

SENATE, No. 179

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

Senators Diegnan, Thompson, Cryan, Turner, Stanfield and Johnson

SYNOPSIS

Provides for spaying and neutering stray or feral cats and establishes fund therefor; designated as “Compassion for Community Cats Law.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/9/2022)

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2

1 AN ACT concerning cat population control, designated as the
2 "Compassion for Community Cats Law," and amending,
3 supplementing, and repealing various parts of statutory law.
4

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

7
8 1. (New section) a. There is established in the Department of
9 Health a special, nonlapsing fund to be known as the "Compassion
10 for Community Cats Fund." The fund shall be administered by the
11 department and shall be credited with:

12 (1) all fees collected pursuant to section 1 of P.L.1983, c.181
13 (C.4:19-15.3c);

14 (2) all penalties collected pursuant to subsection c. of section 2
15 of P.L. , c. (C.) (pending before the Legislature as this bill);

16 (3) moneys as may be appropriated by the Legislature; and

17 (4) any return on investment of moneys deposited in the fund.

18 b. Moneys in the fund shall be used by the department solely
19 for grants to municipalities and counties to establish programs to
20 humanely trap community cats, sterilize, ear-tip, vaccinate against
21 rabies, and return each community cat to the location where the
22 community cat was trapped.

23 c. The department shall not use any moneys in the fund for
24 administrative costs of the department.

25 d. As used in this section, "community cat" means a cat,
26 whether or not fearful of, or socialized to, humans, that has no
27 known owner, lives and freely roams in the outdoors, and that may
28 or may not be cared for by a person, including, but not limited to, a
29 person who provides food, water, veterinary care, or indoor or
30 outdoor protection from the weather.

31

32 2. (New section) a. Except as otherwise provided pursuant to
33 subsection b. of this section, in addition to the provisions of section
34 16 of P.L.1941, c.151 (C.4:19-15.16), no cat may be released for
35 adoption from an animal rescue organization facility, shelter,
36 pound, or kennel operating as a shelter or pound unless the cat has
37 been spayed or neutered by a licensed veterinarian. The animal
38 rescue organization facility, shelter, pound, or kennel operating as a
39 shelter or pound may charge the cost of spaying or neutering the cat
40 to the person assuming ownership from the animal rescue
41 organization facility, shelter, pound, or kennel operating as a shelter
42 or pound.

43 b. The provisions of subsection a. of this section shall not
44 apply to a cat that:

45 (1) is less than two months old;

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 (2) a licensed veterinarian determines cannot be spayed or
2 neutered for other health reasons affecting the cat; or

3 (3) is being placed in a foster home or transferred to another
4 shelter, pound, kennel operating as a shelter or pound, or animal
5 rescue organization facility by a shelter, pound, or kennel operating
6 as a shelter or pound, except as otherwise provided in subsection h.
7 of section 16 of P.L.1941, c.151 (C.4:19-15.16).

8 c. Any person who violates subsection a. of this section shall
9 be subject to a civil penalty of up to \$1,000, to be collected by the
10 Department of Health in a civil action by a summary proceeding
11 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
12 (C.2A:58-10 et seq.). The Superior Court and the municipal courts
13 shall have jurisdiction to enforce the provisions of the "Penalty
14 Enforcement Law of 1999" pursuant to this section, and all monies
15 collected pursuant to this subsection shall be deposited in the
16 "Compassion for Community Cats Fund," established pursuant to
17 section 1 of P.L. , c. (C.) (pending before the Legislature as
18 this bill) for the purposes of the fund.

19 d. The Department of Health, pursuant to the "Administrative
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt
21 rules and regulations necessary to implement this section.
22

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

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

26 "Animal rescue organization" means an individual or group of
27 individuals who, with or without salary or compensation, house and
28 care for homeless animals in the home of an individual or in other
29 facilities, with the intent of placing the animals in responsible, more
30 permanent homes as soon as possible.

31 "Animal rescue organization facility" means the home or other
32 facility in which an animal rescue organization houses and cares for
33 an animal.

34 "Certified animal control officer" means a person 18 years of age
35 or older who has satisfactorily completed the course of study
36 approved by the Commissioner of Health and Senior Services and
37 the Police Training Commission as prescribed by paragraphs (1)
38 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
39 15.16a); or who has been employed in the State of New Jersey in
40 the capacity of, and with similar responsibilities to those required
41 of, a certified animal control officer pursuant to the provisions of
42 P.L.1983, c.525 for a period of three years before January 17, 1987.

