

SENATE, No. 2853

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 14, 2022

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes additional requirements for operation and oversight of animal shelters, pounds, and kennels operating as shelters or pounds.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the regulation of animal shelters, pounds, and
2 kennels operating as shelters or pounds, supplementing Title 4 of
3 the Revised Statutes and chapter 9 of Title 54A of the New
4 Jersey Statutes, and amending various parts of the statutory law.

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

8
9 1. (New section) The Legislature finds and declares that
10 protecting animals from neglect, mistreatment, and physical
11 suffering in shelters and pounds throughout the State is a
12 compelling public interest; that the killing of animals in shelters and
13 pounds is often a needless tragedy and should be eliminated
14 whenever possible, especially when the animals are healthy or can
15 recover from illness through treatment; that euthanasia should be
16 used only as a last resort when, for example, an animal is suffering
17 with irremediable physical injury or pain or a dog is declared
18 vicious pursuant to section 6 of P.L.1989, c.307 (C.4:19-22); that
19 while many shelters and pounds in the State are conscientiously
20 developing and implementing programs to give the animals in their
21 facilities the best care possible, find them homes, and avoid
22 euthanizing them, all shelters and pounds in the State require
23 assistance with proper training of personnel, staffing of facilities,
24 and education of the agents and officers who bring animals to their
25 facilities; that all shelters, pounds, and kennels operating as shelters
26 or pounds should make a concerted effort to place all animals in a
27 home or appropriate animal care facility if possible; and that no
28 animal should be killed if the animal can be adopted or placed in an
29 animal rescue organization facility or other foster home.

30 The Legislature also finds and declares that shelters and pounds
31 should be caring, safe havens for animals in need with a life-
32 affirming mission reflecting the humane values of the State's
33 citizens, residents, and taxpayers; that these safe havens save the
34 lives of animals and work toward ever-increasing live-release rates;
35 that shelters and pounds have a duty to make as many animals
36 available for adoption as possible or prolong every animal's life;
37 that animals held in shelters or pounds deserve proper care and
38 humane treatment, including prompt, necessary, rehabilitative, and
39 preventative veterinary care and treatment, administration of
40 vaccines, and adequate nutrition, water, shelter, exercise, and
41 environmental enrichment; that voluntary spaying and neutering of
42 animals should be encouraged; that State, county, and municipal
43 government should fund programs and services to enhance the lives
44 of animals; that the public deserves complete disclosure of how
45 these facilities operate; that the inability of the public to obtain

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 information concerning the operation of shelters and pounds
2 undermines the public's trust that facilities are operating properly;
3 that access to information should be guaranteed; and that all
4 animals should be treated with the same care and appreciation,
5 regardless of breed, size, or health condition.

6 The Legislature therefore determines that it is of urgent public
7 importance to recommit the State to the protection of animals and
8 the achievement of important and necessary measures to improve
9 care for displaced and homeless animals; and that these measures
10 can be achieved through renewed and vigorous regulation of
11 shelters, pounds, and kennels operating as shelters or pounds that
12 function as such, to end the killing of healthy and savable animals
13 and eliminate the mistreatment and neglect of temporarily displaced
14 animals.

15
16 2. (New section) As used in sections 1 through 17 of
17 P.L. , c. (C.) (pending before the Legislature as this bill):

18 "Animal control provider" means an animal control provider as
19 defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

20 "Animal rescue organization" means an animal rescue
21 organization as defined in section 1 of P.L.1941, c.151 (C.4:19-
22 15.1).

23 "Animal rescue organization facility" means an animal rescue
24 organization facility as defined in section 1 of P.L.1941, c.151
25 (C.4:19-15.1).

26 "Cat" means a cat as defined in section 1 of P.L.1941, c.151
27 (C.4:19-15.1).

28 "Certified animal control officer" means a certified animal
29 control officer as defined in section 1 of P.L.1941, c.151 (C.4:19-
30 15.1).

31 "Dog" means a dog as defined in section 1 of P.L.1941, c.151
32 (C.4:19-15.1).

33 "Dog of licensing age" means a dog of licensing age as defined
34 in section 1 of P.L.1941, c.151 (C.4:19-15.1).

35 "Domestic companion animal" means a domestic companion
36 animal as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

37 "Foster home" means a foster home as defined in section 1 of
38 P.L.1941, c.151 (C.4:19-15.1).

39 "Kennel" means a kennel as defined in section 1 of P.L.1941,
40 c.151 (C.4:19-15.1).

41 "Owner" means an owner as provided for in section 1 of
42 P.L.1941, c.151 (C.4:19-15.1).

43 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,
44 c.151 (C.4:19-15.1).

45 "Pound" means a pound as defined in section 1 of P.L.1941,
46 c.151 (C.4:19-15.1).

47 "Shelter" means a shelter as defined in section 1 of P.L.1941,
48 c.151 (C.4:19-15.1).

1 "Sterilize" means sterilize as defined in section 1 of P.L.1941,
2 c.151 (C.4:19-15.1).

3
4 3. (New section) a. Each shelter, pound, or kennel operating
5 as a shelter or pound shall be operated by a director, trained and
6 certified pursuant to sections 11 and 12 of P.L. , c. (C.)
7 (pending before the Legislature as this bill). The director shall
8 ensure that the shelter, pound, or kennel operating as a shelter or
9 pound complies with the requirements of sections 1 through 13 of
10 P.L. , c. (C.) (pending before the Legislature as this bill)
11 and the rules and regulations adopted pursuant to section 14 of
12 P.L.1941, c.151 (C.4:19-15.14) and section 10 of
13 P.L. , c. (C.) (pending before the Legislature as this
14 bill). The director shall make the shelter, pound, or kennel
15 operating as a shelter or pound available for inspection pursuant to
16 section 11 of P.L. , c. (C.) (pending before the Legislature
17 as this bill) when requested by a certified inspector.

18 b. Each shelter, pound, or kennel operating as a shelter or
19 pound shall provide each animal in its care for the entirety of the
20 animal's stay with the facility on a daily basis:

21 (1) fresh water;

22 (2) unsoiled food which (a) is age and breed appropriate for the
23 species of animal, (b) for cats or dogs, is provided twice a day or
24 more as appropriate and in appropriate quantities for the age, size,
25 and breed of the animal, and (c) for other species of animals, is
26 provided with the frequency required for the good condition and
27 health of the specific species of animal;

28 (3) environmental enrichments to promote the psychological
29 well-being of the animal, such as socialization with staff or
30 volunteers, toys, and healthy treats;

31 (4) exercise, with the frequency and type required for the good
32 condition and health of the specific species of animal, and the
33 animal's breed, size, and age as determined by a licensed
34 veterinarian or provided in the protocols established by the shelter,
35 pound, or kennel operating as a shelter or pound pursuant to
36 paragraph (2) of subsection a. of section 4 of P.L. , c. (C.)
37 (pending before the Legislature as this bill);

38 (5) in addition to the provisions of paragraph (4) of this
39 subsection, (a) specifically for dogs, exercise outside of the dog's
40 cage at least once in every 24-hour period, and (b) for cats, the
41 opportunity to climb, walk, and run as part of the cat's daily
42 exercise; and

43 (6) prompt, necessary cleaning of the animal's cage, kennel, or
44 other areas used by the animal, at least two times during each 24-
45 hour period, in such a way that prevents disease and exposure to
46 water from hoses and sprays, cleaning solutions, detergents,
47 solvents, and other chemicals, and is consistent with the protocols

1 established pursuant to section 4 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3 c. Notwithstanding the requirements of this section to the
4 contrary, the staff of a shelter, pound, or kennel operating as a
5 shelter or pound shall not be required to provide exercise for an
6 animal if doing so would pose a risk to the health or safety of a
7 member of the staff or other animals in the facility.

8
9 4. (New section) a. In consultation with a licensed
10 veterinarian, each shelter, pound, or kennel operating as a shelter or
11 pound shall develop and implement protocols concerning:

12 (1) proper cleaning and care of cages, kennels, or other areas
13 used by an animal as required pursuant paragraph (6) of subsection
14 b. of section 3 of P.L. , c. (C.) (pending before the
15 Legislature as this bill) and as necessary to comply with, and
16 maintain the health of the animals as required by, the protocols
17 established pursuant to this subsection;

18 (2) proper exercise of animals in the shelter, pound, or kennel
19 operating as a shelter or pound as required pursuant to paragraph
20 (4) of subsection b. of section 3 of P.L. , c. (C.) (pending
21 before the Legislature as this bill) and as necessary to support the
22 health of the animal, and the animal's recovery from disease,
23 illness, or injury, if applicable, in a manner consistent with the
24 protocols established pursuant to this subsection;

25 (3) prompt and necessary veterinary care, including, but not
26 limited to, the administration of antibiotics and vaccines, fluid
27 therapy, pain management, and cage rest;

28 (4) safe and appropriate neutering, vaccinating, and ear-tipping
29 of a cat found living outdoors with no apparent owner, including
30 acceptable ages for neutering a cat and the proper amount of time
31 for holding the cat after neutering, vaccinating, or ear-tipping a cat
32 before releasing it; and

33 (5) special care for animals with special needs, including, but
34 not limited to:

- 35 (a) nursing females;
36 (b) infant and unweaned animals;
37 (c) sick and injured animals;
38 (d) extremely frightened or reactive animals;
39 (e) older animals;
40 (f) animals requiring therapeutic exercise; and
41 (g) unusual species and animals other than cats and dogs.

42 The special care protocols for animals with special needs
43 established pursuant to this paragraph shall set forth the specific
44 deviations from the required care provided to the other cats, dogs,
45 or species in the shelter, pound, or kennel operating as a shelter or
46 pound, and the reason for the deviation.

47 b. (1) The consulted licensed veterinarian shall ensure the
48 protocols established pursuant to subsection a. of this section

1 provide for (a) hygienic environments within shelters, pounds, or
2 kennels operating as shelters or pounds, (b) the alleviation of pain,
3 (c) treatment, rehabilitation, and prevention of disease, illness or
4 injury, and (d) prevention of worsening conditions, so that each
5 animal remains fit and in reasonable health, or if an animal is
6 diseased, ill or injured, the animal recovers from the disease, illness
7 or injury and then remains fit and in reasonable health, as
8 determined by the licensed veterinarian overseeing the health and
9 care of the animal in the shelter, pound, or kennel operating as a
10 shelter or pound.

11 (2) Any animal with a communicable illness or disease shall be
12 separated from all other animals in the shelter, pound, or kennel
13 operating as a shelter or pound, and housing and caring for the
14 animal shall be provided apart from healthy animals or animals with
15 a different disease, illness, or injury until the animal with a
16 communicable illness or disease has recovered sufficiently so as not
17 to present a health or safety risk to another animal.

