

4: 19-15.3b

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:19-15.3b; 4:19A-1 to 4:19A-9

(Dogs and cats - spaying and neutering program)

LAWS OF: 1983

CHAPTER: 172

Bill No: A1917

Sponsor(s): D. Gallo and others

Date Introduced: Sept. 20, 1982

Committee: Assembly: Agriculture and Environment

Senate: Natural Resources and Agriculture

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: Dec. 6, 1982

Senate: March 7, 1982

Date of Approval: May 4, 1983

Following statements are attached if available:

Sponsor statement: Yes // Also attached: Senate amendments, adopted 3-7-83 (with statement)

Committee statement: Assembly Yes //  
Senate Yes //

Fiscal Note: Yes //

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

See newspaper clippings (attached).

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ASSEMBLY, No. 1917

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 20, 1982

By Assemblymen D. GALLO, KARCHER, SMITH, DOYLE, KAVANAUGH, PALAIA, HARDWICK, Assemblywomen BROWN and MUHLER

AN ACT providing for the establishment of a program for the spaying and neutering of dogs and cats\***]**, amending P. L. 1941, c. 151**]**\* and supplementing Title 26 of the Revised Statutes.

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

1 \***]**1. Section 12 of P. L. 1941, c. 151 (C. 4:19-15.12) is amended to  
2 read as follows:

3 12. a. The governing body of each municipality may, by ordi-  
4 nance, fix the sum to be paid annually for a dog license and each  
5 renewal thereof, as required by section 3 of this act, which sum  
6 shall be not less than \$1.50 nor more than \$7.00**]**; provided however,  
7 that the governing body may by ordinance, provide for a reduction  
8 or waiver of the sum to be paid by an owner who presents a  
9 certificate signed by a licensed veterinarian stating that the dog  
10 has been spayed or neutered**]** In the absence of any local ordinance,  
11 the fee for all dog licenses shall be \$1.50.

12 b. The governing body of each municipality, may, by ordinance,  
13 fix the sum to be paid for a three-year dog license and each re-  
14 newal thereof, which sum shall be not more than three times the  
15 sum charged for an annual license under subsection a. of this sec-  
16 tion. In the absence of such a local ordinance, the license fee for  
17 a three-year dog license shall be \$4.50. The Department of Health  
18 shall promulgate appropriate regulations concerning veterinarians'  
19 certificates for rabies inoculations of dogs for three-year periods  
20 in connection with licenses issued under this subsection.**]**\*

**EXPLANATION**—Matter enclosed in bold-faced brackets **]** 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 November 29, 1982.

\*\*—Senate committee amendments adopted February 9, 1983.

\*\*\*—Senate amendments adopted March 7, 1983.

1 \***[2. (New section)]**\* \*1.\* a. In addition to the fee charged pur-  
 2 suant to section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) and forwarded  
 3 to the Department of Health pursuant to section 11 of P. L. 1941,  
 4 c. 151 (C. 4:19-15.11), any person applying for the license and  
 5 registration tag pursuant to section 2 of P. L. 1941, c. 151 (C.  
 6 4:19-15.2) shall pay a fee of \$3.00 for any dog of reproductive age  
 7 which has not had its reproductive capacity permanently altered  
 8 through sterilization.

9 b. \*\***[Any person licensed to operate a pet shop pursuant to the**  
 10 **provisions of section 8 of P. L. 1941, c. 151 (C. 4:19-15.8) shall pay**  
 11 **a fee of \$10.00 for each dog or cat** \***[of reproductive age]**\* kept or  
 12 harbored \***[unless its reproductive capacity has been permanently**  
 13 **altered through sterilization]**\*. For the purposes of this \***[amenda-**  
 14 **tory]**\* act "pet shop" shall mean any room or group of rooms,  
 15 cage or exhibition pen, not part of a kennel, wherein dogs and cats  
 16 for sale are kept or displayed.]\*\*\*

17 All fees collected pursuant to the provisions of this section and  
 18 section 5 of this amendatory and supplementary act shall be for-  
 19 forwarded to the State Treasurer, for deposit in the "Animal Popula-  
 20 tion Control Fund" created pursuant to section 7 of this \***[amenda-**  
 21 **tory and supplementary]**\* act.