43 "Community cat" means a cat, whether or not fearful of, or
44 socialized to, humans, that has no known owner, lives and freely
45 roams in the outdoors, and that may or may not be cared for by a
46 person, including, but not limited to, a person who provides food,
47 water, veterinary care, or indoor or outdoor protection from the
48 weather.

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1 “Community cat caregiver” means a person who provides care to
2 a community cat, including, but not limited to, a person who
3 provides food, water, veterinary care, or indoor or outdoor
4 protection from the weather.

5 “Dog” means any dog, bitch or spayed bitch.

6 “Dog of licensing age” means any dog which has attained the age
7 of seven months or which possesses a set of permanent teeth.

8 “Foster home” means placement of a cat or dog with an
9 individual or group that is not an animal rescue organization for the
10 purpose of temporarily caring for the cat or dog, without the
11 individual or group assuming ownership and with the intent of the
12 individual or group relinquishing the cat or dog to a suitable owner
13 when one is located.

14 “Kennel” means any establishment wherein or whereon the
15 business of boarding or selling dogs or breeding dogs for sale is
16 carried on, except a pet shop.

17 “Owner” when applied to the proprietorship of a dog shall
18 include every person having a right of property in that dog and
19 every person who has that dog in **【his】** the person’s keeping, and
20 when applied to the proprietorship of any other animal, including,
21 but not limited to, a cat, shall include every person having a right of
22 property in that animal **【and every person who has that animal in**
23 **his keeping.】** and shall not include a community cat caregiver.

24 “Pet shop” means any place of business which is not part of a
25 kennel, wherein animals, including, but not limited to, dogs, cats,
26 birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or
27 displayed chiefly for the purpose of sale to individuals for personal
28 appreciation and companionship rather than for business or research
29 purposes.

30 “Pound” means an establishment for the confinement of dogs or
31 other animals seized either under the provisions of this act or
32 otherwise.

33 “Shelter” means any establishment where dogs or other animals
34 are received, housed and distributed.

35 “Sterilize” means to render an animal incapable of reproducing
36 by either spaying or neutering.

37 (cf: P.L.2011, c.142, s.1)

38

39 4. Section 1 of P.L.1983, c.181 (C.4:19-15.3c) is amended to
40 read as follows:

41 1. In addition to the fee charged pursuant to section 3 of
42 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
43 Health pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11),
44 any person applying for **【the】** a license and registration tag
45 pursuant to section 2 of P.L.1941, c.151 (C.4:19-15.2) shall pay an
46 additional fee of \$0.20 for any dog.

47 All fees collected pursuant to the provisions of this section shall
48 be forwarded to the State Treasurer to be placed in the **【**“Pilot

1 Clinic Fund" created pursuant to P.L.1983, c.180 (C.4:19A-
2 10 et seq.), to be used by the Commissioner of Health for the
3 operation of the animal sterilization pilot clinic established pursuant
4 to that act] "Compassion for Community Cats Fund" established
5 pursuant to section 1 of P.L. , c. (C.) (pending before the
6 Legislature as this bill).
7 (cf: P.L.1983, c.181, s.1)

8
9 5. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
10 read as follows:

11 16. a. The certified animal control officer appointed by the
12 governing body of the municipality shall take into custody and
13 impound any animal, to thereafter be euthanized or offered for
14 adoption, as provided in this section:

15 (1) Any dog off the premises of the owner or of the person
16 charged with the care of the dog, which is reasonably believed to be
17 a stray dog;

18 (2) Any dog off the premises of the owner or the person charged
19 with the care of the dog without a current registration tag [on its
20 collar or elsewhere];

21 (3) Any female dog in season off the premises of the owner or
22 the person charged with the care of the dog;

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

24 (5) Any dog [or other animal] off the premises of the owner or
25 the person charged with [its] the dog's care that is reported to, or
26 observed by, a certified animal control officer to be [ill, injured,
27 or] creating a threat to public health, safety, or welfare, or
28 otherwise interfering with the enjoyment of property; or

29 (6) Any animal reported to, or observed by, a certified animal
30 control officer to be ill or injured .

