27:</u> | Delete " <u>take into custody and impound</u> " |
| <u>Page 3, Section 2, Line 28:</u> | After "Any dog" delete " <u>or other animal</u> " |
| <u>Page 3, Section 2, Line 30:</u> | After "dog" delete " <u>or other animal</u> " |
| <u>Page 3, Section 2, Line 32:</u> | After "dog" delete " <u>or stray animal</u> " |
| <u>Page 3, Section 2, Line 33:</u> | After "Any dog" delete " <u>or other animal</u> " |
| <u>Page 3, Section 2, Line 35:</u> | After "dog" delete " <u>or other animal</u> " |
| <u>Page 4, Section 2, Line 35:</u> | After " <u>a shelter or pound</u> " insert " <u>, in which case the provisions of subsection e. of this section shall apply</u> " and after " <u>;</u> " insert " <u>or</u> " |
| <u>Page 4, Section 2, Line 36:</u> | After " <u>(2)</u> " delete " <u>the age, health, or other care needs of the animal require the</u> " |

Page 4, Section 2, Lines 37-41: Delete in their entirety

Page 4, Section 2, Line 42: Delete "(4)"

Page 5, Section 2, Line 9: After "otherwise provided for under" delete "subsections d. and" and insert "subsection"

Page 5, Section 2, Line 17: After "the animal has been" delete "sterilized,"

Page 5, Section 2, Line 17: After "adopted" delete ","

Page 5, Section 2, Line 21: After "charged with its care," delete "without requiring it to be sterilized,"

Page 5, Section 2, Line 32: After "a shelter or pound" insert ", not to exceed \$4 per day"

Page 6, Section 2, Line 33: After "if necessary pursuant to" delete "subsections d.," and insert "subsection"

Page 6, Section 2, Line 33: After "e." delete ","

Page 7, Section 3, Line 5: After "b." delete "The" and insert "A shelter, pound, or kennel operating as a shelter or pound in a county participating in the"

Page 7, Section 3, Line 5: After "pilot program" insert "established under subsection a. of this section"

Page 7, Section 3, Line 5: After "shall" delete "implement the following requirements in"

Page 7, Section 3, Lines 6-38: Delete in their entirety

Page 7, Section 3, Line 39: Delete "(4) If" and insert "require every cat or dog to be sterilized before releasing it to"

Page 7, Section 3, Line 39: After "a person" delete "seeks to adopt" and insert "adopting"

Page 7, Section 3, Line 39: After "a cat or dog" insert "from the shelter, pound, or kennel operating as a shelter or pound"

Page 7, Section 3, Line 40: After "permitted pursuant to" delete "this subsection, the"

| | |
|--|---|
| | shelter, pound, or kennel" |
| <u>Page 7, Section 3, Line 41:</u> | Delete in its entirety |
| <u>Page 7, Section 3, Line 42:</u> | Delete "person adopting it, shall require the animal to be sterilized" and insert "section 16 of P.L.1941, c.151 (C.4:19-15.16), except as provided under section 4 of P.L. _____, c.____, (C.____) (pending before the Legislature as this bill) |
| <u>Page 7, Section 3, Lines 45-48:</u> | Delete in their entirety |
| <u>Page 8, Section 3, Lines 1-2:</u> | Delete in their entirety |
| <u>Page 8, Section 4, Line 13:</u> | Delete "pursuant to" and insert "under" |
| <u>Page 8, Section 4, Line 15:</u> | After "from a shelter, pound," insert "or" |
| <u>Page 8, Section 4, Line 16:</u> | Delete "or animal rescue organization facility," |
| <u>Page 8, Section 4, Line 19:</u> | After "by the shelter, pound," insert "or" |
| <u>Page 8, Section 4, Line 20:</u> | After "pound" delete ", or animal rescue organization facility" |
| <u>Page 8, Section 4, Line 21:</u> | After "b. The shelter, pound," insert "or" |
| <u>Page 8, Section 4, Line 21:</u> | After "a shelter or pound" delete ", " |
| <u>Page 8, Section 4, Line 22:</u> | Delete "or animal rescue organization facility" |
| <u>Page 8, Section 4, Line 28:</u> | After "age. The shelter, pound," insert "or" |
| <u>Page 8, Section 4, Line 29:</u> | After "pound" delete ", or animal rescue organization facility" |
| <u>Page 8, Section 4, Line 34:</u> | After the first "pound," insert "or" |
| <u>Page 8, Section 4, Line 34:</u> | After "a shelter or pound" delete ", or animal rescue" |

Page 8, Section 4, Line 35:

Delete "organization
facility"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Kevin M. O'Dowd

Deputy Chief Counsel to the Governor