

24:21-11

LEGISLATIVE HISTORY CHECKLIST

(Controlled Dangerous Substances--
Possession of certain by humane societies)

WJSA 24:21-11

LAWS OF 1979

CHAPTER 204

Bill No. S1450

Sponsor(s) McDonough

Date Introduced Nov. 20, 1978

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes

~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 14, 1979

Senate Feb. 13, 1979

Date of approval Sept. 20, 1979

Following statements are attached if available:

Sponsor statement	Yes	xx (Below)
Committee Statement: Assembly	Yes	xx
Senate	Yes	xx
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	xx

Following were printed:

Reports	Yes	No
Hearings	Yes	No

Sponsor's statement:

This bill permits duly authorized agents, officers or employees of an incorporated humane society to buy, possess and use sodium pentobarbital to euthanize injured, sick, homeless and unwanted domestic pets or domestic or wild animals.

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SENATE, No. 1450

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1978

By Senator McDONOUGH

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1 1. Section 10 of P. L. 1970, c. 226 (C. 24:21-10) is amended to
2 read as follows:

3 10. Registration requirements. a. Every person who manu-
4 factures, distributes, or dispenses any controlled dangerous sub-
5 stance within this State or who proposes to engage in the manu-
6 facture, distribution, or dispensing of any controlled dangerous
7 substance within this State, shall obtain annually a registration
8 issued by the State Department of Health in accordance with the
9 rules and regulations promulgated by it.

10 b. Persons registered by the commissioner under this act to
11 manufacture, distribute, dispense, or conduct research with con-
12 trolled dangerous substances may possess, manufacture, distribute,
13 dispense, or conduct research with those substances to the extent
14 authorized by their registration and in conformity with the other
15 provisions of this article.

16 c. The following persons shall not be required to register and
17 may lawfully have under their control or possess controlled
18 dangerous substances under the provisions of this act; provided,
19 however, that nothing in this section shall be construed as confer-
20 ring on a person who is not registered or licensed as a practitioner
21 or as a pharmacist any authority, right or privilege that is not
22 granted him by the laws of this State:

23 (1) An agent, or an employee thereof, of any registered manu-
24 facturer, distributor, or dispenser of any controlled dangerous
25 substance if such agent is acting in the usual course of his business
26 or employment;

27 (2) A common carrier or warehouseman, or an employee thereof,
28 whose possession of any controlled dangerous substance is in the
29 usual course of his business or employment;

30 (3) An ultimate user or a person in possession of any controlled
31 dangerous substance pursuant to a lawful order of a practitioner
32 or in lawful possession of a Schedule V substance;

33 (4) Peace officers or employees in the performance of their
34 official duties requiring possession or control of controlled danger-
35 ous substances; or to temporary incidental possession by employees
36 or agents of persons lawfully entitled to possession, or by persons
37 whose possession is authorized for the purpose of aiding peace
38 officers in performing their official duties, *or by duly authorized*
39 *agents, officers or employees of an incorporated humane society for*
40 *the limited purpose of buying, possessing and using sodium pento-*
41 *barbital to euthanize injured, sick, homeless and unwanted domestic*
42 *pets or domestic or wild animals.*

43 d. The commissioner may, by regulation, waive the requirement
44 for registration of certain manufacturers, distributors, or dis-
45 pensers if he finds it consistent with the public health and safety.

46 e. A separate registration shall be required at each principal
47 place of business or professional practice where the applicant
48 manufactures, distributes, or dispenses controlled dangerous
49 substances.

50 f. The commissioner is authorized to inspect the establishment
51 of a registrant or applicant for registration in accordance with the
52 rules and regulations promulgated by him.

1 2. This act shall take effect immediately.

STATEMENT

This bill permits duly authorized agents, officers or employees of an incorporated humane society to buy, possess and use sodium pentobarbital to euthanize injured, sick, homeless and unwanted domestic pets or domestic or wild animals.

SENATE AMENDMENT TO
SENATE, No. 1450

STATE OF NEW JERSEY

ADOPTED JANUARY 30, 1979

Amend page 2, section 1, line 39, after "society", insert "or a licensed animal control facility".