31 b. If an animal taken into custody and impounded pursuant to
32 subsection a. of this section has a collar or harness with
33 identification of the name and address of any person, or has a
34 registration tag, or has a microchip with an identification number
35 that can be traced to the owner or person charged with the care of
36 the animal, or the owner or the person charged with the care of the
37 animal is otherwise known, the certified animal control officer shall
38 ascertain the name and address of the owner or the person charged
39 with the care of the animal, and serve to the identified person as
40 soon as practicable, a notice in writing that the animal has been
41 seized and will be liable to be offered for adoption or euthanized if
42 not claimed within seven days after the service of the notice.

43 c. A notice required pursuant to this section may be served: (1)
44 by delivering it to the person on whom it is to be served, or by
45 leaving it at the person's usual or last known place of residence or
46 the address given on the collar, harness, or microchip identification;
47 or (2) by mailing the notice to that person at the person's usual or

1 last known place of residence, or to the address given on the collar,
2 harness or microchip identification.

3 d. A shelter, pound, or kennel operating as a shelter or pound
4 receiving an animal from a certified animal control officer pursuant
5 to subsection a. of this section, or from any other individual, group,
6 or organization, shall hold the animal for at least seven days before
7 offering **【it】** the animal for adoption, or euthanizing, relocating, or
8 sterilizing the animal, except if:

9 (1) the animal is surrendered voluntarily by **【its】** the animal's
10 owner to the shelter, pound, or kennel operating as a shelter or
11 pound, in which case the provisions of subsection e. of this section
12 shall apply; or

13 (2) the animal is suspected of being rabid, in which case the
14 provisions of subsection j. of this section shall apply.

15 e. If a shelter, pound or kennel operating as a shelter or pound
16 is not required to hold an animal for at least seven days pursuant to
17 paragraph (1) of subsection d. of this section, the shelter, pound, or
18 kennel operating as a shelter or pound:

19 (1) shall offer the animal for adoption for at least seven days
20 before euthanizing **【it】** the animal ; or

21 (2) may transfer the animal to an animal rescue organization
22 facility or a foster home prior to offering **【it】** the animal for
23 adoption if such a transfer is determined to be in the best interest of
24 the animal by the shelter, pound, or kennel operating as a shelter or
25 pound.

26 f. Except as otherwise provided for under subsection e. of this
27 section, no shelter, pound, or kennel operating as a shelter or pound
28 receiving an animal from a certified animal control officer may
29 transfer the animal to an animal rescue organization facility or a
30 foster home until the shelter, pound, or kennel operating as a shelter
31 or pound has held the animal for at least seven days.

32 g. If the owner or the person charged with the care of the
33 animal seeks to claim **【it】** the animal within seven days, or after the
34 seven days have elapsed but before the animal has been adopted or
35 euthanized, the shelter, pound, or kennel operating as a shelter or
36 pound:

37 (1) shall, in the case of a cat or dog, release **【it】** the cat or dog
38 to the owner or person charged with **【its】** the animal's care,
39 provided the owner or person charged with the care of the animal
40 provides proof of ownership, which may include a valid cat or dog
41 license, registration, rabies inoculation certificate, or documentation
42 from the owner's veterinarian that the cat or dog has received
43 regular care from that veterinarian;

44 (2) may, in the case of a cat or dog, charge the cost of sterilizing
45 the cat or dog, if the owner requests such sterilizing when claiming
46 **【it】** the cat or dog; and

47 (3) may require the owner or person charged with the care of the
48 animal to pay all the animal's expenses while in the care of the

1 shelter, pound, or kennel operating as a shelter or pound, not to
2 exceed \$4 per day.

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

14 i. At the time of adoption, the right of ownership in the animal
15 shall transfer to the new owner. Prior to the release to the person
16 assuming ownership of a cat that has not been spayed or neutered,
17 the shelter, pound, or kennel operating as a shelter or pound shall
18 spay or neuter the cat except as otherwise provided in subsection b.
19 of section 2 of P.L. , c. (C.) (pending before the
20 Legislature as this bill). No dog or other animal taken into custody,
21 impounded, sent or otherwise brought to a shelter, pound, or kennel
22 operating as a shelter or pound shall be sold or otherwise be made
23 available for the purpose of experimentation. Any person who sells
24 or otherwise makes available any such dog or other animal for the
25 purpose of experimentation shall be guilty of a crime of the fourth
26 degree.