1 \***[3. (New section)]**\* \*2.\* The department shall establish and  
 2 implement an Animal Population Control Program (hereinafter  
 3 referred to as the "program"). The purpose of this program shall  
 4 be to reduce the population of unwanted and stray dogs and cats by  
 5 encouraging the owners of dogs and cats to have them permanently  
 6 sexually sterilized, thereby reducing potential threats to public  
 7 health and safety posed by the growing population of these un-  
 8 wanted and stray animals, and by providing low-cost animal  
 9 sterilization services to owners meeting at least one of the criteria  
 10 of need enumerated in section \***[4]**\* \*3\* of this \***[amendatory and**  
 11 **supplementary]**\* act.

1 \***[4. (New section)]**\* \*3.\* In order to be eligible to participate in  
 2 the program, an owner of a dog or cat shall be eligible for, and  
 3 participate in, at least one of the following:

4 a. The Food Stamp Program authorized by Title VIII of the  
 5 Food and Agriculture Act of 1977, Pub. L. 95-113, (7 USC 2011  
 6 et seq.);

7 b. The Supplemental Security Income Program established pur-  
 8 suant to Title XVI of the "Social Security Act," 42 USC 1381  
 9 et seq.;

10 c. The program for aid to families with dependent children, pur-  
 11 suant to P. L. 1959, c. 86 (C. 44:10-1 et seq.);

12 d. The program for general public assistance, pursuant to the  
 13 provisions of the "General Public Assistance Law," P. L. 1947,  
 14 c. 156 (C. 44:8-107 et seq.);

15 \*\*\*e. *The program of medical assistance pursuant to P. L. 1968,*  
 16 *c. 413 (C. 30:4D-1 et seq.);\*\*\**

17 \*\*\*[e.]\*\*\* \*\*\*f.\*\*\* The program of "Pharmaceutical Assistance  
 18 to the Aged," established pursuant to P. L. 1975, c. 194 (C. 30:4D-20  
 19 et seq.);

20 \*\*\*[f.]\*\*\* \*\*\*g.\*\*\* The rental assistance program authorized  
 21 pursuant to section 8 of the United States Housing Act of 1937 as  
 22 added by the Housing and Community Development Act of 1974,  
 23 Pub. L. 93-383 (42 USC § 1437 (f));

24 \*\*\*[g.]\*\*\* \*\*\*h.\*\*\* The "Lifeline Credit Program" established  
 25 pursuant to P. L. 1979, c. 197 (C. 48:2-29.15 et seq.); or

26 \*\*\*[h.]\*\*\* \*\*\*i.\*\*\* The "Tenants Lifeline Assistance Program"  
 27 established pursuant to P. L. 1981, c. 210 (C. 48:2-29.30 et seq.).

1 \***[5. (New section)]**\* \*4.\* Any person submitting a dog or cat,  
 2 pursuant to the provisions of this \***[amendatory and supple-**  
 3 **mentary]**\* act, for spaying or neutering, as the case may be, shall:  
 4 a. Furnish any licensed veterinarian of this State participating  
 5 in the program with proof that the owner meets at least one of the  
 6 eligibility criteria pursuant to the provisions of section \***[4.]**\*  
 7 \*3.\* of this amendatory and supplementary act;

8 b. Sign a consent form certifying that the person is the owner  
 9 of the dog or cat, or is authorized by the owner to present the dog  
 10 or cat for the procedure; and

11 c. Pay a fee of \$10.00, which fee shall be forwarded to the com-  
 12 missioner for deposit in the "Animal Population Control Fund".

1 \***[6. (New section)]**\* \*5.\* a. Any licensed veterinarian of this  
 2 State may participate in the program upon filing with the commis-  
 3 sioner an application therefor, on forms prescribed by the com-  
 4 missioner, which application shall supply, in addition to any other  
 5 information requested by the commissioner, an animal sterilization  
 6 fee schedule listing the fees charged for animal sterilization in the  
 7 normal course of business. These fees may vary with the animal's  
 8 weight, sex and species. The commissioner may, however, dis-  
 9 qualify from participation in the program any veterinarian whose  
 10 fees are deemed unreasonable.

11 b. The commissioner shall, to the extent that moneys are avail-  
 12 able therefor from the "Animal Population Control Fund," re-  
 13 imburse participating veterinarians for 80% of the fee for each  
 14 animal sterilization procedure administered upon the submission  
 15 of an animal sterilization certificate, prescribed by the commis-

16 sioner, signed by the veterinarian and the owner of the animal, for  
17 each sterilization procedure.