18 c. Each animal shall be administered any required, age-
19 appropriate vaccines before, immediately upon, or as soon as
20 practicable after, arrival at a shelter, pound, or kennel operating as a
21 shelter or pound. If the animal is a dog, a veterinarian, veterinary
22 technician, director of the shelter, pound, or kennel operating as a
23 shelter or pound, or other properly authorized and trained person,
24 shall administer the age-appropriate and core vaccines. If the
25 animal is a cat, a veterinarian, veterinary technician, director of the
26 shelter, pound, or kennel operating as a shelter or pound, or other
27 properly authorized and trained person, shall administer the
28 required vaccines for cats.

29 d. As used in subsection c. of this section, “core vaccines”
30 means a group of essential vaccines for the continued health of a
31 dog, including canine parvo virus, canine hepatitis, distemper,
32 rabies, and any other vaccines designated as core vaccines in rules
33 and regulations adopted pursuant to subsection a. of section 10 of
34 P.L. , c. (C.) (pending before the Legislature as this bill) as
35 recommended by current veterinary standards; and “required
36 vaccines for cats” means modified live FVRCP vaccine for cats
37 which incorporates feline pan leukopenia, feline herpesvirus, and
38 feline calici vaccines and any other vaccines designated as required
39 and as recommended by current veterinary standards and vaccines
40 for cats in rules and regulations adopted pursuant to subsection a. of
41 section 10 of P.L. , c. (C.) (pending before the Legislature
42 as this bill).

43 e. When an animal is received at a shelter, pound, or kennel
44 operating as a shelter or pound, if the person receiving the animal
45 has reasonable cause to believe the animal is diseased, ill, or
46 injured, the person shall determine if the animal’s condition can be
47 treated at the shelter, pound, or kennel operating as a shelter or
48 pound or if it is necessary to have the animal taken to a

1 veterinarian. Regardless of which action is determined to be
2 appropriate, the animal shall be provided care and treatment for the
3 animal's condition immediately. The shelter, pound, or kennel
4 operating as a shelter or pound shall record the care and treatment
5 provided and shall keep the record of the care and treatment as part
6 of the animal's medical records, a copy of which shall be provided
7 to any person reclaiming or adopting the animal.

8 f. A shelter, pound, or kennel operating as a shelter or pound
9 shall provide any person adopting an animal with copies of all
10 medical or other records available concerning the condition and
11 health of the animal, as well as any other information available on
12 the animal. A person reclaiming an animal shall be provided a copy
13 of any of the medical records for the animal kept by the shelter,
14 pound, or kennel operating as a shelter or pound if the animal was
15 treated for any disease, illness, or injury, or vaccinated while the
16 animal was held at the shelter, pound, or kennel operating as a
17 shelter or pound.

18

19 5. (New section) a. Every shelter, pound, or kennel operating
20 as a shelter or pound, in cooperation and consultation with the
21 Department of Health and the municipality in which the facility is
22 located, shall establish community outreach policies and
23 procedures, including, but not limited to, the use of social media or
24 a website, to maximize opportunities for adoption of the animals in
25 its care.

26 b. A municipality shall require every shelter, pound, or kennel
27 operating as a shelter or pound located within, and licensed by, the
28 municipality to:

29 (1) establish and maintain a website on the Internet; and

30 (2) post on the website (a) a picture or an identifying description
31 of any animal impounded in the shelter, pound, or kennel operating
32 as a shelter or pound, and (b) information about animals available
33 for adoption.

34 c. Whenever the certified animal control officer contracted by
35 a municipality impounds an animal in a shelter, pound, or kennel
36 operating as a shelter or pound, the certified animal control officer
37 shall report the impounding of the animal to its contracting
38 municipality and the municipality shall post a picture or an
39 identifying description of the animal on the Internet.

40 d. Whenever an animal is brought to a shelter, pound, or kennel
41 operating as a shelter or pound, the employee designated by the
42 director to receive animals shall:

43 (1) confirm with the person bringing the animal to the shelter,
44 pound, or kennel operating as a shelter or pound, if not the owner of
45 the animal, whether the person has an interest in adopting the
46 animal and wishes to be notified if the animal is to be euthanized;
47 and

1 (2) if the person wishes to be so notified, obtain and record in
2 the facility's records the person's contact information and which
3 animal the person has an interest in adopting.

4
5 6. (New section) a. At least two business days prior to the
6 date scheduled for euthanizing an animal, a shelter, pound, or
7 kennel operating as a shelter or pound shall, by verifiable written or
8 electronic communication:

9 (1) notify or make a reasonable attempt to notify, for
10 compliance with paragraph (2) of subsection b. of this section, any
11 animal rescue organization, animal rescue organization facility, or
12 individual that has requested notification pursuant to subsection d.
13 of section 5 of P.L. , c. (C.) (pending before the
14 Legislature as this bill) whenever an animal is to be euthanized; and

15 (2) offer the animal for transfer to the animal rescue
16 organization or animal rescue organization facility.

17 b. No animal shall be euthanized until the director of the
18 shelter, pound, or kennel operating as a shelter or pound, or the
19 director's designee, has determined all of the following:

20 (1) The animal has been made available for adoption as required
21 pursuant to subsection e. of section 16 of P.L.1941, c.151 (C.4:19-
22 15.16);

23 (2) Any animal rescue organization, animal rescue organization
24 facility, or individual requesting notification prior to the animal
25 being euthanized has been notified or a reasonable attempt has been
26 made to do so, by verifiable written or electronic communication
27 but (a) there has been no response to the notification, or (b) there is
28 no interest in accepting the animal;

29 (3) There is no space or suitable area for the animal in any cage,
30 kennel, including any temporary cage or kennel, or other areas used
31 to house animals in the shelter, pound, or kennel operating as a
32 shelter or pound;

33 (4) The animal cannot be placed with another animal in a cage,
34 kennel, or other area used to house animals, and there is no place in
35 the shelter, pound, or kennel operating as a shelter or pound for the
36 animal to be housed alone;

37 (5) No foster home, animal rescue organization, or animal
38 rescue organization facility is available or willing to accept the
39 animal;

40 (6) The animal cannot be transferred to another shelter, pound,
41 or kennel operating as a shelter or pound, foster home, animal
42 rescue organization, or animal rescue organization facility because
43 none has room for the animal or is willing to accept the animal,
44 even on an emergency, temporary basis;

45 (7) If the animal is a cat which was found living outdoors with
46 no apparent owner, there is no available trap, neuter, vaccinate, ear-
47 tip, and return program for the cat established pursuant to section 7
48 of P.L. , c. (C.) (pending before the Legislature as this

1 bill) or otherwise, and the cat cannot be sterilized and returned to
2 the area where the cat was captured or released in another
3 appropriate outdoor area where cats are living outdoors with no
4 apparent owners; and

5 (8) All applicable requirements of P.L.1941, c.151 (C.4:19-
6 15.1 et seq.) and sections 1 through 10 of P.L. , c. (C.)
7 (pending before the Legislature as this bill) have been met.

8 Notwithstanding the provisions of paragraph (3) of this
9 subsection, no shelter, pound, or kennel operating as a shelter or
10 pound shall be required to hold an animal in a temporary enclosure
11 for more than seven days to avoid euthanizing an animal or for any
12 other reason.

13 c. Upon determining that paragraphs (1) through (6) of
14 subsection b. of this section apply to an animal, in the case of a cat
15 which has been living outside with no apparent owner, paragraph
16 (7) also applies, and, pursuant to paragraph (8), all requirements
17 have been met, the director of the shelter, pound, or kennel
18 operating as a shelter or pound or the director's designee shall
19 certify in writing:

20 (1) compliance with the notification requirements in subsection
21 a. of this section;

22 (2) compliance with the provisions of subsection b. of this
23 section;

24 (3) all required waiting times have been met;

25 (4) the shelter, pound, or kennel operating as a shelter or pound
26 cannot humanely care for the animal or place the animal where it
27 can be humanely cared for, and therefore there is no alternative to
28 euthanizing the animal;

29 (5) if the animal is a cat that was found living outdoors with no
30 apparent owner, neither sterilizing, vaccinating, ear-tipping, and
31 releasing the cat nor socializing the cat for the purpose of adoption
32 are options for the shelter, pound, or kennel operating as a shelter or
33 pound; and

34 (6) the specific reason for euthanizing the animal.

35 d. The director of the shelter, pound, or kennel operating as a
36 shelter or pound or the director's designee shall sign and date the
37 written certification required pursuant to subsection c. of this
38 section. The shelter, pound, or kennel operating as a shelter or
39 pound shall keep the signed and dated written certification as part
40 of its records as required pursuant to section 8 of
41 P.L. , c. (C.) (pending before the Legislature as this bill)
42 and shall make the record available to the public as provided in that
43 section.

44 e. An animal impounded in a shelter, pound, or kennel
45 operating as a shelter or pound shall be euthanized only when
46 necessary, when every recourse enumerated in subsection c. of this
47 section has been exhausted, and in compliance with the provisions
48 of P.L.1941, c.151 (C.4:19-15.1 et seq.) and sections 1 through 17

1 of P.L. , c. (C.) (pending before the Legislature as this
2 bill).

3 The procedures for administering euthanasia shall be as follows:

4 (1) Only a licensed veterinarian or a veterinary technician with
5 specific training in euthanasia and certified pursuant to subsection f.
6 of this section shall be permitted to lawfully euthanize an animal.

7 (2) The room in which euthanasia is administered shall be
8 properly ventilated, and cleaned and regularly disinfected at least
9 once per day when the room is used for the procedure, and the
10 specific area of the room where the procedure is performed shall be
11 cleaned and disinfected after each procedure is performed.

12 (3) No other animal shall be in the room when euthanasia is
13 being administered or allowed to witness an animal being
14 euthanized, tranquilized, or sedated in preparation for being
15 euthanized, or allowed to see the bodies of animals that have been
16 euthanized.

17 (4) Notwithstanding any other law, or rule or regulation adopted
18 pursuant thereto, to the contrary, euthanasia shall be administered
19 only by lethal injection of sodium pentobarbital, except:

20 (a) intraperitoneal injections may be used only by, or under the
21 direction of, a licensed veterinarian, and (i) only when a licensed
22 veterinarian has determined that use of an intravenous injection is
23 not possible, or (ii) for an infant animal as determined to be
24 appropriate by a licensed veterinarian, a domestic companion
25 animal other than a cat or dog, or a comatose animal with depressed
26 vascular function,

27 (b) intracardiac injections may be used only when (i) an animal
28 is completely unconscious or comatose, (ii) intravenous injection is
29 not possible, and (iii) only by, or under the direction of, a licensed
30 veterinarian.

31 (5) An animal shall be sedated or tranquilized before euthanasia
32 is administered as necessary to minimize stress or discomfort for
33 the animal, or, in the case of a vicious animal, to ensure the safety
34 of the staff, but a neuromuscular blocking agent shall not be used
35 for this or any other purpose.

36 (6) Following administration of the injection to euthanize the
37 animal, the animal shall be lowered onto a surface on which the
38 animal may lie or be held, without dropping, falling, or collapsing
39 without support while dying.