27 j. Any animal seized under this section suspected of being
28 rabid shall be immediately reported to the executive officer of the
29 local board of health and to the Department of Health, and shall be
30 quarantined, observed, and otherwise handled and dealt with as
31 appropriate for an animal suspected of being rabid or as required by
32 the Department of Health for the animals.

33 k. When a certified animal control officer takes into custody
34 and impounds, or causes to be taken into custody and impounded,
35 an animal, the certified animal control officer may place the animal
36 in the custody of, or cause the animal to be placed in the custody of,
37 only a licensed shelter, pound, or kennel operating as a shelter or
38 pound. The certified animal control officer may not place the
39 animal in the custody of, or cause the animal to be placed in the
40 custody of, any animal rescue organization facility, foster home, or
41 other unlicensed facility. However, the licensed shelter, pound, or
42 kennel operating as a shelter or pound may place the animal in an
43 animal rescue organization facility, foster home, or other unlicensed
44 facility if necessary pursuant to subsection e. or h. of this section.

45 l. Notwithstanding the provisions of this section and sections 3
46 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
47 contrary, no cat or dog being transferred between shelters, pounds,
48 or kennels operating as shelters or pounds, or being transferred to

1 an animal rescue organization facility or placed in a foster home,
2 shall be required to be sterilized prior to that transfer.

3 m. Notwithstanding the provisions of this section, or any other
4 law, or rule or regulation adopted pursuant thereto, or municipal
5 ordinance, to the contrary, a shelter, pound, or kennel operating as a
6 shelter or pound shall not be required to hold a community cat for
7 any period of time before sterilizing, ear-tipping, or vaccinating the
8 community cat against rabies, and returning the community cat to
9 the location where the community cat was trapped.
10 (cf: P.L.2012, c.17, s.7)

11
12 6. Section 2 of P.L.1983, c.172 (C.4:19A-1) is amended to read
13 as follows:

14 2. The department shall establish and implement an Animal
15 Population Control Program **[(hereinafter referred to as the**
16 **"program")]** . The purpose of **[this]** the program shall be to
17 reduce the unwanted increase in population of **[unwanted and stray**
18 **dogs and cats]** cats and dogs by encouraging **[the owners of dogs**
19 **and cats to have them permanently sexually sterilized]** the
20 permanent sexual sterilization of cats and dogs, thereby reducing
21 potential threats to public health and safety posed by the growing
22 population of these **[unwanted and stray]** animals, and by providing
23 low-cost animal sterilization services to cat or dog owners
24 **[meeting]** or community cat caregivers who meet at least one of the
25 criteria of need enumerated in section 3 of **[this act]** P.L.1983,
26 c.172 (C.4:19A-2).
27 (cf: P.L.1983, c.172, s.2)

28
29 7. (New section) As used in sections 2 through 11 of P.L.1983,
30 c.172 (C.4:19A-1 et seq.):

31 “Community cat” means a cat, whether or not fearful of, or
32 socialized to, humans, that has no known owner, lives and freely
33 roams in the outdoors, and that may or may not be cared for by a
34 person, including, but not limited to, by a person who provides
35 food, water, veterinary care, or indoor or outdoor protection from
36 the weather.

37 “Community cat caregiver” means a person who provides care to
38 a community cat, including, but not limited to, by a person who
39 provides food, water, veterinary care, or indoor or outdoor
40 protection from the weather.

41 “Program” means the Animal Population Control Program
42 established pursuant to section 2 of P.L.1983, c.172 (C.4:19A-1).

