

4:22A-1 et al

21

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:22A-1 et al (Pet cemeteries--regulate)

LAWS OF: 1985 CHAPTER: 401

BILL NO: A3177

Sponsor(s): Palai and others

Date Introduced: January 28, 1985

Committee: Assembly: Agriculture and Environment

Senate: Institutions, Health and Welfare

Amended during passage: Yes * Substituted for S3021 (original, OCR and Senate statement--attached). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 17, 1985

Senate: November 18, 1985

Date of Approval: January 8, 1986

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments, adopted 11-18-85 (with statement).

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping file in New Jersey Reference section under "N.J.-Animals, Domestic-1985".

* Sponsor's statement and senate committee statement of S3021 identical to those of A3177.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3177

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1985

By Assemblymen PALAIA, VILLANE, FELICE, BENNETT and Assemblywoman MUHLER

AN ACT concerning pet cemeteries, 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. As used in this act:

2 a. "Department" means the Department of Health.

3 b. "Pet" means a member of the kingdom of living beings, com-
4 monly known as a domestic animal, that has the capacity for
5 spontaneous movement and rapid motor response to stimulation,
6 yet is not human, and which has been adapted or tamed to live in
7 intimate association with, and for the pleasure or advantage of the
8 human species, and includes, but is not limited to, dogs, cats, gerbils,
9 fish, birds, snakes, turtles, lizards, frogs, rabbits, horses, pigs,
10 sheep, cattle, goats and poultry.

11 c. "Pet cemetery" means any land or place provided by any per-
12 son, whether or not for profit, to members of the general public
13 for use, or reservation for use, for the permanent interment, above
14 or below ground, of pets.

1 2. The owner of property ***[may dedicate]*** **who dedicates** this
2 property to pet cemetery purposes **after the effective date of this*
2A *act, shall do so** by means of a notarized dedication recorded in
3 the manner provided by the laws of this State. The dedication
4 document shall specify the length of time for which the dedication
5 is made. Dedicated property shall be held and used exclusively
6 for pet cemetery purposes for the specified length of time, except
7 as otherwise provided in section 4 of this act.

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 6, 1985.

1 3. The owner or operator of a pet cemetery, before accepting a
2 pet for interment, or otherwise reserving or selling a right of
3 interment for a pet, shall disclose, on a form designed for this
4 purpose by the department, to the pet owner or to the person
5 making arrangements on the owner's behalf, that the pet cemetery
6 is or is not dedicated pursuant to the provisions of this act; the
7 length of the recorded dedication, if any; and any other infor-
8 mation concerning the interment of pets that the department deems
9 appropriate for disclosure to the public.

1 4. Once a pet cemetery is dedicated pursuant to the provisions of
2 this act, the dedication shall not be removed prior to the termina-
3 tion date of the time period specified in the dedication, unless the
4 dedication is removed by an order of the Superior Court in a pro-
5 ceeding brought by the pet cemetery owner for this purpose and
6 upon proof satisfactory to the court that:

7 a. No interments were made in, or that all interments have been
8 removed from, that portion of the property from which the dedi-
9 cation is sought to be removed;

10 b. The pet cemetery owner has received from those persons, or
11 their heirs or assignees, whose pets have been interred in the pet
12 cemetery, and from those persons, or their heirs or assignees, who
13 have purchased or otherwise reserved rights of interment in the
14 pet cemetery for their pets, written authorizations to remove the
15 dedication from their respective plots, and to disinter the pets
16 already interred in the plots from which the dedication is to be
17 removed. The court may waive the written authorization require-
18 ment for any particular pet if the court is satisfied that the pet
19 cemetery owner has made a good faith effort to locate the pet
20 owner, or the heirs or assignees thereof, but has been unable to
21 do so. Any disinterments pursuant to this subsection shall be
22 performed at the expense of the pet cemetery owner, and any
23 written authorizations pursuant to this subsection may be given
24 for legal consideration; and

25 c. The pet cemetery owner has arranged, at the pet cemetery
26 owner's own expense, for relocation sites for disinterred pets
27 satisfactory to the pet owners, or the heirs or assignees thereof,
28 or has refunded thereto all moneys taken for interment purposes;
29 and has refunded to those pet owners, or their heirs or assignees,
30 who purchased rights of interment for pets, all moneys received
31 therefrom. All refunds made under this subsection shall be with
32 interest at the rate of interest for savings accounts at State- and
33 federally-chartered banking institutions of this State. If the court
34 is satisfied that the pet cemetery owner has made a good faith
35 effort to locate a pet owner, or the heirs or assignees thereof, but

36 has been unable to do so, the court may determine the manner of
37 disposal of that particular pet, if interred, and may waive the
38 refunding requirements of this subsection.