STATEMENT

This amendment extends the provisions of this bill to licensed animal control facilities.

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SENATE, No. 1450

STATE OF NEW JERSEY

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7 substance within this State, shall obtain annually a registration
8 issued by the State Department of Health in accordance with the
9 rules and regulations promulgated by it.

10 b. Persons registered by the commissioner under this act to
11 manufacture, distribute, dispense, or conduct research with con-
12 trolled dangerous substances may possess, manufacture, distribute,
13 dispense, or conduct research with those substances to the extent
14 authorized by their registration and in conformity with the other
15 provisions of this article.

16 c. The following persons shall not be required to register and
17 may lawfully have under their control or possess controlled
18 dangerous substances under the provisions of this act; provided,
19 however, that nothing in this section shall be construed as confer-
20 ring on a person who is not registered or licensed as a practitioner
21 or as a pharmacist any authority, right or privilege that is not
22 granted him by the laws of this State:

23 (1) An agent, or an employee thereof, of any registered manu-
24 facturer, distributor, or dispenser of any controlled dangerous
25 substance if such agent is acting in the usual course of his business
26 or employment;

27 (2) A common carrier or warehouseman, or an employee thereof,
28 whose possession of any controlled dangerous substance is in the
29 usual course of his business or employment;

30 (3) An ultimate user or a person in possession of any controlled
31 dangerous substance pursuant to a lawful order of a practitioner
32 or in lawful possession of a Schedule V substance;

33 (4) Peace officers or employees in the performance of their
34 official duties requiring possession or control of controlled danger-
35 ous substances; or to temporary incidental possession by employees
36 or agents of persons lawfully entitled to possession, or by persons
37 whose possession is authorized for the purpose of aiding peace
38 officers in performing their official duties, *or by duly authorized*
39 *agents, officers or employees of an incorporated humane society*
40 **or a licensed animal control facility* for the limited purpose of*
41 *buying, possessing and using sodium pentobarbital to euthanize*
42 *injured, sick, homeless and unwanted domestic pets or domestic*
42A *or wild animals.*

43 d. The commissioner may, by regulation, waive the requirement
44 for registration of certain manufacturers, distributors, or dis-
45 pensers if he finds it consistent with the public health and safety.

46 e. A separate registration shall be required at each principal
47 place of business or professional practice where the applicant
48 manufactures, distributes, or dispenses controlled dangerous
49 substances.

50 f. The commissioner is authorized to inspect the establishment
51 of a registrant or applicant for registration in accordance with the
52 rules and regulations promulgated by him.

1 2. This act shall take effect immediately.

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9.20 11.10.78
[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1450

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1978

By Senator McDONOUGH

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AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1 **[1. Section 10 of P. L. 1970, c. 226 (C. 24:21-10) is amended to
2 read as follows:

3 10. Registration requirements. a. Every person who manu-
4 factures, distributes, or dispenses any controlled dangerous sub-
5 stance within this State or who proposes to engage in the manu-
6 facture, distribution, or dispensing of any controlled dangerous
7 substance within this State, shall obtain annually a registration
8 issued by the State Department of Health in accordance with the
9 rules and regulations promulgated by it.

10 b. Persons registered by the commissioner under this act to
11 manufacture, distribute, dispense, or conduct research with con-
12 trolled dangerous substances may possess, manufacture, distribute,
13 dispense, or conduct research with those substances to the extent
14 authorized by their registration and in conformity with the other
15 provisions of this article.