43

44 8. Section 3 of P.L.1983, c.172 (C.4:19A-2) is amended to read
45 as follows:

46 3. In order to be eligible to participate in the program, an
47 owner of a cat or dog **[or cat]** or a community cat caregiver shall be
48 eligible for, and participate in, at least one of the following:

- 1 a. The Food Stamp Program authorized by Title XIII of the
2 Food and Agriculture Act of 1977, Pub.L.95-113
3 (7 U.S.C. s.2011 et seq.) , the New Jersey Supplemental Nutrition
4 Assistance Program, established pursuant to the federal "Food and
5 Nutrition Act of 2008," 7 U.S.C. s.2011 et seq., or the New Jersey
6 Supplementary Food Stamp Program established pursuant to the
7 "New Jersey Supplementary Food Stamp Program Act," P.L.1998,
8 c.32 (C.44:10-79 et seq.):
- 9 b. The Supplemental Security Income Program established
10 pursuant to Title XVI of the federal "Social Security Act,"
11 42 U.S.C. s.1381 et seq.;
- 12 c. The **【**program for aid to families with dependent children,
13 pursuant to P.L.1959, c.86 (C.44:10-1 et seq.)**】** special
14 supplemental food program for women, infants and children, also
15 referred to as the "WIC" program, established pursuant to
16 42 U.S.C. s.1786;
- 17 d. **【**The program for general public assistance, pursuant to the
18 provisions of the "General Public Assistance Law," P.L.1947, c.156
19 (C.44:8-107 et seq.)**】** The Work First New Jersey program
20 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), the
21 general assistance program established pursuant to the "Work First
22 New Jersey General Public Assistance Act," established pursuant to
23 P.L.1947, c.156 (C.44:8-107 et seq.), or any successor program
24 thereof;
- 25 e. The program of medical assistance pursuant to P.L.1968,
26 c.413 (C.30:4D-1 et seq.);
- 27 f. The program of "Pharmaceutical Assistance to the Aged and
28 Disabled," established pursuant to P.L.1975, c.194 (C.30:4D-20 et
29 seq.) or the Senior Gold Prescription Discount Program, established
30 pursuant to "Senior Gold Prescription Discount Act," P.L.2001,
31 c.96 (C.30:4D-43 et seq.);
- 32 g. The rental assistance program authorized pursuant to
33 section 8 of the United States Housing Act of 1937, Pub.L.75-412,
34 as added by the Housing and Community Development Act of
35 1974, Pub.L.93-383 (42 U.S.C. s. 1437(f)) or the State rental
36 assistance program established pursuant to P.L.2004, c.140
37 (C.52:27D-287.1 et seq.);
- 38 h. The "Lifeline Credit Program" established pursuant to
39 P.L.1979, c.197 (C.48:2-29.15 et seq.); **【or】**
- 40 i. The "Tenants' Lifeline Assistance Program" established
41 pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.) ; or
- 42 j. The Low Income Home Energy Assistance Program
43 established pursuant to 42 U.S.C. s.8621 et seq.
- 44 **【**A resident of New Jersey who owns a dog or cat shall also be
45 eligible to participate in the program if the owner: (1) submits to a
46 veterinarian participating in the program proof, in the form of a
47 certificate of adoption, that the dog or cat was adopted from a New
48 Jersey licensed animal shelter, a New Jersey municipal, county, or

1 regional pound, or a New Jersey holding and impoundment facility
2 that contracts with New Jersey municipalities, or proof that the dog
3 or cat was adopted through a non-profit corporation operating an
4 animal adoption referral service in New Jersey and whose holding
5 facility is licensed in accordance with State and municipal law; or
6 proof that the dog or cat was adopted through a non-profit
7 corporation operating an animal adoption referral service in New
8 Jersey that does not operate a holding facility; and, in the case of a
9 dog, proof that the dog is duly licensed pursuant to State and
10 municipal law; and (2) pays a \$20 fee, to be deposited in the
11 fund.】 The Department of Health may adopt, pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), 【such】 rules and regulations 【as may be】 necessary to
14 implement 【this amendatory act】 P.L.1983, c.172 (C.4:19A-
15 1 et al.).

16 (cf: P.L.1991, c.405, s.1)

17

18 9. Section 4 of P.L.1983, c.172 (C.4:19A-3) is amended to read
19 as follows:

20 4. a. Any person submitting a 【dog or】 cat or dog, pursuant to
21 the provisions of 【this act】 P.L.1983, c.172 (C.4:19A-1 et al.) for
22 spaying or neutering, as the case may be, shall:

23 【a. Furnish】 (1) Provide any State licensed veterinarian 【of this
24 State】 participating in the program with proof that the cat or dog
25 owner or community cat caregiver, as applicable, meets at least one
26 of the eligibility criteria pursuant to the provisions of section 3 of
27 【this amendatory and supplementary act】 P.L.1983, c.172
28 (C.4:19A-2);

29 【b.】 (2) Sign a consent form (a) certifying that the person is the
30 owner of the dog or cat, or is authorized by the owner to present the
31 dog or cat for the procedure【; and】 , or (b) attesting that the
32 community cat to be sterilized, ear-tipped, and vaccinated against
33 rabies has no known owner; and

34 【c.】 (3) Pay a fee of 【\$10.00, which】 \$10.