40 (7) No animal shall be left unattended from the time when
41 preparation for euthanasia begins until the animal dies and its death
42 has been verified by the licensed veterinarian or certified veterinary
43 technician performing the euthanasia. No body of an animal may
44 be disposed of until the animal's death has been verified. Death of
45 the animal shall be verified by observation of:

46 (a) no heartbeat, confirmed by a stethoscope;

47 (b) no respiration;

48 (c) pale, bluish gums and tongue; and

1 (d) no eye response, confirmed by shining a light on the
2 animal's open eyes in which the pupils remain dilated and touching
3 the open eyes without the eyes blinking.

4 f. The Board of Veterinary Medicine, in consultation with the
5 Department of Health, shall establish a program for veterinary
6 technicians to be trained and certified for the proper administration
7 and use of euthanasia for animals impounded in a shelter, pound, or
8 kennel operating as a shelter or pound and incorporating the
9 applicable requirements established by the rules and regulations
10 adopted pursuant to section 10 of P.L. , c. (C.) (pending
11 before the Legislature as this bill). However, no healthy animal or
12 animal with a treatable condition shall be used for the purposes of
13 the training required pursuant to this subsection.

14 g. Notwithstanding the provisions of section 16 of P.L.1941,
15 c.151 (C.4:19-15.16) except as may be necessary to provide for a
16 rabid animal pursuant to subsection j. thereof, subsections a.
17 through e. of this section, or any rule or regulation adopted pursuant
18 thereto, to the contrary, a shelter, pound, or kennel operating as a
19 shelter or pound may euthanize immediately:

20 (1) a dog which has been determined to be vicious by a
21 municipal court pursuant to P.L.1989, c.307 (C.4:19-17 et seq.) and
22 ordered by the court to be euthanized after any appeal period has
23 passed and no appeal is pending; or

24 (2) any animal suffering with irremediable physical pain or
25 illness.

26 As used in this subsection, "suffering with irremediable physical
27 pain or illness" means a diagnosis certified in writing by a licensed
28 veterinarian that the physical condition of an animal indicates that
29 the animal cannot continue to live without severe, unremitting pain
30 even with prompt, necessary, and comprehensive veterinary care, or
31 the animal has an illness that cannot be remediated with prompt,
32 necessary, and comprehensive veterinary care and will cause the
33 animal continuing, unremitting pain.

34 h. In administering the requirements of this section, the
35 director of the shelter, pound, or kennel operating as a shelter or
36 pound shall exercise consideration and judgment in the assignment
37 and rotation of duties so as to minimize compassion fatigue suffered
38 by the employees and staff of the shelter, pound, or kennel
39 operating as a shelter or pound, including the director thereof. As
40 used in this subsection, "compassion fatigue" means any of the
41 negative emotional repercussions suffered by staff of shelters,
42 pounds, or kennels operating as shelters or pounds caring for the
43 animals in the facility, including, but not limited to, emotional
44 distress, heightened anxiety, depression, alcohol or other drug
45 abuse, or thoughts of, or attempted, suicide.

46 i. A shelter, pound, or kennel operating as a shelter or pound
47 shall not be required to hold an animal in a temporary enclosure for

1 more than seven days in order to avoid euthanizing any animal
2 pursuant to this section.

3
4 7. (New section) a. Each shelter, pound, or kennel operating
5 as a shelter or pound shall consider, study, and, if feasible, may
6 develop and implement a trap, neuter, vaccinate, ear-tip, and return
7 program for its facility as an alternative to euthanasia of any cat
8 found living outdoors with no apparent owner, colloquially referred
9 to as a “feral cat.” The purpose of this subsection is to encourage
10 the development and implementation of such programs but shall not
11 be construed to require implementation of a trap, neuter, vaccinate,
12 ear-tip, and return program by any shelter, pound, or kennel
13 operating as a shelter or pound.

14 b. Whenever a certified animal control officer, municipal
15 humane law enforcement officer, chief humane law enforcement
16 officer of a county, humane law enforcement officer of a county
17 society for the prevention of cruelty to animals, or other law
18 enforcement officer impounds a cat which has been found living
19 outdoors with no apparent owner, the officer shall impound the cat
20 at a shelter, pound, or kennel operating as a shelter or pound which:

21 (1) has in place a trap, neuter, vaccinate, ear-tip, and return
22 program;

23 (2) is willing and able to accept the cat, spay or neuter,
24 vaccinate, ear-tip, and return the cat to the location where the cat
25 was captured; and

26 (3) is located the closest geographically to the location where
27 the cat was captured.

28 c. If no shelter, pound, or kennel operating as a shelter or
29 pound meets the criteria established in subsection b. of this section
30 when an officer is required to impound a cat, the officer shall
31 impound the cat at a shelter, pound, or kennel operating as a shelter
32 or pound that is contracted to serve the municipality where the cat
33 was found.

34
35 8. (New section) a. Every shelter, pound, or kennel operating
36 as a shelter or pound shall maintain records of the animals brought
37 to, or kept at, the facility, and the disposition of the animal, as
38 required in the rules and regulations adopted pursuant to section 14
39 of P.L.1941, c.151 (C.4:19-15.14), including where the animal
40 came from, and, if applicable, the disposition of the animal when
41 the animal left the facility. The records shall be retained in
42 accordance with subsection h. of this section.

43 b. Each shelter, pound, or kennel operating as a shelter or
44 pound shall maintain continuously updated lists of each animal
45 reported lost or found by local law enforcement or other community
46 resources, check these lists against the animals at the shelter, pound,
47 or kennel operating as a shelter or pound, and notify the owner by
48 telephone, email, certified letter, or other verifiable written or

1 electronic communication whenever the facility finds that an animal
2 reported lost or found is in the facility.

3 c. Each shelter, pound, or kennel operating as a shelter or
4 pound shall make the records kept pursuant to this section available
5 to the public for inspection and review upon request and without
6 charge, but the facility may alter the public record so as to protect
7 any private information concerning the owner of the animal or the
8 animal's location.

9 d. Each shelter, pound, or kennel operating as a shelter or
10 pound shall report to the Department of Health annually the number
11 of animals that the facility has the capacity to hold on January 1 of
12 the preceding year, the number of animals that the facility has the
13 capacity to hold on December 31 of the same year, and, by species,
14 the number of animals held at the facility:

15 (1) on January 1 and on December 31 of the previous calendar
16 year; and

17 (2) during the previous calendar year

18 (a) impounded in total;

19 (b) impounded as stray or at large animals;

20 (c) relinquished by the owner;

21 (d) impounded as the result of a natural disaster;

22 (e) brought by the owner for intended euthanasia but adopted;

23 (f) euthanized and the reason for euthanizing the animal;

24 (g) that died under circumstances other than euthanasia, and the
25 circumstances of those deaths;

26 (h) lost or stolen;

27 (i) returned to their owners;

28 (j) adopted from the shelter, pound, or kennel operating as a
29 shelter or pound;

30 (k) transferred from facilities or organizations (i) in New Jersey,
31 (ii) in Delaware, New York, or Pennsylvania, and (iii) outside of
32 New Jersey, Delaware, New York, or Pennsylvania;

33 (l) transferred to other facilities or organizations located 20
34 miles or less from the shelter, pound, or kennel operating as a
35 shelter or pound;

36 (m) transferred to other facilities or organizations located more
37 than 20 miles away from the shelter, pound, or kennel operating as
38 a shelter or pound; and

39 (n) with any other live dispositions not described by other
40 subparagraphs of this paragraph.

41 e. In addition to the information required to be reported
42 pursuant to subsection d. of this section, every shelter, pound, or
43 kennel operating as a shelter or pound shall report to the
44 Department of Health annually, the total number of cats found
45 living outdoors with no apparent owner during the previous
46 calendar year that were:

47 (1) sterilized, vaccinated, ear-tipped, and returned to where the
48 cat was captured when the cat was impounded at the facility;

1 (2) transferred to an animal rescue organization facility for the
2 purpose of sterilizing, vaccinating, ear-tipping, and returning the cat
3 to where the cat was captured, or socializing the cat and offering the
4 cat for adoption; or

5 (3) relocated to an appropriate outdoor area where cats are
6 living outdoors with no apparent owners.

7 Any records maintained concerning the relocation of a cat shall
8 be redacted so as to conceal the location of the outdoor area where
9 cats are living outdoors with no apparent owners.

10 f. In addition to any information or records submitted to the
11 Department of Health by a shelter, pound, or kennel operating as a
12 shelter or pound pursuant to this section, the department shall
13 annually compile the statistics provided in the reports required
14 pursuant to subsections d. and e. of this section for all shelters,
15 pounds, and kennels operating as shelters or pounds Statewide. The
16 department shall make available to the public on its website
17 aggregate Statewide statistics as well as the statistics of each
18 shelter, pound, or kennel operating as a shelter or pound in a format
19 searchable by category for individual shelters, pounds, or kennels
20 operating as shelters or pounds.

21 g. The Department of Health shall consolidate and incorporate
22 information, reports, and statistics from all certifications and reports
23 required of each director of a shelter, pound, or kennel operating as
24 a shelter or pound pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.)
25 and P.L. , c. (C.) (pending before the Legislature as this
26 bill) in order to provide the information, reports, and statistics
27 required of the department pursuant to this section. All information,
28 reports, and statistics required to be compiled by the department
29 pursuant to this section shall be open to the public. The Department
30 of Health shall post the information, reports, and statistics required
31 pursuant to this section on its website on a webpage which is
32 readily accessible and available to the public.

33 h. Notwithstanding any law, or rule or regulation adopted
34 pursuant thereto, to the contrary, the records maintained pursuant to
35 this section for each animal brought to, or kept at, the facility, shall
36 be retained for at least three years after the date on which the
37 animal is euthanized or leaves the facility. However, if compliance
38 with any federal, State or local law, or an ongoing investigation
39 requires the records to be retained for more than three years, the
40 Department of Health shall notify the director of the shelter, pound,
41 or kennel operating as a shelter or pound of the necessity of
42 retaining specific records and the facility shall retain those records
43 until the Department of Health notifies the director that the facility
44 is no longer required to retain the records.

45
46 9. (New section) Any kennel operating as a shelter or pound in
47 the State shall be properly licensed pursuant to section 8 of
48 P.L.1941, c.151 (C.4:19-15.8) by the municipality in which it is

1 located, and subject to the requirements and provisions of sections 1
2 through 16 of P.L. , c. (C.) (pending before the Legislature
3 as this bill) concerning shelters, pounds, and kennels operating as
4 shelters or pounds and the rules and regulations adopted pursuant to
5 section 14 of P.L.1941, c.151 (C.4:19-15.14).

6
7 10. (New section) a. Within 180 days after the effective date of
8 P.L. , c. (C.) (pending before the Legislature as this bill), the
9 Department of Health, in consultation with the Board of Veterinary
10 Medicine, shall develop and adopt, pursuant to the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
12 regulations establishing requirements for:

13 (1) proper veterinary care of cats and dogs in shelters, pounds,
14 and kennels operating as shelters or pounds, including, but not
15 necessarily limited to, additional or continuing educational training
16 for veterinarians, veterinary protocols, and designation of core
17 vaccines for dogs or required vaccines for cats and their
18 administration, in compliance with subsections c. and d. of section
19 4 of P.L. , c. (C.) (pending before the Legislature as this
20 bill); and

21 (2) criteria for protection of the health of the animals and
22 procedures for the care, temporary housing, and transfer of animals
23 that minimize the necessity for euthanasia, including increased
24 professional staff, use of volunteers, adoption programs, and
25 transfer programs between foster homes, animal rescue organization
26 facilities, and other animal care facilities.