16 c. The following persons shall not be required to register and
17 may lawfully have under their control or possess controlled
18 dangerous substances under the provisions of this act; provided,
19 however, that nothing in this section shall be construed as confer-
20 ring on a person who is not registered or licensed as a practitioner
21 or as a pharmacist any authority, right or privilege that is not
22 granted him by the laws of this State:

23 (1) An agent, or an employee thereof, of any registered manu-
24 facturer, distributor, or dispenser of any controlled dangerous
25 substance if such agent is acting in the usual course of his business
26 or employment;

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

27 (2) A common carrier or warehouseman, or an employee thereof,
28 whose possession of any controlled dangerous substance is in the
29 usual course of his business or employment;

30 (3) An ultimate user or a person in possession of any controlled
31 dangerous substance pursuant to a lawful order of a practitioner
32 or in lawful possession of a Schedule V substance;

33 (4) Peace officers or employees in the performance of their
34 official duties requiring possession or control of controlled danger-
35 ous substances; or to temporary incidental possession by employees
36 or agents of persons lawfully entitled to possession, or by persons
37 whose possession is authorized for the purpose of aiding peace
38 officers in performing their official duties, *or by duly authorized*
39 *agents, officers or employees of an incorporated humane society*
40 **or a licensed animal control facility* for the limited purpose of*
41 *buying, possessing and using sodium pentobarbital to euthanize*
42 *injured, sick, homeless and unwanted domestic pets or domestic*
42A *or wild animals.*

43 d. The commissioner may, by regulation, waive the requirement
44 for registration of certain manufacturers, distributors, or dis-
45 pensers if he finds it consistent with the public health and safety.

46 e. A separate registration shall be required at each principal
47 place of business or professional practice where the applicant
48 manufactures, distributes, or dispenses controlled dangerous
49 substances.

50 f. The commissioner is authorized to inspect the establishment
51 of a registrant or applicant for registration in accordance with the
52 rules and regulations promulgated by him.]**

53 **1. Section 11 of P. L. 1970, c. 226 (C. 24:21-11) is amended
54 to read as follows:

55 11. Registration. a. The State Department of Health shall not
56 register an applicant to manufacture or distribute controlled dan-
57 gerous substances included in Schedules I through IV of article 2
58 of this act unless it determines that the issuance of such registration
59 is consistent with the public interest. In determining the public
60 interest, the following factors shall be considered:

61 (1) Maintenance of effective controls against diversion of partic-
62 ular controlled dangerous substances into other than legitimate
63 medical, scientific, or industrial channels;

64 (2) Compliance with applicable State and local laws;

65 (3) Any convictions of the applicant under any Federal and
66 State laws relating to any controlled dangerous substance;

67 (4) Past experience in the manufacture of controlled dangerous
68 substances, and the existence in the applicant's establishment of
69 effective controls against diversion;

70 (5) Furnishing by the applicant false or fraudulent material in
71 any application filed under this act;

72 (6) Suspension or revocation of the applicant's Federal registra-
73 tion to manufacture, distribute, or dispense controlled dangerous
74 substances as authorized by Federal law; and

75 (7) Such other factors as may be relevant to and consistent with
76 the public health and safety.

77 b. Registration granted under subsection a. of this section shall
78 not entitle a registrant to manufacture and distribute controlled
79 dangerous substances in Schedule I or II other than those specified
80 in the registration.

81 c. Practitioners shall be registered to dispense substances in
82 Schedules II through IV if they are authorized to dispense or
83 conduct research under the law of this State. The commissioner
84 need not require separate registration under this article for prac-
85 titioners engaging in research with nonnarcotic controlled danger-
86 ous substances in Schedules II through IV where the registrant is
87 already registered under this article in another capacity. Prac-
88 titioners registered under Federal law to conduct research in
89 Schedule I substances are permitted to conduct research in Schedule
90 I substances within this State upon furnishing the commissioner
91 evidence of that Federal registration.

92 d. Compliance by manufacturers and distributors with the pro-
93 visions of the Federal law respecting registration (excluding fees)
94 entitles them to be registered under this act.

95 e. The State Department of Health shall initially permit persons
96 to register who own or operate any establishment engaged in the
97 manufacture, distribution or dispensing of any controlled danger-
98 ous substances prior to the effective date of this act and who are
99 registered or licensed by the State.