35 b. The fee shall be forwarded to the commissioner for deposit in
36 the "Animal Population Control Fund," established pursuant to
37 section 6 of P.L.1983, c.172 (C.4:19A-5).

38 (cf: P.L.1983, c.172, s.4)

39

40 10. Section 5 of P.L.1983, c.172 (C.4:19A-4) is amended to read
41 as follows:

42 5. a. Any licensed veterinarian of this State may participate in
43 the program upon filing with the commissioner an application
44 therefor, on forms prescribed by the commissioner, which
45 application shall supply, in addition to any other information
46 requested by the commissioner, an animal sterilization fee schedule
47 listing the fees charged for animal sterilization in the normal course
48 of business. These fees may vary with the animal's weight, sex and

1 species. The commissioner may, however, disqualify from
2 participation in the program any veterinarian whose fees are
3 deemed unreasonable.

4 b. The commissioner shall, to the extent that moneys are
5 available therefor from the "Animal Population Control Fund,"
6 reimburse participating veterinarians for 80% of the fee for each
7 animal sterilization procedure administered, upon the submission of
8 an animal sterilization certificate, prescribed by the commissioner,
9 signed by the veterinarian and the **owner of** person submitting the
10 animal for each sterilization procedure.

11 c. The commissioner shall reimburse from the fund any State
12 licensed veterinarian **of this State** participating in the program
13 for:

14 (1) the **presurgical** immunization of dogs against distemper,
15 hepatitis, leptospirosis, and parvovirus **, or** ;

16 (2) the **presurgical** immunization of cats against feline
17 panleukopenia, calici, pneumonitis and rhinotracheitis **,** as the case
18 may be, which immunization shall be administered at least 10 days
19 prior to reproductive surgery, on animals not previously immunized.
20 The reimbursement shall be for no more than \$10.00 upon the
21 written certification, signed by the veterinarian and the owner of the
22 animal, that the immunization has been administered. **;** or

23 (3) the immunization of community cats against rabies.

24 d. The reimbursement shall be for no more than \$10 upon the
25 written certification, signed by the veterinarian and the person
26 submitting the cat or dog for spaying or neutering, that the
27 immunization has been administered.

28 e. A community cat spayed or neutered through the program
29 shall also be ear-tipped and vaccinated against rabies by the State
30 licensed veterinarian performing the spaying or neutering.

31 (cf: P.L.1983, c.172, s.5)

32

33 11. Section 6 of P.L.1983, c.172 (C.4:19A-5) is amended to read
34 as follows:

35 6. a. The commissioner may:

36 (1) solicit and accept funds from any public or private source to
37 help carry out the provisions of P.L.1983, c.172 (C.4:19A-1 et al.);
38 and

39 (2) contract with a nonprofit organization that is exempt from
40 federal taxation pursuant to Section 501(c)(3) of the federal
41 "Internal Revenue Code," 26 U.S.C. s.501(c)(3), for the
42 administration of the Animal Population Control Program
43 established pursuant to section 2 of P.L.1983, c.172 (C.4:19A-1).

44 b. All fees collected pursuant to section 1 of P.L.1983, c.172
45 (C.4:19-15.3b) and sections 3 and 4 of P.L.1983, c.172 (C.43:19A-2
46 and C.4:19A-3), all moneys from the application and renewal fees
47 collected for animal welfare license plates issued pursuant to
48 P.L.1993, c.184 (C.39:3-27.55 et seq.), and all moneys received

1 pursuant to subsection a. of this section, shall be placed in a special
2 fund to be known as the "Animal Population Control Fund," which
3 shall be separate from the General State Fund. All moneys in the
4 "Animal Population Control Fund" shall be used by the
5 commissioner exclusively for the implementation and promotion of
6 the program and for the costs associated with the administration of
7 P.L.1983, c.172 (C.4:19A-1 et al.), except as provided in subsection
8 c. of this section.