18 c. The commissioner shall reimburse from the fund any licensed  
19 veterinarian of this State participating in the program for the  
20 presurgical immunization of dogs against distemper, hepatitis,  
21 leptospirosis, and parvovirus, or the presurgical immunization of  
22 cats against feline panleukopenia, calici, pneumonitis and rhino-  
23 tracheitis, as the case may be, which immunization shall be admin-  
24 istered at least 10 days prior to reproductive surgery, on animals  
25 not previously immunized. The reimbursement shall be for no  
26 more than \$10.00 upon the written certification, signed by the  
27 veterinarian and the owner of the animal, that the immunization  
28 has been administered.

1 **\*[7. (New section)]\* \*6.\*** a. The commissioner may solicit and  
2 accept funds from any public or private source to help carry out  
3 the provisions of this **\*[amendatory and supplementary]\*** act.

4 b. All fees collected pursuant to sections 2 and 5 of this amenda-  
5 tory and supplementary act, and all moneys received pursuant to  
6 subsection a. of this section, shall be placed in a special fund to be  
7 known as the "Animal Population Control Fund" which shall be  
8 separate from the General State Fund. All moneys in the "Animal  
9 Population Control Fund" shall be used by the commissioner ex-  
10 clusively for the implementation and promotion of the program  
11 and for the costs associated with the administration of this  
12 **\*[amendatory and supplementary]\*** act.

1 **\*[8. (New section)]\* \*7.\*** Any licensed veterinarian of this State  
2 participating in the program shall provide for the final disposition  
3 of an unretrieved animal in the manner provided in P. L. 1979,  
4 c. 354 (C. 45:16-13 et seq.). For the purposes of this **\*[amenda-**  
5 **tory and supplementary]\*** act "unretrieved animal" means an  
6 animal placed for confined treatment pursuant to the provisions of  
7 this **\*[amendatory and supplementary]\*** act by the owner or agent  
8 thereof in the care and custody of a veterinarian, which animal is  
9 not retrieved by the owner or agent thereof from the veterinarian  
10 within 72 hours of being notified that the confined treatment is  
11 completed.

1 **\*[9. (New section)]\* \*8.\*** Any person who knowingly:

2 a. Falsifies proof of eligibility for, or participation in, any of  
3 the programs enumerated in section **\*[4.]\* \*3.\*** of this **\*[amenda-**  
4 **tory and supplementary]\*** act;

5 b. Furnishes any licensed veterinarian of this State with in-  
6 accurate information concerning the ownership of an animal sub-  
7 mitted for an animal sterilization procedure;

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8 c. Furnishes the commissioner with false information concerning  
 9 an animal sterilization fee schedule or an animal sterilization  
 10 certificate submitted pursuant to section **\*[8.]\* \*5.\*** of this  
 11 **\*[amendatory and supplementary]\*** act; or

12 d. Violates in any other manner the provisions of this **\*[amenda-**  
 13 **tory and supplementary]\*** act, shall be subject to a penalty of not  
 14 more than \$250.00 for the first offense and not more than \$500.00  
 15 for the second and each subsequent offense, to be collected in civil  
 16 action by a summary proceeding under "the penalty enforcement  
 17 law" (N. J. S. 2A:58-1 et seq.). The Superior Court or county  
 18 district court shall have jurisdiction to enforce "the penalty en-  
 19 forcement law."

1 **\*[10. (New section)]\* \*9.\*** The commissioner shall, pursuant to  
 2 the "Administrative Procedure Act," P. L. 1968, c. 410 (52:14B-1  
 3 et seq.), adopt any rules or regulations necessary to carry out the  
 4 provisions of this **\*[amendatory and supplementary]\*** act.

1 **\*\*10. Not later than one year following the effective date of this**  
 2 **act, and annually thereafter, the commissioner shall submit a report**  
 3 **to the Governor, the Legislature, and to the Senate Natural Re-**  
 4 **sources and Agriculture Committee and the General Assembly**  
 5 **Agriculture and Environment Committee, or their designated**  
 6 **successors, setting forth a complete operating and financial state-**  
 7 **ment covering the operations of the animal sterilization program**  
 8 **created pursuant to this act. The commissioner shall include in the**  
 9 **report an evaluation of the effectiveness of the program and any**  
 10 **recommendations for legislative bills or administrative actions he**  
 11 **deems appropriate.\*\***

1 **\*[11.]\* **\*\*[10.]\*** \*\*11.\*\*** Section **\*[10]\* \*9.\*** of this act shall  
 2 take effect immediately and the remaining sections shall take effect  
 3 90 days following enactment.