1 5. All mortgages and other liens of any nature, hereafter con-
2 tracted, placed, or incurred upon property which has been, and was
3 at the time of the creation or placing of the lien, dedicated as a
4 pet cemetery, or upon property which is afterwards, with the
5 consent of the owner of any mortgage or lien, dedicated to pet
6 cemetery purposes, shall not affect or defeat the dedication to pet
7 cemetery purposes, but the mortgage or other lien is subject and
8 subordinate to that dedication and any sales made upon fore-
9 closure are subject and subordinate to the dedication for pet
10 cemetery purposes.

1 6. If a dedication is made pursuant to section 2 of this act, the
2 pet cemetery owner shall charge an endowment maintenance fee
3 to all persons seeking to inter their pets. This maintenance fee
4 shall be charged only at the time of the interment and shall not be
5 less than \$25.00. Proceeds from these maintenance fees shall be
6 placed by the pet cemetery owner into an endowment care or
7 similar trust fund, the entirety of which shall be used for the
8 perpetual maintenance of the pet cemetery.

1 7. Any person who violates the provisions of this act, or any
2 rules or regulations adopted hereunder, is liable to a penalty of
3 not more than \$1,000.00 for each offense, to be collected in a sum-
4 mary proceeding under "the penalty enforcement law," N. J. S.
5 2A:58-1 et seq. The Superior Court shall have jurisdiction to
6 enforce that act. If the violation is of a continuing nature, each
7 day during which it continues constitutes an additional, separate
8 and distinct offense. The department shall have the authority to
9 compromise and settle any claim for a penalty in such amount as
10 the department determines is appropriate and equitable under
11 the circumstances.

1 8. The department, after consultation with the Departments of
2 Agriculture and Environmental Protection, shall adopt the forms,
3 rules and regulations, pursuant to the "Administrative Procedure
4 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), necessary to carry
5 out the provisions of this act. The department shall provide for
6 a public information program to assist members of the general
7 public in understanding the provisions of this act.

1 9. This act shall take effect on the 60th day after enactment,
2 except for section 8, which shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 3021

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1985

By Senator RUSSO

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning *the disposal of pets and regulating* pet cemeteries, and supplementing **[Title]** *Titles* 4 *and 54* of the Revised Statutes.

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

1 1. As used in this act:

2 a. "Department" means the Department of Health.

2A *b. "Disposal" or "dispose" means permanent interment **or*
2B *inurnment**, above or below ground, cremation **[or the storage*
2C *of cremated remains]**, **mass incineration, communal burial,*
2D *placement in a landfill, processing by a rendering facility or any*
2E *other method of legal deposition**.**

3 **[b.]** *c.* "Pet" means a member of the kingdom of living be-
4 ings, commonly known as a domestic animal, that has the capacity
5 for spontaneous movement and rapid motor response to stimulation,
6 yet is not human, and which has been adapted or tamed to live in
7 intimate association with, and for the pleasure or advantage of the
8 human species, and includes, but is not limited to, dogs, cats, gerbils,
9 fish, birds, snakes, turtles, lizards, frogs**[,]** *and* rabbits**[,**
10 horses, pigs, sheep, cattle, goats and poultry**]**.

11 **[c.]** *d.* "Pet cemetery" means any land **[or]** **,* place*,*
12 *structure, facility or building** provided by any person, whether or
13 not for profit, to *veterinarians or* members of the general public
14 for use, or reservation for use, for the **[permanent interment,**
15 *above or below ground,]* **[*disposal*]** *** permanent interment*
16 *or inurnment above or below ground*** of **[pets]** *** pet re-*
16A *mains.***

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:

*—Senate committee amendments adopted November 18, 1985.