9 c. Moneys deposited into the fund generated by the collection
10 of application fees for animal welfare license plates issued pursuant
11 to P.L.1993, c.184 (C.39:3-27.55 et seq.) shall be utilized by the
12 commissioner to reimburse the Division of Motor Vehicles for all
13 costs incurred by the division, as certified by the director, of
14 producing, issuing, renewing, and publicizing the availability of
15 animal welfare license plates.

16 No moneys deposited in the "Animal Population Control Fund,"
17 established in subsection b. of this section, except for the moneys
18 generated by the collection of application fees for animal welfare
19 license plates issued pursuant to P.L.1993, c.184 (C.39:3-
20 27.55 et seq.), shall be utilized by the Department of Health or the
21 Division of Motor Vehicles for any expenses, administrative or
22 otherwise, related to the animal welfare license plates, or the
23 advertising and publicizing thereof, including, but not limited to
24 notices, posters and signs to be circulated or posted by the
25 department or the division.

26 d. The director shall annually certify to the commissioner the
27 average cost per license plate incurred in the immediately preceding
28 year by the division in producing, issuing, renewing, and
29 publicizing the availability of animal welfare license plates. The
30 annual certification of the average cost per license plate shall be
31 approved by the Joint Budget Oversight Committee, or its
32 successor.

33 e. In the event that the average cost per license plate as
34 certified by the director and approved by the Joint Budget Oversight
35 Committee, or its successor, is greater than the \$50 application fee
36 established in subsection b. of section 1 of P.L.1993, c.184 (C.39:3-
37 27.55) in two consecutive fiscal years, the director may discontinue
38 the issuance of animal welfare license plates.

39 (cf: P.L.1995, c.145, s.3)

40
41 12. Section 3 of P.L.2010, c.89 (C.45:16-9.4a) is amended to
42 read as follows:

43 3. a. The State Board of Veterinary Medical Examiners shall
44 establish, through the promulgation of regulations, any specific
45 courses or topics which are to be required for continuing veterinary
46 education, and designate which are the core requirements for
47 continuing veterinary education, including the number of required
48 hours, subject matter and content of courses of study.

1 For purposes of this section, “core requirements” means the
2 continuing veterinary education determined by the board to be
3 necessary to maintain currency in professional knowledge and skills
4 in order to deliver competent veterinary care.

5 b. The board may offset up to 10 percent of the requisite
6 number of hours of continuing veterinary education required
7 pursuant to section 4 of P.L.1952, c.198 (C.45:16-9.4) by the
8 number of volunteer veterinary services rendered by licensees, at a
9 rate of one half of one hour of continuing veterinary education for
10 each hour of volunteer veterinary services, provided that a
11 veterinarian shall be required to complete at least the core
12 requirements established pursuant to subsection a. of this section. In
13 addition, the board may adopt a formula providing a minimum
14 number of spaying or neutering procedures that shall be deemed the
15 equivalent of one hour of continuing veterinary education.

16 The board may reduce, in part, an application by a licensee to
17 offset credits of continuing veterinary education pursuant to this
18 subsection if the board finds, in its discretion, that the applicant
19 requires continuing veterinary education in order to maintain or
20 restore professional competence, or may deny all applications if the
21 board finds that continuing veterinary education above the core
22 requirements is necessary because of developments in science or
23 technology.

24 The board may also, in its discretion and for good cause, notify a
25 veterinarian that the veterinarian is ineligible to offset credits of
26 continuing veterinary education pursuant to this subsection for any
27 other reason established by regulation by the board.

28 c. As used in this section [, “volunteer”]:

29 “Community cat” means a cat, whether or not fearful of, or
30 socialized to, humans, that has no known owner, lives and freely
31 roams in the outdoors, and that may or may not be cared for by a
32 person, including, but not limited to, by a person who provides
33 food, water, veterinary care, or indoor or outdoor protection from
34 the weather.