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12 d. Violates in any other manner the provisions of this amenda-  
 13 tory and supplementary act, shall be subject to a penalty of not  
 14 more than \$250.00 for the first offense and not more than \$500.00  
 15 for the second and each subsequent offense, to be collected in civil  
 16 action by a summary proceeding under "the penalty enforcement  
 17 law" (N. J. S. 2A:58-1 et seq.). The Superior Court or county  
 18 district court shall have jurisdiction to enforce "the penalty en-  
 19 forcement law."

1 10. (New section) The commissioner shall, pursuant to the  
 2 "Administrative Procedure Act," P. L. 1968, c. 410 (52:14B-1  
 3 et seq.), adopt any rules or regulations necessary to carry out the  
 4 provisions of this amendatory and supplementary act.

1 11. Section 10 of this act shall take effect immediately and the  
 2 remaining sections shall take effect 90 days following enactment.

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#### STATEMENT

To aid in the reduction of the population of unwanted and un-  
 claimed stray animals and the attendant potential threats to public  
 health and safety without resorting to euthanasia this bill estab-  
 lishes an Animal Population Control Program. The program pro-  
 vides the establishment of an "Animal Population Control Fund"  
 into which will be deposited a \$3.00 surcharge on dog license fees,  
 a \$10.00 fee for each animal kept or harbored by a pet shop which  
 has not been permanently sexually sterilized, a \$10.00 fee charged  
 to each pet owner participating in the program, and any other  
 public or private moneys made available to the Commissioner of  
 Health for this program. The moneys in this fund are to be used  
 by the commissioner exclusively for the reimbursement to veteri-  
 narians of the State participating in the program of 80% of the  
 fees charged by those veterinarians for animal sterilization pro-  
 cedures, such presurgical immunization of the animal against  
 disease as may be necessary, and the attendant costs associated  
 with the administration of the act.

In order to participate in the program, pet owners must meet at  
 least one of the eligibility criteria which establish a maximum in-  
 come level, and must pay a fee of \$10.00.

Veterinarians licensed in the State of New Jersey wishing to  
 participate in the program must submit a schedule of fees charged  
 for animal sterilization procedures in the normal course of busi-  
 ness. The commissioner may preclude from participation in the  
 program any veterinarian whose fees are deemed unreasonable.  
 Upon the submission to the Commissioner of Health of an animal

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sterilization certificate, the commissioner will reimburse the veterinarian for 80% of the fee for that particular procedure listed on the schedule.

It is the intent of this legislation to provide very low cost animal sterilization services to those who can least afford to spend what disposable income they have on the services in a manner which is both cost efficient to the State of New Jersey and convenient to its citizens.

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Senate Amendments  
by Senator Vreeland

to

**ADOPTED**

MAR 07 1983

Senate Print Assembly Bill No. 1917 OCF  
by Assemblyman D. Gallo

Page	Sec.	Line
5	43	14

*Insert New Section "e."* <sup>Program of Medical Assistance</sup>  
 pursuant to P.L. 1968, c. 413 <sup>OK</sup> ~~to 413~~ (C. 30:42-1.2)

Section "e." becomes "f." *Relatively subsection*  
 Section "f." becomes "g." *through "h."*  
 Section "g." becomes "h." *through "i."*  
 Section "h." becomes "i."

STATEMENT

This amendment will permit recipients of Medical Assistance (Medicaid) to be eligible to participate in this program.

ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1917

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 1982

To aid in the reduction of the population of unwanted and unclaimed stray animals and the attendant potential threats to public health and safety without resorting to euthanasia this bill establishes an Animal Population Control Program. The program provides the establishment of an "Animal Population Control Fund" into which will be deposited a \$3.00 surcharge on dog license fees, a \$10.00 fee for each animal kept or harbored by a pet shop which has not been permanently sexually sterilized, a \$10.00 fee charged to each pet owner participating in the program, and any other public or private moneys made available to the Commissioner of Health for this program. The moneys in this fund are to be used by the commissioner exclusively for the reimbursement to veterinarians of the State participating in the program of 80% of the fees charged by those veterinarians for animal sterilization procedures, such presurgical immunization of the animal against disease as may be necessary, and the attendant costs associated with the administration of the act.