27 b. Annually, the Department of Health shall review inspection
28 records from shelters, pounds, and kennels operating as shelters or
29 pounds throughout the State and determine if the criteria and
30 procedures established pursuant to paragraph (2) of subsection a. of
31 this section require any modification to further minimize the
32 necessity for euthanasia.

33
34 11. (New section) a. The Office of Veterinary Public Health in
35 the Department of Health, at the direction of the commissioner,
36 shall enforce the provisions of sections 1 through 16 of
37 P.L. , c. (C.) (pending before the Legislature as this bill) and
38 the rules and regulations adopted pursuant to section 14 of
39 P.L.1941, c.151 (C.4:19-15.14) and section 10 of
40 P.L. , c. (C.) (pending before the Legislature as this bill).

41 b. The Office of Veterinary Public Health shall certify a
42 director for each shelter, pound, or kennel operating as a shelter or
43 pound who is properly trained and has met the certification
44 requirements developed and established pursuant to section 12 of
45 P.L. , c. (C.) (pending before the Legislature as this
46 bill). Until the adoption of the required training and certification
47 process pursuant to section 12 of P.L. , c. (C.) (pending
48 before the Legislature as this bill) and subsection b. of section 14 of

1 P.L.1941, c.151 (C.4:19-15.14), enabling the Office of Veterinary
2 Public Health to certify a director, the director of the shelter, pound,
3 or kennel operating as a shelter or pound, or if none, its owner or
4 the owner's designee, shall serve as the acting director of the
5 shelter, pound, or kennel operating as a shelter or pound for the
6 purposes complying with sections 1 through 13 of
7 P.L. , c. (C.) (pending before the Legislature as this
8 bill), until a director can be properly trained and certified.

9 c. The Office of Veterinary Public Health shall appoint a
10 sufficient number of certified inspectors, trained and certified
11 pursuant to section 12 of P.L. , c. (C.) (pending before
12 the Legislature as this bill), to inspect each shelter, pound, or kennel
13 operating as a shelter or pound in the State at least three times in
14 each calendar year, comply with the provisions of subsection f. of
15 this section, and require the correction of any violations of sections
16 1 through 13 of P.L. , c. (C.) (pending before the
17 Legislature as this bill) identified during an inspection. The cost of
18 salaries, training, and certification of certified inspectors shall be
19 provided from the moneys deposited in the "Proper Care of
20 Sheltered Animals Fund," established pursuant to section 16 of
21 P.L. , c. (C.) (pending before the Legislature as this bill).

22 d. Each certified inspector shall inspect each shelter, pound,
23 and kennel operating as a shelter or pound in the certified
24 inspector's jurisdiction as designated by the Office of Veterinary
25 Public Health, without notice to the shelter, pound, or kennel
26 operating as a shelter or pound, at least three times each calendar
27 year to ensure compliance with the requirements of sections 1
28 through 13 of P.L. , c. (C.) (pending before the Legislature
29 as this bill). A certified inspector shall have the authority to enter
30 immediately, at reasonable hours and without advance notice, any
31 shelter, pound, or kennel operating as a shelter or pound, upon
32 presentation of the appropriate credentials, to conduct an inspection.

33 e. The certified inspector shall report to the Commissioner of
34 Health, and maintain records of the results of each inspection
35 performed. The commissioner, upon receipt of an inspection report
36 indicating a violation, shall issue a notice of violation to the shelter,
37 pound, or kennel operating as a shelter or pound and an order to
38 comply. The authority of each certified inspector to inspect any
39 premises for purposes of investigating an alleged violation shall
40 extend to the entire premises, and the investigating certified
41 inspector shall inspect the entire premises regardless of where the
42 alleged violation may exist. The certified inspector shall make the
43 inspection records available to the commissioner for purposes of
44 enforcement.

45 f. Only certified inspectors appointed by the Office of
46 Veterinary Public Health or other properly trained and certified
47 staff of the Office of Veterinary Public Health shall inspect shelters,
48 pounds, or kennels operating as shelters or pounds and enforce the

1 provisions of sections 1 through 13 of P.L. , c. (C.)
2 (pending before the Legislature as this bill). The Office of
3 Veterinary Public Health may delegate any of its inspection or
4 enforcement authority to a local health authority or other local
5 government entity, provided:

6 (1) the person conducting the inspection or implementing
7 enforcement has been trained and certified pursuant to section 12 of
8 P.L. , c. (C.) (pending before the Legislature as this bill)
9 and appointed pursuant to subsection c. of this section; and

10 (2) at least one inspection annually is conducted by the Office of
11 Veterinary Public Health by a certified inspector independent of any
12 local health authority or local government entity, or by properly
13 trained and certified staff of the Office of Veterinary Public Health.

14 Each municipality shall cooperate with the inspection and
15 enforcement efforts of the Office of Veterinary Public Health
16 pursuant to this section.

17

18 12. (New section) a. The Commissioner of Health shall
19 develop and establish, in cooperation with Rutgers, the State
20 University, the training and a course of study required:

21 (1) to implement the training, education and certification
22 requirements(established by rules and regulations adopted pursuant
23 to subsection c. of section 14 of P.L.1941, c.151 (C.4:19-15.14) for
24 a director of a shelter, pound, or kennel operating as a shelter or
25 pound, a certified inspector, and an authorized person trained and
26 certified to conduct inspections or implement enforcement pursuant
27 to subsection f. of section 11 of P.L. , c. (C.) (pending
28 before the Legislature as this bill); and

29 (2) to implement the additional training established pursuant to
30 subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a) for a
31 properly trained certified animal control officer.

32 b. The commissioner shall contract with Rutgers, the State
33 University, to provide the training and courses of study developed
34 and established pursuant to subsection a. of this section no later
35 than six months after the effective date of this section.

36 c. The commissioner shall provide, in conjunction with
37 Rutgers, the State University, for the issuance of a certificate to any
38 person who possesses, or acquires, the training and education
39 required to qualify as a certified director for a shelter, pound, or
40 kennel operating as a shelter or pound, certified inspector,
41 authorized person, or properly trained certified animal control
42 officer pursuant to subsection a. of this section.

43

44 13. (New section) a. No shelter, pound, or kennel operating as
45 a shelter or pound may operate in the State unless it can
46 demonstrate it is in good standing with its licensing municipality
47 and the Department of Health, as evidenced by its most recent
48 inspection.

1 b. Within one year after the effective date of
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 every shelter, pound, or kennel operating as a shelter or pound in
4 the State shall demonstrate:

5 (1) it is in compliance with the requirements of sections 1
6 through 13 of P.L. , c. (C.) (pending before the Legislature
7 as this bill); or

8 (2) the date by which the shelter, pound, or kennel operating as
9 a shelter or pound shall be in compliance with any inspection order
10 issued concerning a pending violation.

11 Thereafter, failure to demonstrate that the facility is in
12 compliance with the rules and regulations adopted by the
13 Department of Health or in compliance with an inspection order
14 issued concerning a violation shall be grounds for immediate
15 license revocation, following a hearing.

16

17 14. (New section) Any person may bring a civil action in
18 Superior Court or municipal court, as appropriate, for declaratory or
19 injunctive relief with respect to a violation of sections 1 through 13
20 of P.L. , c. (C.) (pending before the Legislature as this bill),
21 and petition the court to compel compliance.

22

23 15. (New section) a. A person who fails to comply with the
24 requirements established pursuant to section 8 of
25 P.L. , c. (C.) (pending before the Legislature as this bill), shall
26 be subject to a fine of \$100 for the first violation, \$200 for the second
27 violation, and \$300 for the third and subsequent violations, to be
28 collected by the Department of Health in a civil action by a summary
29 proceeding under the “Penalty Enforcement Law of 1999,” P.L.1999,
30 c. 274 (C.2A:58-10 et seq.). Also, the license of a shelter, pound, or
31 kennel operating as a shelter or pound shall be, following a hearing,
32 subject to suspension or revocation if the shelter, pound, or kennel
33 operating as a shelter or pound is found liable for a third or subsequent
34 violation of section 8 of P.L. , c. (C.) (pending before the
35 Legislature as this bill).

36 b. A person who fails to comply with the requirements
37 established pursuant to section 3, 4, 5, 6, 9, 10, or 13 of
38 P.L. , c. (C.) (pending before the Legislature as this bill), or
39 any rules or regulations adopted pursuant to section 10 of
40 P.L. , c. (C.) (pending before the Legislature as this bill) or
41 section 14 of P.L.1941, c.151 (C.4:19-15.14), shall be subject to a fine
42 of \$200 for the first violation, \$400 for the second violation, and \$800
43 for the third and subsequent violations, to be collected by the
44 Department of Health in a civil action by a summary proceeding under
45 the “Penalty Enforcement Law of 1999,” P.L.1999, c. 274 (C.2A:58-
46 10 et seq.).

47 c. Fines collected pursuant to this section shall be deposited in the
48 “Proper Care of Sheltered Animals Fund,” established pursuant to

1 section 16 of P.L. , c. (C.) (pending before the Legislature as
2 this bill).

3

4 16. (New section) a. There is established in the Department of
5 Health a special, nonlapsing fund to be known as the “Proper Care of
6 Sheltered Animals Fund.” The fund shall be administered by the
7 department and shall be credited with:

8 (1) revenues collected from the surcharge imposed pursuant to
9 subsection a. of section 18 of P.L. , c. (C.) (pending before the
10 Legislature as this bill);

11 (2) fines collected pursuant to section 15 of
12 P.L. , c. (C.) (pending before the Legislature as this bill) and,
13 notwithstanding the provisions of R.S.4:22-55, subsections b. and c. of
14 R.S.4:22-19;

15 (3) funds appropriated from the “Stray and Homeless Animals
16 Fund,” established pursuant to section 17 of P.L. , c. (C.)
17 (pending before the Legislature as this bill);

18 (4) moneys as may be appropriated by the Legislature; and

19 (5) any return on investment of moneys deposited in the fund.

20 b. Moneys in the fund shall be used by the department solely for:

21 (1) the cost of salaries, training, and certification of certified
22 inspectors appointed pursuant to subsection c. of section 11 of
23 P.L. , c. (C.) (pending before the Legislature as this bill); and

24 (2) grants to eligible shelters, pounds, or kennels operating as
25 shelters or pounds pursuant to subsection d. of this section, to be
26 prioritized and awarded in the following order, subject to available
27 funding, for

28 (a) spaying and neutering of cats and dogs, vaccinations, and
29 veterinary care for the animals in the shelters, pounds, and kennels
30 operating as shelters and pounds,

31 (b) the cost of any other training required pursuant to sections 1
32 through 17 of P.L. , c. (C.) (pending before the Legislature as
33 this bill), and

34 (c) improvements to the facilities and animal care provided at a
35 shelter, pound, or kennel operating as a shelter or pound as required by
36 implementation of sections 1 through 17 of P.L. , c. (C.)
37 (pending before the Legislature as this bill).