35 “Volunteer veterinary services” means veterinary care provided
36 without charge to:

37 (1) a person eligible for, and participating in, at least one of the
38 programs enumerated in section 3 of P.L.1983, c.172 (C.4:19A-2);
39 **[or]**

40 (2) a licensed shelter [or] , pound [licensed by the Department
41 of Health and Senior Services or a municipally approved managed
42 cat colony, provided that the municipality or nonprofit group or
43 organization managing the cat colony has attested in writing to the
44 veterinarian that the cat to be spayed or neutered or otherwise
45 treated by the veterinarian is feral or stray with no known owner.] ,
46 or kennel operating as a shelter or pound; or

47 (3) a municipality, county, or nonprofit group or organization
48 that is operating a program of humanely trapping community cats,

1 and sterilizing, ear-tipping, and vaccinating the community cats
2 against rabies before returning the community cats to the locations
3 where the community cats were trapped.

4 A person or entity described in paragraph (1), (2), or (3) of this
5 subsection providing or receiving veterinary care without charge for
6 a community cat shall attest in writing that the cat has no known
7 owner.

8 (cf: P.L.2010, c.89, s.3)

9
10 13. Sections 3 and 4 of P.L.2011, c.142 (C.4:19-15.30 and
11 C.4:19-15.31) are repealed.

12
13 14. This act shall take effect immediately.

14
15
16 STATEMENT

17
18 The bill, designated as the “Compassion for Community Cats
19 Law,” provides for the spaying and neutering of stray or feral cats.

20 In particular, the bill provides, with limited exceptions, that:

21 (1) no cat may be released for adoption from an animal rescue
22 organization facility, shelter, pound, or kennel operating as a shelter or
23 pound unless the cat has been spayed or neutered by a licensed
24 veterinarian; and

25 (2) any community cat trapped and impounded at a shelter, pound,
26 or kennel operating as a shelter or pound, or trapped and taken to an
27 animal rescue organization facility, must be spayed or neutered, ear-
28 tipped, and vaccinated against rabies before being returned to the
29 location where the community cat was trapped or given to a person
30 assuming ownership of the community cat.

31 The spaying and neutering requirements do not apply to a cat or a
32 community cat that:

33 (1) is less than two months old;

34 (2) a licensed veterinarian determines cannot be spayed or
35 neutered for other health reasons affecting the cat;

36 (3) is placed in a foster home or transferred to another shelter,
37 pound, kennel operating as a shelter or pound, or animal rescue
38 organization facility by a shelter, pound, or kennel operating as a
39 shelter or pound; or

40 (4) is to be euthanized in accordance with the provisions of section
41 16 of P.L.1941, c.151 (C.4:19-15.16) and R.S.4:22-19, which provide
42 for humanely euthanizing animals after a shelter, pound, or kennel
43 operating as a shelter or pound has offered the animal for adoption for
44 at least seven days.

45 The bill authorizes an animal rescue organization facility, shelter,
46 pound, or kennel operating as a shelter or pound to charge the cost of
47 spaying or neutering the cat to the person assuming ownership of the
48 cat.

1 The bill also amends various sections of existing law to allow for
2 the implementation of the new spaying and neutering requirements
3 established by the bill and other provisions of the bill. The bill
4 authorizes the Department of Health (DOH) to adopt regulations
5 necessary to implement grant programs and fund the spaying and
6 neutering requirements established in the bill.

7 The bill establishes the “Compassion for Community Cats Fund”
8 in the DOH to provide grants to municipalities and counties to
9 establish programs to humanely trap community cats, and sterilize,
10 ear-tip, and vaccinate them against rabies, and return each feral cat to
11 the location where the cat was trapped. The “Compassion for
12 Community Cats Fund” is to be credited with the monies collected for
13 violations of the bill, the surcharge on dog licenses imposed by section
14 1 of P.L.1983, c.181 (C.4:19-15.3c), any moneys appropriated by the
15 Legislature, and any return on investment of moneys deposited in the
16 fund.

17 Finally, the bill repeals sections 2 and 3 of P.L.2011, c.142
18 (C.4:19-15.30 and 4:19-15.31), known as the “Pet Sterilization Pilot
19 Program.”

20 The committee amendments to the bill:

21 (1) correct cross-references and citations in the bill;

22 (2) correct typographical errors in the bill’s reproduction of
23 existing statutory text; and

24 (3) delete a statutory reference to a program for aid to families with
25 dependent children that was replaced by the Work First New Jersey
26 program pursuant to P.L.1997, c.38.