In order to participate in the program, pet owners must meet at least one of the eligibility criteria which establish a maximum income level, and must pay a fee of \$10.00.

Veterinarians licensed in the State of New Jersey wishing to participate in the program must submit a schedule of fees charged for animal sterilization procedures in the normal course of business. The commissioner may preclude from participation in the program any veterinarian whose fees are deemed unreasonable. Upon the submission to the Commissioner of Health of an animal sterilization certificate, the commissioner will reimburse the veterinarian for 80% of the fee for that particular procedure listed on the schedule.

It is the intent of this legislation to provide very low cost animal sterilization services to those who can least afford to spend what disposable income they have on the services in a manner which is both cost efficient to the State of New Jersey and convenient to its citizens.

The committee amended the bill to delete the prohibition against municipalities conducting their own sterilization programs, and to require that the \$10.00 "pet shop" fee be levied on all dogs or cats regardless of age, because it is the young animals which grow, mature, and contribute to the overpopulation problem addressed in this bill.

SENATE NATURAL RESOURCES AND AGRICULTURE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1917**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 9, 1983

To aid in the reduction of the population of unwanted and unclaimed stray animals and the attendant potential threats to public health and safety without resorting to euthanasia, this bill establishes an Animal Population Control Program. The program provides the establishment of an "Animal Population Control Fund" into which will be deposited a \$3.00 surcharge on dog license fees for any dog which has not been permanently altered through sterilization, a \$10.00 fee charged to each pet owner participating in the program, and any other public or private moneys made available to the Commissioner of Health for this program. The moneys in this fund are to be used by the commissioner exclusively for the reimbursement to veterinarians of the State participating in the program of 80% of the fees charged by those veterinarians for animal sterilization procedures. In addition, the veterinarians will be paid \$10.00 towards presurgical immunization of the animal against disease as may be necessary.

In order to participate in the program, pet owners must meet at least one of the eligibility criteria which establish a maximum income level, and must pay a fee of \$10.00.

Veterinarians licensed in the State of New Jersey wishing to participate in the program must submit a schedule of fees charged for animal sterilization procedures in the normal course of business. The commissioner may preclude from participation in the program any veterinarian whose fees are deemed unreasonable. Upon the submission to the Commissioner of Health of an animal sterilization certificate, the commissioner will reimburse the veterinarian for 80% of the fee for that particular procedure listed on the schedule.

It is the intent of this legislation to provide very low cost animal sterilization services to those who can least afford to spend what disposable income they have on the services in a manner which is both cost efficient to the State of New Jersey and convenient to its citizens.

The committee amended the bill to delete the \$10.00 fee for each animal kept or harbored by a pet shop. The committee further provided, through amendment, for an animal report to be filed by the Commissioner of Health detailing the effectiveness of the program.

FISCAL NOTE TO  
**ASSEMBLY, No. 1917**

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 1983

Assembly Bill No. 1917, of 1982, would provide very low cost animal sterilization services to those animal owners who can least afford to spend a portion of their disposable income on such services. It would establish an "Animal Population Control Fund" into which fees will be deposited from the following: dog license surcharges; those cats and dogs which are not permanently altered while in pet shops; and fees from pet owners who wish to participate. Those pet owners must meet eligibility criteria which have maximum income levels. Licensed veterinarians in the State may participate by filing an application and fee schedule. Unreasonably high fees will disqualify a veterinarian from the program. Those that qualify will be reimbursed for 80% of fee schedule amount for such services.

The Department of Health estimates the following:

	FY 1	FY 2	FY 3
Revenue from fees	\$1,107,000	\$962,300	\$962,300
Costs	—1,060,155	—847,345	—887,979
Net Surplus	<u>\$46,845</u>	<u>\$114,955</u>	<u>\$74,321</u>

Calculations were based on minimum administrative costs, average costs for sterilizations, percentage of altered pets to an estimated population and 80% reimbursement of fees as stated. Major portion of revenue to the program is from the \$3.00 surcharge on all licensed dogs which are unaltered. This proposal has the intent to reduce the population of unwanted and unclaimed stray animals and the attendant potential threats to public health and safety.

The Office of Legislative Services concurs with an additional note that the net surplus will be decreasing in the fourth fiscal year, and will be a cost of approximately \$16,000 in the fifth year, according to the data.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

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