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

40 d. (1) Except as provided in paragraph (3) of this subsection,
41 only a shelter, pound, or kennel operating as a shelter or pound that
42 receives 75 percent or more of its animals from within the State during
43 a calendar year shall be eligible to receive a grant pursuant to
44 paragraph (2) of subsection b. of this section.

45 (2) A private shelter, pound, or kennel operating as a shelter or
46 pound receiving 75 percent or more of its animals from within the
47 State during a calendar year shall be eligible to receive a grant

1 pursuant to paragraph (2) of subsection b. of this section only if it
2 complies with the following requirements:

3 (a) it is in full compliance with all the reporting requirements
4 established in section 8 of P.L. , c. (C.) (pending before the
5 Legislature as this bill); and

6 (b) if it is a nonprofit private shelter, pound, or kennel operating as
7 a shelter or pound, has filed its Internal Revenue Service Form 990 for
8 the most recent fiscal year and has submitted all required forms and is
9 in full compliance with the "Charitable Registration and Investigation
10 Act," P.L.1994, c.16 (C.45:17A-18 et seq.).

11 (3) In the event of a natural disaster, a shelter, pound, or kennel
12 operating as a shelter or pound that receives less than 75 percent of its
13 animals from within the State during a calendar year in which the
14 natural disaster occurs may be eligible and may apply to receive a
15 grant pursuant to paragraph (2) of subsection b. of this section.

16
17 17. (New section) a. There is established in the Department of
18 the Treasury a special fund to be known as the "Stray and Homeless
19 Animals Fund."

20 b. A taxpayer shall have the opportunity to indicate on the
21 taxpayer's New Jersey gross income tax return that a portion of the
22 taxpayer's tax refund or an enclosed contribution shall be deposited in
23 the "Stray and Homeless Animals Fund" in accordance with the
24 provisions of section 1 of P.L.1999, c.21 (C.54A:9-25.14).

25 c. Any costs incurred by the Division of Taxation for collection
26 or administration attributable to this section may be deducted from
27 receipts collected pursuant to this section, as determined by the
28 Director of the Division of Budget and Accounting in the Department
29 of the Treasury. The State Treasurer shall deposit net contributions
30 collected pursuant to this section into the "Stray and Homeless
31 Animals Fund."

32 d. The Legislature shall annually appropriate all funds deposited
33 in the "Stray and Homeless Animals Fund" to the "Proper Care of
34 Sheltered Animals Fund" in the Department of Health, established
35 pursuant to section 16 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), to be used exclusively for the purposes of that
37 fund.

38
39 18. (New section) a. For the purpose of providing the moneys
40 necessary to implement the inspection and enforcement requirements
41 of section 1 through 13 of P.L. , c. (C.) (pending before the
42 Legislature as this bill), there is imposed a one percent surcharge on
43 the retail price of any pet food item sold at retail. The surcharge shall
44 be collected from retailers and paid to the State Treasurer for deposit
45 in the "Proper Care of Sheltered Animals Fund," established pursuant
46 to section 16 of P.L. , c. (C.) (pending before the Legislature
47 as this bill).

1 b. The Director of the Division of Taxation in the Department of
2 the Treasury shall collect and administer the surcharge imposed
3 pursuant to this section. In carrying out the provisions of this section,
4 the director shall have all of the powers and authority granted in
5 P.L.1966, c.30 (C.54:32B-1 et seq.). The surcharge shall be reported
6 and paid to the director on a monthly basis in a manner prescribed by
7 the director.

8 c. The surcharge imposed pursuant to this section shall be
9 governed by the provisions of the State Uniform Tax Procedure Law,
10 R.S.54:48-1 et seq.

11 d. The State Treasurer shall deposit receipts collected pursuant to
12 this section into the "Proper Care of Sheltered Animals Fund,"
13 established pursuant to section 16 of P.L. , c. (C.) (pending
14 before the Legislature as this bill).

15 e. Notwithstanding any provision of the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
17 the Director of the Division of Taxation in the Department of the
18 Treasury may adopt immediately upon filing with the Office of
19 Administrative Law such regulations as the director deems necessary
20 to implement the provisions of this section, which regulations shall be
21 effective for a period not to exceed 360 days following the effective
22 date of P.L. , c. (C.) (pending before the Legislature as this bill)
23 and may thereafter be amended, adopted, or readopted by the director
24 in accordance with the requirements of P.L.1968, c.410.

25 f. The Department of Health shall:

26 (1) monitor the revenues deposited pursuant to subsection a. of this
27 section and their use for the purposes specified in subsections b., c.,
28 and d. of section 16 of P.L. , c. (C.) (pending before the
29 Legislature as this bill); and

30 (2) report annually to the Governor and, pursuant to section 2 of
31 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, its assessment and
32 recommendations concerning (a) whether the surcharge is sufficient or
33 whether it should be decreased, increased, or applied to additional
34 items, and (b) if recommending a decrease, increase, or application to
35 additional items, the amount of the recommended decrease or increase,
36 or the additional items to which the surcharge is to be applied, as
37 applicable.

38 g. The surcharge imposed pursuant to subsection a. of this section
39 shall not be applied to any pet care services such as boarding or
40 grooming services.

41 h. As used in this section, "pet food item" means any bag, box, or
42 other container containing substances of nutrient value sold for the
43 purpose of feeding any species of animal being kept as a pet.

44
45 19. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to read
46 as follows:

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

1 "Animal control provider" means any person or entity that
2 provides animal control services for a municipality, including, but not
3 limited to, a certified animal control officer or a person, company, or
4 other entity providing animal control services.

5 "Animal rescue organization" means an individual or group of
6 individuals who, with or without salary or compensation, house and
7 care for homeless animals in the home of an individual or in other
8 facilities, with the intent of placing the animals in responsible, more
9 permanent homes as soon as possible.

10 "Animal rescue organization facility" means the home or other
11 facility in which an animal rescue organization houses and cares for an
12 animal.

13 "Cat" means a member of the species of cat (*Felis catus* or *Felis*
14 *domesticus*) that is generally kept as a household pet in the United
15 States, which is domesticated, whether acclimated to living outdoors
16 or not, and shall not include bobcat, lynx, or other wild feline species.

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

26 "Dog" means any dog, bitch or spayed bitch.

27 "Dog of licensing age" means any dog which has attained the age
28 of seven months or which possesses a set of permanent teeth.

29 "Domestic companion animal" means any animal commonly
30 referred to as a pet that was bought, bred, raised, or otherwise
31 acquired, in accordance with local ordinances and State and federal
32 law, for the primary purpose of providing companionship to the owner,
33 rather than for business or agricultural purposes.

34 "Foster home" means placement of a cat or dog with an individual
35 or group that is not an animal rescue organization for the purpose of
36 temporarily caring for the cat or dog, without the individual or group
37 assuming ownership and with the intent of the individual or group
38 relinquishing the cat or dog to a suitable owner when one is located.

39 "Kennel" means any establishment wherein or whereon the
40 business of boarding or selling dogs or breeding dogs for sale is
41 carried on, except a pet shop.

42 "Owner" when applied to the proprietorship of a dog, shall include
43 every person **【having】** who has a right of property in that dog and
44 every person who has that dog in **【his】** the person's keeping, and
45 when applied to the proprietorship of any other animal, including, but
46 not limited to, a cat, shall include every person **【having】** who has a
47 right of property in that animal and every person who has that animal
48 in **【his】** the person's keeping, but shall not include a person who

1 feeds an animal living outdoors with no apparent owner, including, but
2 not limited to, an animal colloquially referred to as a “feral cat”.

3 "Pet shop" means any place of business which is not part of a
4 kennel, wherein animals, including, but not limited to, dogs, cats,
5 birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed
6 chiefly for the purpose of sale to individuals for personal appreciation
7 and companionship rather than for business or research purposes.

8 "Pound" means an establishment for the confinement of dogs or
9 other animals seized **【either】** under the provisions of **【this act】**
10 P.L.1941, c.151 (C.4:19-15.1 et seq.) or otherwise.

11 "Shelter" means **【any establishment where dogs or other animals**
12 **are received, housed and distributed】** a public or private facility
13 operated for the temporary or permanent housing and care of
14 abandoned, abused, owner-surrendered, stray, or otherwise displaced
15 or homeless animals. A shelter shall include a facility operated by a
16 county, municipality, local law enforcement agency, or other
17 governmental entity, or a contractor directly or indirectly thereof, a
18 county society for the prevention of cruelty to animals, a humane
19 society, or other nonprofit organization, or a for-profit entity or
20 business that is not a pet shop concerned with the care and control of
21 animals, other than an animal rescue organization or an animal rescue
22 organization facility.

23 "Sterilize" means to permanently render an animal incapable of
24 reproducing by either spaying, **【or】** neutering, or applying the
25 generally accepted methods under professional veterinary standards.
26 (cf: P.L.2011, c.142, s.1)
27

28 20. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to read
29 as follows:

30 8. a. Any person who keeps or operates or proposes to establish a
31 kennel, a pet shop, a shelter, or a pound shall apply to the clerk or
32 other official designated to license dogs in the municipality where such
33 establishment is located, for a license entitling **【him】** the person to
34 keep or operate such establishment.

35 The application shall describe the premises where the
36 establishment is located or is proposed to be located, the purpose or
37 purposes for which it is to be maintained **【, and】** .

38 For a kennel not operating as a shelter or pound, or a pet shop, the
39 application shall be accompanied by the written approval of the local
40 municipal and health authorities showing compliance with the local
41 and State rules and regulations governing location of and sanitation at
42 such establishments.

43 For a shelter, pound, or kennel operating as a shelter or pound, the
44 application shall be accompanied by the written approval of the Office
45 of Veterinary Public Health in the Department of Health showing
46 compliance with the rules and regulations adopted pursuant to section
47 14 of P.L.1941, c.151 (C.4:19-15.14) that concern the proper operation

1 of shelters, pounds, and kennels operating as shelters or pounds, and
2 the written approval of local municipal authorities concerning the
3 location of the establishments, other local enforcement and licensing
4 issues not related to the inspection or enforcement requirements
5 established pursuant to sections 1 through 13 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), and any inspection or
7 enforcement authority delegated to the local health authority or other
8 local government entity pursuant to subsection f. of section 11 of
9 P.L. , c. (C.) (pending before the Legislature as this bill).

10 No license shall be issued to a shelter, pound, or kennel operating
11 as a shelter or pound, unless the shelter, pound, or kennel operating as
12 a shelter or pound can demonstrate to its licensing municipality and
13 the Department of Health, in the manner prescribed by the department,
14 that it:

15 (1) has a director, properly trained and certified pursuant to
16 sections 11 and 12 of P.L. , c. (C.) (pending before the
17 Legislature as this bill) or has an acting director in place as provided in
18 subsection b. of section 11 of P.L. , c. (C.) (pending before
19 the Legislature as this bill); and

20 (2) is otherwise in compliance with the applicable provisions of
21 P.L. , c. (C.) (pending before the Legislature as this
22 bill).