**—Senate amendments adopted November 18, 1985.

17 **e. "Disposal facility" means a facility, owned or operated by
18 any person whether or not for profit, that offers to dispose of de-
19 ceased pets.**

1 *2. A pet cemetery which commences operations on or after the
2 effective date of this act and which provides for the permanent,
3 below-ground interments of pets shall consist of not less than five
4 contiguous acres of real property in total area, including any struc-
5 tures, facilities or buildings situated thereon which are related to
6 pet cemetery purposes.*

1 *~~2.~~* *3.* The owner of property *~~may dedicate~~* *who
2 dedicates* this property to pet cemetery purposes *on or after the
3 effective date of this act, shall do so* by means of a notarized
4 dedication recorded in the manner provided by the laws of this
5 State. *~~The dedication document shall specify the length of time~~*
6 for which the dedication is made.* Dedicated property shall be
7 held and used exclusively for pet cemetery purposes *~~for the~~*
8 specified length of time*, except as otherwise provided in section
9 *~~4~~* *5* of this act.

1 *~~3.~~* *4.* The owner or operator of a pet cemetery, before
2 accepting a pet for *~~interment~~* *disposal*, or otherwise reserv-
3 ing or selling a right of *~~interment~~* *disposal* for a pet, shall
4 disclose, on a form designed for this purpose by the department, to
5 the pet owner or to the person making arrangements on the owner's
6 behalf, that the pet cemetery is or is not dedicated pursuant to the
7 provisions of this act; *~~the length of the recorded dedication, if~~*
8 any;* and any other information concerning the *~~interment~~*
9 *disposal* of pets that the department deems appropriate for dis-
10 closure to the public.

1 *~~4.~~* *5.* Once a pet cemetery is dedicated pursuant to the pro-
2 visions of this act, the dedication shall not be removed *~~prior to~~*
3 the termination date of the time period specified in the dedication,*
4 unless the dedication is removed by an order of the Superior Court
5 in a proceeding brought by the pet cemetery owner for this purpose
6 and upon proof satisfactory to the court that:

- 7 a. No *~~interments~~* *disposals* were made in, or that all
8 *~~interments~~* *disposals* have been removed from, that portion
9 of the property from which the dedication is sought to be removed;
- 10 b. The pet cemetery owner has received from those persons, or
11 their heirs or assignees, whose pets have been *~~interred~~* *dis-
12 posed of* in the pet cemetery, and from those persons, or their
13 heirs or assignees, who have purchased or otherwise reserved
14 rights of *~~interment~~* *disposal* in the pet cemetery for their
15 pets, written authorizations to remove the dedication from their

16 respective **[plots]** *sites*, and to **[disinter]** *remove* the pets
 17 already **[interred]** *disposed of* in the **[plots]** *sites* from
 18 which the dedication is to be removed. The court may waive the
 19 written authorization requirement for any particular pet if the
 20 court is satisfied that the pet cemetery owner has made a good
 21 faith effort to locate the pet owner, or the heirs or assignees
 22 thereof, but has been unable to do so. Any **[disinterments]** *re-*
 23 *movals of pet remains* pursuant to this subsection shall be per-
 24 formed at the expense of the pet cemetery owner, and any written
 24A authorizations pursuant to this subsection may be given for legal
 24B consideration; and

25 c. The pet cemetery owner has arranged, at the pet cemetery
 26 owner's own expense, for relocation sites for **[disinterred pets]**
 27 *removed pet remains* satisfactory to the pet owners, or the heirs
 28 or assignees thereof, or has refunded thereto all moneys taken for
 29 **[interment]** *disposal* purposes; and has refunded to those pet
 30 owners, or their heirs or assignees, who purchased rights of **[in-**
 31 **terment]** *disposal* for pets, all moneys received therefrom. All
 32 refunds made under this subsection shall be with interest at the
 33 rate of interest for savings accounts at State- and federally-
 34 chartered banking institutions of this State. If the court is satisfied
 35 that the pet cemetery owner has made a good faith effort to locate
 36 a pet owner, or the heirs or assignees thereof, but has been unable
 37 to do so, the court may determine **[the]** *an alternative* manner
 38 of disposal of that particular pet, if **[interred]** *the pet was dis-*
 39 *posed of*, and may waive the refunding requirements of this sub-
 40 section.

1 **[5.]** *6.* All mortgages and other liens of any nature, hereafter
 2 contracted, placed, or incurred upon property which has been, and
 3 was at the time of the creation or placing of the lien, dedicated as a
 4 pet cemetery, or upon property which is afterwards, with the
 5 consent of the owner of any mortgage or lien, dedicated to pet
 6 cemetery purposes, shall not affect or defeat the dedication to pet
 7 cemetery purposes, but the mortgage or other lien is subject and
 8 subordinate to that dedication and any sales made upon fore-
 9 closure are subject and subordinate to the dedication for pet
 10 cemetery purposes.

