

4:22-19; 4:22-19.1

LEGISLATIVE HISTORY CHECKLIST

(Prohibits decompression chambers for destroying animals)

NJSA 4:22-19;4:22-19.1, 45:16-14

LAWS 1982

CHAPTER 76

Bill No. S396

Sponsor(s) Bassano and DiFrancesco

Date Introduced Pre-filed

Committee: Assembly Agriculture and Environment

Senate Natural Resources and Agriculture

Amended during passage Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 17, 1982

Senate March 15, 1982

Date of approval July 22, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XXX~~ (Below)

Committee Statement: Assembly Yes ~~XXX~~

Senate Yes ~~XXX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing Yes ~~NO~~

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

Sponsors' statement:
This bill prohibits the use of decompression chambers as a method of destroying animals

LEGISLATIVE HISTORY

76 82
7-22-82

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 396

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senators BASSANO and DiFRANCESCO

AN ACT prohibiting the destruction of any animal by hypoxia induced by decompression and amending R. S. 4:22-19 *and P. L. 1979, c. 354**.

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

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

2 4:22-19. A person who shall

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

7 ***[d.]*** **b.** Destroy or cause to be destroyed any such animal *by*
8 *hypoxia induced by decompression or in any other manner* except
9 by a method of euthanasia generally accepted by the veterinary
10 medical profession as being reliable, appropriate to the type of
11 animal upon which it is to be employed, and capable of producing
12 loss of consciousness and death rapidly and painlessly for such
13 animal shall, in the case of a violation of **[paragraph]** *subsection*
14 *a.*, be guilty of a ***[misdemeanor and punished as provided in]***
15 **[section]** ***[R. S. 4:22-17]*** **disorderly persons offense** **[of this**
16 **Title];** or, in the case of a violation of **[paragraph]** *subsection b.*,
17 be subject to a penalty of \$25.00 for the first offense and \$50.00 for
18 each subsequent offense. Each animal destroyed in violation of
19 **[paragraph]** *subsection b.* shall constitute a separate offense. The
20 penalty shall be collected in accordance with the Penalty Enforce-

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 March 1, 1982.**

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

SENATE, No. 396

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senators BASSANO and DiFRANCESCO

AN ACT prohibiting the destruction of any animal by hypoxia induced by decompression and amending R. S. 4:22-19.

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

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

2 4:22-19. A person who shall

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

7 d. Destroy or cause to be destroyed any such animal *by hypoxia*
8 *induced by decompression or in any other manner* except by a
9 method of euthanasia generally accepted by the veterinary medical
10 profession as being reliable, appropriate to the type of animal upon
11 which it is to be employed, and capable of producing loss of con-
12 sciousness and death rapidly and painlessly for such animal shall,
13 in the case of a violation of **[paragraph]** *subsection a.*, be guilty of
14 a misdemeanor and punished as provided in **[section]** *R. S. 4:22-17*
15 **[of this Title]**; or, in the case of a violation of **[paragraph]** *sub-*
16 *section b.*, be subject to a penalty of \$25.00 for the first offense and
17 \$50.00 for each subsequent offense. Each animal destroyed in viola-
18 tion of **[paragraph]** *subsection b.* shall constitute a separate
19 offense. The penalty shall be collected in accordance with the
20 Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.) and all money
21 collected shall be remitted to the State.

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

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

21 ment Law (N. J. S. 2A:58-1 et seq.) and all money collected shall
22 be remitted to the State.

23 **[Paragraphs]** ***[Subsection a. and b. of this]** ***This*** section
24 shall apply **to kennels, pet shops, shelters and pounds as defined*
25 *and licensed pursuant to P. L. 1941, c. 151 (C. 4:19-15.1 et seq.);**
26 to pounds and places of confinement owned and operated by
27 municipalities, counties or regional governmental authorities*;
28 and to every contractual warden or impounding service, any pro-
29 vision to the contrary in this title notwithstanding.

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

3 2. As used in this act:

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

11 "Humane disposal" means euthanasia by or under the direct
12 supervision of a veterinarian or placement in a suitable home or
13 animal shelter which shall not include any home or shelter which
14 engages in animal experimentation or, by sale or otherwise, makes
15 animals available for the purpose of animal experimentation.
16 *Humane disposal shall not include hypoxia induced by decompres-*
17 *sion or in any other manner.**

1 ****3.** *(New section) Within 30 days of the effective date of this*
2 *act, any chamber or device used to induce hypoxia through decom-*
3 *pression or in any other manner shall be dismantled and removed*
4 *from the premises. The owner of any premises on which the*
5 *chamber or device remains 30 days subsequent to the effective date*
6 *of this act shall be guilty of a disorderly persons offense.***

1 ***[2.]* **[*3.]*** **4.**** This act shall take effect immediately.

STATEMENT

This bill prohibits the use of decompression chambers as a method of destroying animals.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

SENATE, No. 396

with Senate committee amendments
and Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 19, 1982

This bill prohibits the use of decompression chambers as a method of animal euthanasia by removing the practice from consideration by the veterinary medical profession as reliable and humane.

The bill would: (1) change the penalty for violation from a misdemeanor to a disorderly persons offense (thereby removing any inconsistency with the New Jersey Criminal Code); (2) delete reference to the penalty section, R. S. 4:22-17, thus providing for a fine up to \$1,000.00 (R. S. 4:22-17 now provides for a fine of up to \$250.00); (3) specifically prohibit the use of decompression by private kennels, pet shops, shelters and pounds, as well as by public places of confinement; and (4) amend the term "humane disposal" in chapter 10 of Title 45 of the Revised Statutes (Professions), thereby providing that hypoxia by decompression or in any other manner would no longer be considered humane.

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

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

SENATE, No. 396

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 1, 1982

This bill prohibits the use of decompression chambers as a method of animal euthanasia by removing the practice from consideration by the veterinary medical profession as reliable and humane. The bill also makes several technical amendments to the relevant statute.

The committee adopted several amendments, which would strengthen the bill. The first changes the penalty for violation from a misdemeanor to a disorderly persons offense, thereby removing any inconsistency with the New Jersey Criminal Code. This amendment also deletes reference to the penalty section, R. S. 4:22-17, thus providing for a fine up to \$1,000.00. R. S. 4:22-17 provides for a fine of up to \$250.00. The second amendment specifically prohibits the use of decompression by private kennels, pet shops, shelters and pounds, as well as by public places of confinement.

Finally, the term "humane disposal" in chapter 10 of Title 45 of the Revised Statutes (Professions) is amended to provide that hypoxia by decompression or in any other manner would no longer be considered humane.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: DAVE DE MAIO

THURSDAY, JULY 22, 1982

Governor Thomas H. Kean today signed S-396, sponsored by Senator Louis C. Bassano (R-Union) and co-sponsored by Senator Donald T. DiFrancesco (R-Essex).

S-396 prohibits the use of decompression chambers used to destroy animals by hypoxia --- a deprivation of oxygen sufficient to kill.

The bill further amends the cruelty to animals statutes to prohibit the destruction of an animal by any manner other than a method of euthanasia capable of producing death rapidly and painlessly.

Penalties of \$25.00 for the first offense and \$50.00 for each subsequent offense are also prescribed, as well as an order mandating the dismantling of all decompression chambers within 30 days.

The act, which takes effect immediately, also makes it a disorderly persons offense to impound any animal without sufficient food and water.