23 b. All licenses issued for a kennel, pet shop, shelter, or pound
24 shall state the purpose for which the establishment is maintained, and
25 all licenses shall expire on the last day of June of each year, and be
26 subject to revocation by the municipality on recommendation of the
27 Department of Health or the local board of health for failure to comply
28 with the rules and regulations of the **【State department】** Department of
29 Health or local board governing the same, after the owner has been
30 afforded a hearing by either the State department or local board, except
31 as provided in subsection c. of this section.

32 Any person holding a license shall not be required to secure
33 individual licenses for dogs owned by a licensee and kept at the
34 establishments**【; the】**. The licenses shall not be transferable to another
35 owner or different premises.

36 c. The license for a pet shop shall be subject to review by the
37 municipality, upon recommendation by the Department of Health or
38 the local health authority for failure by the pet shop to comply with the
39 rules and regulations of the **【State department】** Department of Health
40 or local health authority governing pet shops or if the pet shop meets
41 the criteria for recommended suspension or revocation provided under
42 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after
43 the owner of the pet shop has been afforded a hearing pursuant to
44 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

45 The municipality, based on the criteria for the recommendation of
46 the local health authority provided under subsections c. and d. of
47 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license for
48 90 days or may revoke the license if it is determined at the hearing that

1 the pet shop: (1) failed to maintain proper hygiene and exercise
2 reasonable care in safeguarding the health of animals in its custody or
3 (2) sold a substantial number of animals that the pet shop knew, or
4 reasonably should have known, to be unfit for purchase.

5 d. The municipality may issue a license for a pet shop that
6 permits the pet shop to sell pet supplies for all types of animals,
7 including cats and dogs, and sell animals other than cats and dogs but
8 restricts the pet shop from selling cats or dogs, or both.

9 e. Every pet shop licensed in the State shall submit annually and
10 no later than May 1 of each year records of the total number of cats
11 and dogs, respectively, sold by the pet shop each year to the
12 municipality in which it is located, and the municipality shall provide
13 this information to the local health authority.

14 f. Within one year after the effective date of
15 P.L. , c. (C) (pending before the Legislature as this bill), every
16 shelter, pound, or kennel operating as a shelter or pound operating in
17 the State shall demonstrate to its licensing municipality and the
18 Department of Health, in the manner prescribed by the department,
19 that the shelter, pound, or kennel operating as a shelter or pound:

20 (1) has a director, properly trained and certified, or designated,
21 pursuant to sections 11 and 12 of P.L. , c. (C.) (pending
22 before the Legislature as this bill); and

23 (2) is otherwise in compliance with the applicable provisions of
24 P.L. , c. (C.) (pending before the Legislature as this
25 bill).

26 (cf: P.L.2012, c.17, s.5)

27
28 21. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to
29 read as follows:

30 14. a. The **【State】** Department of Health shall adopt, within six
31 months of the approval of **【this act】** P.L.1941, c.151 (C.4:19-
32 15.1 et seq.) and with the **【co-operation】** cooperation and assistance of
33 the **【State】** Department of Agriculture, **【prepare and promulgate】**
34 rules and regulations governing the sanitary conduct and operation of
35 kennels, pet shops, shelters and pounds, to preserve sanitation therein
36 and prevent the spread of rabies and other diseases of dogs within and
37 from such establishments.

38 **【Such】** The rules and regulations adopted pursuant to this section
39 shall be enforced by the **【State】** Department of Health and by local
40 boards of health.

41 b. Within 180 days after the effective date of P.L. , c. (C.)
42 (pending before the Legislature as this bill), the Department of Health,
43 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
44 (C.52:14B-1 et seq.), shall adopt rules and regulations governing the
45 operation and oversight of shelters, pounds, and kennels operating as
46 shelters or pounds to provide for the requirements established pursuant
47 to sections 1 through 16 of P.L. , c. (C.) (pending before the

1 Legislature as this bill). Every three years after the adoption of the
2 rules and regulations pursuant to this subsection, the department shall
3 consider revisions to the rules and regulations adopted pursuant to this
4 subsection, consult with the director of each shelter, pound, and kennel
5 operating as a shelter or pound in the State concerning such revision,
6 and revise the rules and regulations as necessary.

7 c. (1) The Department of Health shall adopt, within 120 days
8 after the effective date of P.L. , c. (C.) (pending before the
9 Legislature as this bill), and pursuant to the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
11 regulations concerning the training, educational qualifications, and
12 certification required for:

13 (a) directors of shelters, pounds, or kennels operating as shelters
14 or pounds operating in the State; and

15 (b) certified inspectors appointed pursuant to subsection c. of
16 section 11 of P.L. , c. (C.) (pending before the Legislature
17 as this bill) to inspect shelters, pounds, and kennels operating as
18 shelters and pounds in the State, including authorized persons
19 conducting inspections or implementing enforcement for a local
20 health authority or municipal authority pursuant to subsection f. of
21 section 11 of P.L. , c. (C.) (pending before the Legislature
22 as this bill).

23 (2) The rules and regulations adopted pursuant to paragraph (1)
24 of this subsection shall include, but need not be limited to, a course
25 of study which provides the person with the necessary training in:

26 (a) the State law, rules, and regulations concerning the
27 regulation of shelters, pounds, and kennels operating as shelters and
28 pounds, including, at a minimum, the applicable provisions of
29 P.L.1941, c.151 (C.4:19-15.1 et seq.) and sections 1 through 16 of
30 P.L. , c. (C.) (pending before the Legislature as
31 this bill), and the rules and regulations adopted pursuant to this
32 section;

33 (b) the State animal cruelty statutes, any rules or regulations
34 adopted pursuant thereto, and their proper application;

35 (c) all State agencies, and all associations, entities, and officials
36 in the State involved in animal control and cruelty prevention, and
37 their respective roles and responsibilities concerning enforcement
38 of the law, rules, and regulations set forth in paragraphs (1) and (2)
39 of this subsection;

40 (d) the best practices established for animal care, cleaning of
41 cages or enclosures, veterinary oversight, maintaining enclosures,
42 the physical and psychological requirements for animals, control of
43 rabies, required and proper quarantines, and transport rules, and
44 their proper implementation;

45 (e) the best management practices for shelters, pounds, and
46 kennels operating as shelters or pounds that minimize the need for
47 euthanasia and ensure its administration only when necessary and in
48 the most humane manner possible, including, but not limited to (a)

1 the best practices for humane euthanasia of animals, (b) the
2 requirements and protocols concerning euthanasia established
3 pursuant to section 6 of P.L. , c. (C.) (pending before the
4 Legislature as this bill), and (c) criteria that minimize the necessity
5 of euthanasia established pursuant to paragraph (2) of subsection a.
6 of section 10 of P.L. , c. (C.) (pending before the
7 Legislature as this bill); and

8 (f) recognition of cat and dog breeds, acceptable and dangerous
9 cat and dog behaviors, safe animal handling techniques, animal
10 disease recognition and prevention, and proper veterinary services.

11 Euthanasia shall not be administered to a healthy or treatable
12 animal during training pursuant to subparagraph (e) of this
13 paragraph.

14 d. At least six months before the commissioner considers a
15 revision of rules and regulations pursuant to subsection b. of this
16 section, the Department of Health shall solicit from the public
17 suggestions concerning the proper operation of shelters, pounds, and
18 kennels operating as shelters or pounds and revision of the rules and
19 regulations adopted pursuant to this section. The department shall
20 provide notice of the request for suggestions or revisions on its
21 website, including information on submitting the suggestions or
22 revisions to the department. The notice shall also be posted at each
23 shelter, pound, kennel operating as a shelter or pound, pet shop, and
24 business selling pet supplies in the State. Upon proposing revised
25 rules and regulations, in addition to the required publication of the
26 proposed rules and regulations in the New Jersey Register, the
27 department shall notify the public of the rule proposal in the same
28 manner as it provided notice of its request for suggestions or revisions,
29 and shall include in that notice information concerning where the
30 proposal is published, how the proposal may be accessed and reviewed
31 by the public, and the comment period provided for the proposal.

32 (cf: P.L.1941, c.151, s.14)

33
34 22. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
35 read as follows:

36 16. a. The certified animal control officer appointed by the
37 governing body of the municipality shall take into custody and
38 impound **【any animal, to thereafter be euthanized or offered for**
39 **adoption, as provided in this section】** at a shelter, pound, or kennel
40 operating as a shelter or pound :

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

44 (2) Any dog off the premises of the owner or the person charged
45 with the care of the dog without a current registration tag on its collar
46 or elsewhere;

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

1 (4) Any dog or other animal which is suspected to be rabid; or

2 (5) Any dog or other animal off the premises of the owner or the
3 person charged with **its** the animal's care that is reported to, or
4 observed by, a certified animal control officer to be ill, injured, or
5 creating a threat to public health, safety, or welfare, or otherwise
6 interfering with the enjoyment of property.

7 If, when an animal is taken into custody and impounded, the
8 certified animal control officer or the person receiving the animal at a
9 shelter, pound, or kennel operating as a shelter or pound has
10 reasonable cause to believe the animal is injured or ill, the animal shall
11 receive treatment pursuant to subsection e. of section 4 of
12 P.L. , c. (C.) (pending before the Legislature as this bill.)

13 b. If an animal, including a cat, taken into custody and impounded
14 pursuant to subsection a. of this section has a collar or harness with
15 identification of the name and address of any person, or has a
16 registration tag, or has a microchip with an identification number that
17 can be traced to the owner or person charged with the care of the
18 animal, or the owner or the person charged with the care of the animal
19 is otherwise known, the certified animal control officer shall ascertain
20 the name and address of the owner or the person charged with the care
21 of the animal, and serve to the identified person as soon as practicable,
22 a notice in writing that the animal has been seized and will be liable to
23 be offered for adoption or euthanized if not claimed within seven days
24 after the service of the notice.

25 For any animal suspected of being lost or stray, the shelter, pound,
26 or kennel operating as a shelter or pound shall post on the Internet a
27 photograph and identifying information concerning the animal, the
28 location of the facility where the animal is being held, and information
29 concerning how to contact the facility, including, but not limited to, its
30 phone number, email address, and hours of operation during which the
31 owner may reclaim the animal.

32 c. A notice required pursuant to this section may be served: (1)
33 by delivering it to the person on whom it is to be served, or by leaving
34 it at the person's usual or last known place of residence or the address
35 given on the collar, harness, or microchip identification; or (2) by
36 mailing the notice to that person at the person's usual or last known
37 place of residence, or to the address given on the collar, harness or
38 microchip identification.