1 **[6.** If a dedication is made pursuant to section 2 of this act, the
 2 pet cemetery owner shall charge an endowment maintenance fee
 3 to all persons seeking to inter their pets. This maintenance fee
 4 shall be charged only at the time of the interment and shall not be
 5 less than \$25.00. Proceeds from these maintenance fees shall be
 6 placed by the pet cemetery owner into an endowment care or

7 similar trust fund, the entirety of which shall be used for the
8 perpetual maintenance of the pet cemetery.】*

1 *7. *The owner or operator of a pet cemetery shall charge a*
2 *person seeking to dispose of a pet, at the option of the customer,*
3 *either an annual or permanent maintenance fee for the care of the*
4 *pet cemetery, as follows:*

5 a. *The annual maintenance fee, billed each calendar year not*
6 *later than July 1 and due not later than August 15, shall be placed*
7 *by the owner or operator of the pet cemetery in the general account*
8 *of the pet cemetery to be used for pet cemetery maintenance during*
9 *the forthcoming year; or*

10 b. *The one-time permanent maintenance fee of at least \$25.00*
11 *shall be placed by the owner or operator of the pet cemetery into an*
12 *endowment care or similar trust fund, the entirety of which shall be*
13 *used for the perpetual maintenance of the pet cemetery.*

14 *A pet owner who initially selects the annual maintenance fee may*
15 *transfer to perpetual maintenance at any time by paying to the pet*
16 *cemetery an amount equal to the permanent maintenance fee appli-*
17 *cable on the date of the transfer.*

18 *If the annual maintenance fee is not paid within 90 days of the*
19 *date on which it is due, the owner or operator of the pet cemetery*
20 *shall send written notice by certified mail to the pet owner that the*
21 *annual maintenance fee is overdue. If, within 90 days of the mailing*
22 *of that certified letter, the annual maintenance fee is not paid, the*
23 *pet owner shall lose all disposal rights at the pet cemetery, not-*
24 *withstanding any provision to the contrary in section 5 of this act.*

1 8. *A pet cemetery which commences operations on or after the*
2 *effective date of this act shall, prior to the acceptance of any*
3 *moneys for services rendered, establish an endowment care or*
4 *similar trust fund for the permanent maintenance of the pet ceme-*
5 *tery, in an amount not less than \$12,000.00 in cash or in the bonds*
6 *of the United States, this State, or any political subdivision of this*
7 *State. Not less than \$12,000.00 shall be maintained in this account*
8 *at all times during the period of the operation of the pet cemetery.*

1 9. *A pet cemetery which is dedicated to pet cemetery purposes*
2 *pursuant to the provisions of section 3 of this act and which is*
3 *organized as a nonprofit corporation pursuant to Title 15A of the*
4 *New Jersey Statutes is exempt from taxation as real property*
5 *under chapter 4 of Title 54 of the Revised Statutes, for as long as*
6 *the dedication remains in effect. This exemption shall apply to land,*
7 *disposal sites, structures, facilities and buildings which are the*
8 *subjects of the dedication and are used for pet cemetery purposes.*

1 10. *Each person who gives a pet to a veterinarian or a pet ceme-*

2 tery for disposal purposes shall choose a method of disposal for
 3 the pet by completing a pet disposal form prescribed by the depart-
 4 ment under section 14 of this act. This form shall list alternative
 5 methods of disposal, the cost of each method and the nature of or
 6 place in which each method of disposal will be carried out. The
 7 veterinarian or the pet cemetery, as the case may be, shall give the
 8 person who completes the form a copy of the form. If the person
 9 chooses to have the pet disposed of by a pet cemetery and makes the
 10 arrangements therefor through a veterinarian, the veterinarian
 11 shall provide the person with the name, location and telephone
 12 number of the pet cemetery so that the person may obtain informa-
 13 tion about the pet cemetery pursuant to section 4 of this act. The
 14 veterinarian also shall ensure that a copy of the pet disposal form
 15 accompanies the pet when the pet is removed from the veterinarian's
 16 office.

1 11. a. A pet cemetery shall dispose of a pet, received thereby
 2 for disposal purposes, in compliance with the instructions on the
 3 pet disposal form accompanying the pet and the health standards
 4 adopted by the department under section 14 of this act.

5 b. The owner or operator of a pet cemetery shall, within 10 days
 6 of receipt of a pet for disposal, send a written certification to the
 7 person who offered the pet for disposal, attesting to the method,
 8 date and place of the disposal.