100 f. *An incorporated humane society or a licensed animal control*
101 *facility may designate an officer, a member of its board of trustees,*
102 *the owner, the operator or the manager as its duly authorized*
103 *agent. The State Department of Health shall, consistent with the*
104 *public interest, register such duly authorized agent for the limited*
105 *purpose of buying, possessing, and dispensing to registered and*
106 *certified personnel sodium pentobarbital to euthanize injured, sick,*
107 *homeless and unwanted domestic pets or domestic or wild animals.*
108 *The duly authorized agent shall file, on a quarterly basis, a report*

109 of any purchase, possession and use of sodium pentobarbital, which
110 report shall be certified by the humane society or animal control
111 facility as to its accuracy and validity. This report shall be in addi-
112 tion to any other recordkeeping and reporting requirements of
113 State and Federal law and regulation.

114 The State Department of Health shall adopt rules and regula-
115 tions providing for the registration and certification of any in-
116 dividual who, under the direction of the duly authorized and regis-
117 tered agent of an incorporated humane society or licensed animal
118 control facility, uses sodium pentobarbital to euthanize injured,
119 sick, homeless and unwanted domestic pets or domestic or wild
120 animals. The State Department of Health may also adopt such
121 other rules and regulations as shall provide for the safe and effi-
122 cient use of sodium pentobarbital by animal control facilities and
123 humane societies. Nothing herein shall be deemed to waive any
124 other requirement imposed on animal control facilities and humane
125 societies by State and Federal law and regulation.**

1 2. This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1450

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 7, 1979

This bill would permit duly authorized personnel of an incorporated humane society or licensed animal control facility to buy, possess and use sodium pentobarbital solely to euthanize injured, sick, homeless and unwanted domestic pets or domestic or wild animals.

According to a variety of authorities in the field, including the American Veterinary Medical Association, the New Jersey State Veterinary Medical Examining Board and New Jersey State Health Department, the best and most humane method of euthanasia is the use of barbiturates. Sodium pentobarbital is the most commonly administered drug of this type for this purpose.

The Assembly Judiciary Committee amendments are designed to have the humane societies register with the Department of Health, rather than be exempt from registration. A society's manager or some other agent would be designated as the person responsible for the purchase, possession and use of the drug, and for the recordkeeping and reporting prescribed by the State and Federal laws and regulations. Furthermore, the employees or other users of the drug must register with and be certified by the State Department of Health. Such an approach is deemed by the committee and the Federal Drug Enforcement Administration, better able to balance the desire for humane euthanasia of animals and the need for strict control of highly dangerous drugs.

SENATE LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 1450

STATE OF NEW JERSEY

DATED: JANUARY 25, 1979

This bill would permit duly authorized personnel of an incorporated humane society to buy, possess and use sodium pentobarbital solely to euthanize injured, sick, homeless and unwanted domestic pets or domestic or wild animals.

According to a variety of authorities in the field, including the American Veterinary Medical Association, the New Jersey State Veterinary Medical Examining Board and New Jersey State Health Department, the best and most humane method of euthanasia is the use of barbiturates. Sodium pentobarbital is the most commonly administered drug of this type for this purpose.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 20, 1979

JOE SANTANGELO

Governor Brendan Byrne today signed S-1450, sponsored by former Senator Peter McDonough (R-Union), which permits authorized personnel of humane societies and licensed animal control facilities to use sodium pentobarbital to euthanize homeless, unwanted, sick or injured pets and wild animals.

Byrne signed the bill at Morven. An unofficial observer at the ceremony was the Governor's dog, Yankee.

The purpose of the measure is to permit the use of sodium pentobarbital in facilities where gas has been used to euthanize animals.

This drug is administered by injection and is considered to be more humane than gas.

The humane societies and licensed animal control facilities have not had the use of sodium pentobarbital in the destruction of animals since it is prohibited by the New Jersey Controlled Dangerous Substances Act.

Using tight controls, the State Department of Health will have the power to adopt rules and regulations in the implementation of this bill. They will inspect facilities, license facilities and license individuals prior to permitting use of the drug.

A training course in the administration of the drug will be monitored by the Department of Health. Inspection and administrative costs will be defrayed by charging agent registration and employee registration fees.

"Pet lovers have been urging me to sign S-1450. I've received hundreds of letters and phone calls from supporters repeatedly who endorsed this bill," said Byrne.

Currently, five other states have similar legislation.

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