39 d. (1) A shelter, pound, or kennel operating as a shelter or pound
40 receiving an animal, including a cat, from a certified animal control
41 officer pursuant to subsection a. of this section, or from any other
42 individual, group, or organization, shall hold the animal for at least
43 seven days before offering **it** the animal for adoption, or
44 euthanizing, relocating, or sterilizing the animal, except if:

45 **[(1)]** (a) the animal is surrendered voluntarily by **its** the
46 animal's owner to the shelter, pound, or kennel operating as a shelter
47 or pound, in which case the provisions of subsection e. of this section
48 shall apply; **[or]**

1 **[(2)]** (b) the animal is suspected of being rabid, in which case the
2 provisions of subsection j. of this section shall apply; or

3 (c) the animal is a cat found living outdoors with no apparent
4 owner has no microchip or other identifying items or characteristics
5 indicating that the cat may be stray, and the person bringing the cat to
6 the shelter, pound, or kennel operating as a shelter or pound knows
7 with reasonable certainty that the cat has no owner, in which case
8 paragraph (2) of this subsection shall apply.

9 (2) The shelter, pound, or kennel operating as a shelter or pound
10 may release a cat known with reasonable certainty to have no owner
11 and to have been living outdoors in an area where cats are living with
12 no apparent owners as soon as appropriate in accordance with the
13 protocols established pursuant to paragraph (4) of subsection a. of
14 section 4 of P.L. , c. (C.) (pending before the Legislature as
15 this bill) after the cat is sterilized, vaccinated, and ear-tipped.
16 Otherwise, a cat found living outdoors without an apparent owner shall
17 be held for seven days before the cat is sterilized, vaccinated, ear-
18 tipped, and released. No cat under four months of age found living
19 outdoors without an apparent owner shall be released. A cat under
20 four months of age shall be offered for adoption for at least seven
21 days. Thereafter, the shelter, pound, or kennel operating as a shelter or
22 pound may euthanize the cat after complying with the provisions of
23 section 6 of P.L. , c. (C.) (pending before the Legislature as
24 this bill).

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

29 (1) shall offer the animal for adoption for at least seven days
30 before euthanizing **[it]** the animal; or

31 (2) may transfer the animal to an animal rescue organization
32 facility or a foster home prior to offering **[it]** the animal for adoption
33 if such a transfer is determined to be in the best interest of the animal
34 by the shelter, pound, or kennel operating as a shelter or pound.

35 Prior to euthanizing an animal, the shelter, pound, or kennel
36 operating as a shelter or pound shall comply with the provisions of
37 section 6 of P.L. , c. (C.) (pending before the Legislature as
38 this bill).

39 f. **[Except as otherwise provided for under subsection e. of this**
40 **section, no shelter, pound, or kennel operating as a shelter or pound**
41 **receiving an animal from a certified animal control officer may**
42 **transfer the animal to an animal rescue organization facility or a foster**
43 **home until the shelter, pound, or kennel operating as a shelter or pound**
44 **has held the animal for at least seven days.]** Except as authorized
45 pursuant to paragraph (2) of subsection e. of this section, a shelter,
46 pound, or kennel operating as a shelter or pound shall not transfer an
47 animal to an animal rescue organization facility until the animal has
48 been held for seven days. If a transfer is required pursuant to

1 paragraph (2) of subsection e. of this section, the shelter, pound, or
2 kennel operating as a shelter or pound shall take a photograph of the
3 animal before the transfer and shall hold the photograph in the records
4 of the shelter, pound, or kennel operating as a shelter or pound.

5 g. If the owner or the person charged with the care of the animal
6 seeks to claim **[it]** the animal within seven days, or after the seven
7 days have elapsed but before the animal has been adopted or
8 euthanized, the shelter, pound, or kennel operating as a shelter or
9 pound:

10 (1) shall, in the case of a cat or dog, release **[it]** the animal to the
11 owner or person charged with **[its]** the animal's care, provided the
12 owner or person charged with the care of the animal provides proof of
13 ownership, which may include a valid cat or dog license, registration,
14 rabies inoculation certificate, or documentation from the owner's
15 veterinarian that the cat or dog has received regular care from that
16 veterinarian;

17 (2) may, in the case of a cat or dog, charge the cost of sterilizing
18 the cat or dog, if the owner requests such sterilizing when claiming
19 **[it]** the animal; and

20 (3) may require the owner or person charged with the care of the
21 animal to pay all the animal's expenses while in the care of the shelter,
22 pound, or kennel operating as a shelter or pound, not to exceed **[\$4]**
23 \$10 per day.

24 h. If the animal remains unclaimed, is not claimed due to the
25 failure of the owner or other person to comply with the requirements
26 of this section, or is not adopted after seven days after the date on
27 which notice is served pursuant to subsection c. of this section or, if no
28 notice can be served, not less than seven days after the date on which
29 the animal was impounded, the impounded animal may be placed in a
30 foster home, transferred to another shelter, pound, kennel operating as
31 a shelter or pound, or animal rescue organization facility, or
32 euthanized in a manner causing as little pain as possible and consistent
33 with the provisions of R.S.4:22-19 and section 6 of
34 P.L. , c. (C.) (pending before the Legislature as this bill).

35 i. At the time of adoption, the right of ownership in the animal
36 shall transfer to the new owner. No dog or other animal taken into
37 custody, impounded, sent or otherwise brought to a shelter, pound, or
38 kennel operating as a shelter or pound shall be sold or otherwise be
39 made available for the purpose of experimentation. Any person who
40 sells or otherwise makes available any such dog or other animal for the
41 purpose of experimentation shall be guilty of a crime of the fourth
42 degree.

43 j. Any animal seized under this section suspected of being rabid
44 shall be immediately reported to the executive officer of the local
45 board of health and to the Department of Health, and shall be
46 quarantined, observed, and otherwise handled and dealt with as
47 appropriate for an animal suspected of being rabid or as required by
48 the Department of Health for the animals.

1 k. When a certified animal control officer takes into custody and
2 impounds, or causes to be taken into custody and impounded, an
3 animal, the certified animal control officer may place the animal in the
4 custody of, or cause the animal to be placed in the custody of, only a
5 licensed shelter, pound, or kennel operating as a shelter or pound. The
6 certified animal control officer may not place the animal in the custody
7 of, or cause the animal to be placed in the custody of, any animal
8 rescue organization facility, foster home, or other unlicensed facility.
9 However, the licensed shelter, pound, or kennel operating as a shelter
10 or pound may place the animal in an animal rescue organization
11 facility, foster home, or other unlicensed facility if necessary pursuant
12 to subsection e. or h. of this section.

13 l. Notwithstanding the provisions of this section and sections 3
14 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
15 contrary, no cat or dog being transferred between shelters, pounds, or
16 kennels operating as shelters or pounds, or being transferred to an
17 animal rescue organization facility or placed in a foster home, shall be
18 required to be sterilized prior to that transfer.

19 m. No shelter, pound, or kennel operating as a shelter or pound
20 may refuse, limit, or otherwise obstruct the impoundment, transfer, or
21 adoption of a cat or dog on the basis of age, appearance, color, breed,
22 breed mix, size, or species.

23 n. A shelter, pound, or kennel operating as a shelter or pound
24 shall establish hours of operation that allow it to be open to the public,
25 and during the following times, shall make animals being held at the
26 shelter, pound, or kennel operating as a shelter or pound available for
27 adoption and reclamation:

28 (1) at least four hours on at least three of the five weekdays, and
29 shall remain open until 7:00 p.m. on at least one of those weekdays;
30 and

31 (2) at least four hours one weekend day each week.

32 o. Prior to euthanizing an animal, the shelter, pound, or kennel
33 operating as a shelter or pound shall comply with the provisions of
34 section 6 of P.L. , c. (C.) (pending before the Legislature as
35 this bill).

36 (cf: P.L.2012, c.17, s.7)

37
38 23. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
39 read as follows:

40 3. a. The Commissioner of Health shall, within 120 days after the
41 effective date of P.L.1983, c.525, and pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
43 regulations concerning the training and educational qualifications for
44 the certification of animal control officers, including, but not limited
45 to, a course of study approved by the commissioner and the Police
46 Training Commission, in consultation with the New Jersey Certified
47 Animal Control Officers Association, which acquaints a person with:

1 (1) The law as it affects animal control, animal welfare, and animal
2 cruelty;

3 (2) Animal behavior and the handling of stray or diseased animals;
4 and

5 (3) Community safety as it relates to animal control.

6 (4) (Deleted by amendment, P.L.2017, c.331)

7 The commissioner, within 120 days after the effective date
8 of P.L. , c. (C.) (pending before the Legislature as this bill)
9 and pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), shall adopt rules and regulations providing for
11 additional training for certified animal control officers as required
12 pursuant to section 12 of P.L. , c. (C.) (pending before the
13 Legislature as this bill) for the proper implementation of the
14 responsibilities of an animal control officer pursuant to this section,
15 section 16 of P.L.1941, c.151 (C.4:19-15.16), and any other
16 applicable section of sections 1 through 12 of P.L. , c. (C.)
17 (pending before the Legislature as this bill).

18 Any person 18 years of age or older may satisfy the courses of
19 study established pursuant to this subsection at that person's own time
20 and expense; however, nothing in this section shall be construed as
21 authorizing a person to exercise the powers and duties of an animal
22 control officer absent municipal appointment or authorization pursuant
23 to section 4 of P.L.1983, c.525 (C.4:19-15.16b).

24 b. (1) The commissioner shall provide for the issuance of a
25 certificate to a person who possesses, or acquires, the training and
26 education required to qualify as a certified animal control officer
27 pursuant to paragraphs (1) through (3) of subsection a. of this section
28 and to a person who has been employed in the State of New Jersey in
29 the capacity of, and with similar responsibilities to those required of, a
30 certified animal control officer pursuant to the provisions of P.L.1983,
31 c.525, for a period of three years before January 17, 1987. The
32 commissioner shall not issue a certificate to any person convicted of,
33 or found civilly liable for, a violation of any provision of chapter 22 of
34 Title 4 of the Revised Statutes.

35 (2) The commissioner shall revoke the certificate of any person
36 convicted of, or found civilly liable for, a violation of any provision of
37 chapter 22 of Title 4 of the Revised Statutes, and shall place the name
38 of the person on the list established pursuant to subsection c. of this
39 section.

40 c. (1) The commissioner shall establish a list of all persons
41 issued a certificate pursuant to subsection b. of this section (a) for
42 whom that certificate has been revoked, or (b) who have been
43 convicted of, or found civilly liable for, a violation of any provision of
44 chapter 22 of Title 4 of the Revised Statutes. The commissioner shall
45 provide each municipality in the State with a copy of this list within 30
46 days after the list is established and not less often than annually
47 thereafter if no revised list required pursuant to paragraph (2) of this
48 subsection has been issued in the interim.

1 (2) Upon receipt of a notice required pursuant to section 3 or 4 of
2 P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person who
3 has been issued a certificate pursuant to subsection b. of this section,
4 the commissioner shall add to the list the name of the person convicted
5 of, or found civilly liable for, a violation of any provision of chapter
6 22 of Title 4 of the Revised Statutes according to the notice, and shall
7 issue a copy of the revised list to each municipality within 30 days
8 after receipt of any notice.