9 c. A pet cemetery which contains a grave containing more than
 10 five pets is presumed to have disposed of pets in violation of this
 11 act.

1 12. a. Every pet cemetery ****and disposal facility**** in this State
 2 shall register with the department on a form prescribed by the de-
 3 partment. The department may charge a fee, not to exceed \$10.00
 4 for the registration. Pet cemeteries ****and disposal facilities**** in op-
 5 eration before the effective date of this act shall have 120 days to
 6 comply with this section. Pet cemeteries ****and disposal facilities****
 7 which commence operations on or after the effective date of this
 8 act shall register with the department at least 30 days prior to the
 8A commencement of operations.

9 b. The department shall periodically conduct an inspection and a
 10 financial audit of the accounts required pursuant to this act of each
 11 pet cemetery registered pursuant to this act.*

1 ***[7.]*** ***13.*** Any person who violates the provisions of this act,
 2 or any rules or regulations adopted hereunder, is liable to a **civil**
 3 penalty of not **less than \$500.00 nor** more than \$1,000.00 for each
 4 offense, to be collected in a summary proceeding under "the penalty
 5 enforcement law," N. J. S. 2A:58-1 et seq. The Superior Court

6 *~~shall have~~* *has* jurisdiction to enforce that act. If the viola-
 7 tion is of a continuing nature, each day during which it continues
 8 constitutes an additional, separate and distinct offense. *The pro-*
 9 *ceedings shall be brought in the name of the department.* The
 10 department shall have the authority to compromise and settle any
 11 claim for a penalty in such amount as the department determines
 12 is appropriate and equitable under the circumstances.

1 ~~8.~~ *14.* The department, after consultation with the Depart-
 2 ments of Agriculture and Environmental Protection, shall adopt
 3 the forms, rules and regulations, pursuant to the "Administrative
 4 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), necessary
 5 to carry out the provisions of this act~~.~~ The department shall
 6 provide for a public information program to assist members of the
 7 general public in understanding the provisions of this act~~.~~ *, in-*
 8 *cluding, but not limited to, the following:*

- 9 *a. Pet cemetery disclosure forms required under section 4 of this*
 10 *act;*
- 11 *b. Pet disposal forms required under section 10 of this act;*
- 12 *c. Health standards for pet cemeteries required under section 11*
 13 *of this act;*
- 14 *d. Registration forms for pet cemeteries required under section*
 15 *12 of this act; and*
- 16 *e. A public information program to assist members of the general*
 17 *public in understanding the provisions of this act.*

1 ~~9.~~ *15.* This act shall take effect on the ~~60th~~ *30th* day
 2 after enactment, except for section ~~8.~~ *14*, which shall take
 3 effect immediately.

STATEMENT

This bill regulates the practices of pet cemeteries. It enables each pet cemetery to dedicate its property exclusively to pet cemetery purposes and charge a maintenance fee therefor. Once the dedication is made, it shall only be removed by an order of the Superior Court after certain requirements are met, such as the written consent of pet owners. Every pet cemetery in this State shall be required to disclose to persons seeking interment for their pets, whether or not that cemetery is dedicated to pet cemetery purposes, the length of the dedication and any other information required by the Department of Health, which has the authority to enforce this act. Persons who violate this act may be fined up to \$1,000.00 per violation. The department also shall provide for a public information program to assist members of the general public in understanding the provisions of this act.

A 3177 (1985)

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3177

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1985

As released by Assembly Agriculture and Environment Committee, this bill regulates the practices of pet cemeteries. It enables each pet cemetery to dedicate its property exclusively to pet cemetery purposes and charge a maintenance fee therefor. Once the dedication is made, it shall only be removed by an order of the Superior Court after certain requirements are met, such as the written consent of pet owners. Every pet cemetery in this State shall be required to disclose to persons seeking interment for their pets, whether or not that cemetery is dedicated to pet cemetery purposes, the length of the dedication and any other information required by the Department of Health, which has the authority to enforce this act. Persons who violate this act may be fined up to \$1,000.00 per violation. The department also shall provide for a public information program to assist members of the general public in understanding the provisions of this act.

The committee amended the bill to make clear that the restrictions concerning change of use of the property, only applies to pet cemeteries dedicated to that purpose subsequent to the effective date of the act.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3177

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1985

As amended by the committee, this bill regulates the practices of pet cemeteries and the disposal of pets by veterinarians and pet cemeteries.

The bill provides that all pet cemeteries shall register with the Department of Health, which department is directed to monitor and establish procedures governing pet cemeteries. The bill establishes the following requirements for the operation of pet cemeteries and the disposal of pets:

- a. Dedication of land for pet cemetery purposes is optional but if an owner dedicates his land, this dedication shall be removed only by order of the Superior Court and after certain conditions have been met;
- b. The pet cemetery owner is required to disclose to the pet owner whether or not the land is dedicated;
- c. A pet cemetery shall be at least five acres in size;
- d. A pet cemetery shall charge all persons seeking interment of their pet a maintenance fee which may be paid annually or as a one-time permanent care fee. If the pet owner who pays an annual fee does not continue the payments, the pet owner loses interment rights after notice is given by the cemetery operator;
- e. A pet cemetery shall establish and maintain an endowment care or similar trust fund for the permanent maintenance of the pet cemetery in an amount not less than \$12,000.00;
- f. A pet cemetery whose land is dedicated and which is organized as a nonprofit corporation shall be exempt from payment of property taxes;
- g. If a person gives a pet to a veterinarian or pet cemetery for disposal purposes, the person shall select the desired method of disposal by completing a pet disposal form provided by the veterinarian or pet cemetery which lists all the alternative methods of disposal, their costs and the nature of the disposal or the place the disposal will be carried out.

h. Any disposal of a pet shall be conducted in the manner agreed upon by the pet owner and the person carrying out the disposal;

i. The Department of Health shall promulgate rules and regulations regarding health standards for the disposal of pets and administration of the act and shall periodically inspect and audit required financial accounts of the cemeteries; and

j. Violations of the act are civil offenses with fines ranging from \$500.00 to \$1,000.00 for each violation.

The committee adopted various substantive amendments at the request of the sponsor. The amendments: specify the minimum size for a pet cemetery; provide for tax exemption of nonprofit, dedicated land cemeteries; establish fee requirements; require the establishment of an endowment care fund; require that a pet owner shall be informed about the alternatives for disposal and shall select the method desired; require that the disposal be carried out as desired by the pet owner; require pet cemeteries which dispose of a pet to certify in writing to the pet owner how and when the disposal was carried out; limit the number of pets which may be buried in one grave to five; require pet cemeteries to register with the Department of Health; require the department to periodically inspect the cemeteries; revise the penalties for violations of the act; and change the effective date to 30 days after enactment. The amendments delete the provisions which allow for time-limited dedications of land and clarify the definitions of pet and pet cemetery.

As amended, this bill is identical to Senate Bill No. 3021 Sea of 1985.

These amendments ^{Amendments} make Assembly Bill No. 3177 OCR with committee amendments adopted ^{11/18/85} ~~9/30/85~~ identical to Senate Bill No. 3021 with committee amendments adopted ^{11/18/85} ~~9/30/85~~ and Senate Floor amendments adopted 11/18/85.

R-56
11/18/85

NOV 18 1985

SENATE Amendments
Proposed by Senator Russo

2nd Set of Amendments

to

Assembly Bill No. 3177 OCR with
^{Senate} committee amendments
adopted ~~9/30/85~~ ^{11/18/85}
Sponsored by Assemblyman Palaia

Amend:

Page	Sec.	Line	
1	1	After 2	After "interment" Insert "or inurnment";
		(from amendments adopted 9/30/85 ^{11/18/85})	Omit "or the storage of cremated remains"
			Insert ", mass incineration, communal burial, placement in a landfill, processing by a rendering facility or any other method of legal deposition"
1	1	13-14	After "the" Omit "disposal" Insert "permanent interment or inurnment above or below ground"
		(from amendments adopted 9/30/85 ^{11/18/85})	
1	1	14	Omit "pets" Insert "pet remains"
1	1	After 14	Insert new subsection "e." as follows:
			"e. "Disposal facility" means a facility, owned or operated by any person whether or not for profit, that offers to dispose of deceased pets."
5	12	1	After "cemetery" Insert "and disposal facility"
6	12	5	After "cemeteries" Insert "and disposal facilities"
6	12	8	After "cemeteries" Insert "and disposal facilities"

NOTE: page and section numbers below refer to ^{Senate committee} amendments ^{11/18/85} adopted 9/30/85

S T A T E M E N T

These amendments broaden the definition of "dispose" to include mass incineration, placement in a landfill and processing by a rendering facility and insert a definition for the term "disposal facility." The amendments also require all disposal facilities to register with the Department of Health.