9 (cf: P.L.2017, c.331, s.5)

10
11 24. Section 5 of P.L.2011, c.142 (C.4:19-15.32) is amended to
12 read as follows:

13 5. a. Every shelter, pound, or kennel operating as a shelter or
14 pound shall have a universal scanner for microchip identification.

15 When a cat or dog is put in the custody of and impounded with a
16 shelter, pound, or kennel operating as a shelter or pound, or an
17 animal rescue organization facility receives a cat or dog, the shelter,
18 pound, kennel operating as a shelter or pound, or animal rescue
19 organization facility shall, if the identity of the owner is not known,
20 scan the animal for microchip identification **】, provided the shelter,**
21 **pound, kennel operating as a shelter or pound, or animal rescue**
22 **organization facility has such technology available】.**

23 b. Prior to release of any cat or dog for adoption, transfer to
24 another facility or foster home, or euthanasia of the cat or dog, the
25 shelter, pound, kennel operating as a shelter or pound, or animal
26 rescue organization facility shall, if the identity of the owner is not
27 known, scan the cat or dog for microchip identification **】, provided**
28 **the shelter, pound, kennel operating as a shelter or pound, or animal**
29 **rescue organization facility has such technology available】.**

30 c. If either scan required pursuant to subsection a. or b. of this
31 section reveals information concerning the owner of the cat or dog,
32 the shelter, pound, kennel operating as a shelter or pound, or animal
33 rescue organization facility shall immediately seek to contact and
34 notify the owner of the whereabouts of the cat or dog. Furthermore,
35 if microchip identification is found, the shelter, pound, kennel
36 operating as a shelter or pound, or animal rescue organization
37 facility shall hold the animal for at least seven days after the
38 notification to the owner.

39 (cf: P.L.2011, c.142, s.5)

40
41 25. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
42 read as follows:

43 6. a. The Department of Health shall establish a registry of
44 animal rescue organizations and their facilities in the State. Any
45 animal rescue organization **【may voluntarily participate in】**
46 operating in the State shall register with the department and shall be
47 entered into the registry.

1 b. The department, pursuant to the "Administrative Procedure
2 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
3 and regulations determined necessary to implement the **【voluntary】**
4 registry and coordinate its use with the provisions of P.L.2011,
5 c.142 (C.4:19-15.30 et al.) **【and】** , section 16 of P.L.1941, c.151
6 (C.4:19-15.16), and sections 1 through 17 of P.L. , c. (C.)
7 (pending before the Legislature as this bill) .
8 (cf: P.L.2012, c.17, s.13)

9
10 26. R.S.4:22-19 is amended to read as follows:

11 4:22-19. a. A person who shall **【**:

12 a. Impound**】** impound or confine, or cause to be impounded or
13 confined, in a pound or other place, a living animal or creature, and
14 shall fail to supply **【it】** the living animal or creature daily during
15 such confinement with a sufficient quantity of good and wholesome
16 food and water **【; or】** , shall be guilty of a disorderly persons
17 offense and shall be punished as provided in subsection b. of
18 R.S.4:22-17.

19 b. **【Destroy】** A person who shall kill or cause to be
20 **【destroyed】** killed any **【such】** impounded animal by hypoxia
21 induced by decompression or in any other manner **【**, by the
22 administration of a lethal gas other than an inhalant anesthetic, or in
23 any other manner**】** except **【by a method of euthanasia generally**
24 **accepted by the veterinary medical profession as being reliable,**
25 **appropriate to the type of animal upon which it is to be employed,**
26 **and capable of producing loss of consciousness and】** as provided
27 pursuant to section 6 of P.L. , c. (C.) (pending now before
28 the Legislature as this bill), so as to bring death as rapidly and
29 painlessly as possible **【for such】** to the animal, shall **【**, in the case
30 of a violation of subsection a., be guilty of a disorderly persons
31 offense and shall be punished as provided in subsection a. of
32 R.S.4:22-17; or, in the case of a violation of subsection b.,**】** be
33 subject to a penalty of **【\$25】** \$125 for the first offense and **【\$50】**
34 \$250 for each subsequent offense. Each animal destroyed in
35 violation of this subsection **【b.】** shall constitute a separate offense.
36 The penalty shall be collected in accordance with the "Penalty
37 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.)
38 and all money collected shall be remitted to the **【State】** Department
39 of Health.

40 This section shall apply to kennels, pet shops, shelters, and
41 pounds as defined and licensed pursuant to P.L.1941, c.151
42 (C.4:19-15.1 et seq.); to pounds and places of confinement owned
43 and operated by municipalities, counties or regional governmental
44 authorities; and to every contractual warden or impounding service,
45 any provision to the contrary in this title notwithstanding.

1 c. Notwithstanding the provisions of R.S.4:22-55 or any other
2 law, or any rule or regulation adopted pursuant thereto, to the
3 contrary, any penalty collected pursuant to subsection b. of this
4 section shall be deposited in the “Proper Care of Sheltered Animals
5 Fund,” established pursuant to section 16 of P.L. , c. (C.)
6 (pending before the Legislature as this bill).
7 (cf: P.L.2001, c.229, s.3)

8
9 27. R.S.4:22-55 is amended to read as follows:

10 4:22-55. a. Except as provided pursuant to subsection b. of this
11 section and subsection c. of R.S.4:22-19, all fines, penalties and
12 moneys imposed and collected under the provisions of article 2 of
13 chapter 22 of Title 4 of the Revised Statutes, shall be paid by the court
14 or by the clerk or court officer receiving the fines, penalties or moneys,
15 within 30 days and without demand, to the county to be used for the
16 purpose of protecting animals in the county.

17 b. If an enforcement action for a violation of article 2 of chapter
18 22 of Title 4 of the Revised Statutes is brought:

19 (1) in Superior Court primarily as a result of the reporting of the
20 violation to the county prosecutor by a certified animal control officer
21 or a municipal humane law enforcement officer, the fines, penalties, or
22 moneys collected shall be paid as follows: one half to the municipality
23 in which the violation occurred; and one half to the county to be used
24 for the purpose of protecting animals in the county.

25 (2) in a municipal court of a municipality in which a municipal
26 humane law enforcement officer has been designated pursuant to
27 section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or
28 moneys collected shall be paid without demand, to the municipality in
29 which the violation occurred.

30 (3) in a municipal court of a municipality in which a municipal
31 humane law enforcement officer has not been designated pursuant to
32 section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or
33 moneys collected shall be paid as follows: one half to the municipality
34 in which the violation occurred; and one half to the county to be used
35 for the purpose of protecting animals in the county.

36 c. Any fines, penalties, or moneys paid to a municipality pursuant
37 to subsection b. of this section shall be allocated by the municipality to
38 defray the cost of:

39 (1) enforcement of animal control, animal welfare, and animal
40 cruelty laws and ordinances within the municipality; and

41 (2) the training therefor required of certified animal control
42 officers and municipal humane law enforcement officers pursuant to
43 law or other animal enforcement related training authorized by law for
44 municipal employees.

45 (cf: P.L.2017, c.331, s.22)

46
47 28. This act shall take effect on the 180th day after the date of
48 enactment except the Commissioner of Health may take any

1 anticipatory administrative action in advance as shall be necessary
2 for the implementation of this act.

3
4
5 STATEMENT

6
7 This bill establishes additional requirements for the operation
8 and oversight of animal shelters, pounds, and kennels operating as
9 shelters or pounds.

10 The bill requires each shelter, pound, or kennel operating as a
11 shelter or pound to have a director, trained and certified as provided
12 in sections 11 and 12 of the bill, and allows the current director or,
13 if none, the owner or the owner's designee, to serve as an acting
14 director until a director can be properly trained and certified. The
15 bill also requires the director of a shelter, pound, or kennel
16 operating as a shelter or pound to ensure the compliance of the
17 shelter, pound, or kennel operating as a shelter or pound with
18 sections 1 through 13 of the bill and the rules and regulations
19 adopted by the Department of Health (DOH) pursuant to section 10
20 of the bill and section 14 of P.L.1941, c.151 (C.4:19-15.14), as
21 amended in the bill.

22 The bill requires the Office of Veterinary Public Health (OVPH)
23 in DOH to certify the director of each animal shelter, pound, or
24 kennel operating as a shelter or pound and to appoint a sufficient
25 number of certified inspectors to conduct unannounced inspections
26 of each shelter, pound, and kennel operating as a shelter or pound at
27 least three times each year. The bill authorizes the OVPH to
28 delegate its inspection and enforcement authority to local health
29 authorities or other local government entities, provided that trained
30 and certified inspectors are conducting the inspections or
31 implementing enforcement, and at least one inspection each year is
32 conducted by OVPH independent certified inspectors or trained and
33 certified staff.

34 The bill directs the DOH to develop training and certification
35 programs with Rutgers, the State University, for the director of
36 every shelter, pound, or kennel operating as a shelter or pound, and
37 inspectors, and for additional training for certified animal control
38 officers. The bill directs the DOH to adopt rules and regulations
39 that enumerate the specific requirements for the training and course
40 of study. The bill also directs the DOH to contract with Rutgers to
41 provide the training and issue certificates for successful completion
42 thereof.

43 Sections 3 through 8 of the bill establish specific requirements
44 concerning the care and treatment of animals and recordkeeping
45 concerning the animals in shelters, pounds, and kennels operating as
46 shelters and pounds. These provisions include requirements
47 concerning the administration of euthanasia, required steps to avoid
48 euthanizing animals, and provisions to address feral cat issues. The

1 bill authorizes the OVPH to oversee enforcement of the bill's
2 requirements and requires directors to ensure compliance with the
3 bill's provisions.

4 The bill establishes the "Proper Care of Sheltered Animals Fund"
5 to provide grants to shelters, pounds, and kennels operating as
6 shelters and pounds to assist them in complying with the provisions
7 of the bill. The bill specifies that no moneys in the fund may be
8 used for administrative costs of the DOH.

9 Except for grants awarded when there is a natural disaster, the
10 bill specifies that only a shelter, pound, or kennel operating as a
11 shelter or pound that receives 75 percent or more of its animals from
12 within New Jersey during a calendar year can be eligible to receive a
13 grant from the "Proper Care of Sheltered Animals Fund." The bill
14 also specifies that a private shelter, pound, or kennel operating as a
15 shelter or pound receiving 75 percent or more of its animals from
16 within New Jersey during a calendar year can be eligible to receive a
17 grant only if it fully complies with the reporting requirements
18 established under section 8 of the bill, and is a nonprofit private
19 shelter, pound, or kennel operating as a shelter or pound, as defined in
20 section 16 of the bill.

21 The bill establishes three sources of funding for the grants awarded
22 from the "Proper Care of Sheltered Animals Fund."

23 First, the bill establishes a voluntary check-off on personal
24 income tax to allow for donations for the "Stray and Homeless
25 Animal Fund," the proceeds of which would be deposited into the
26 "Proper Care of Sheltered Animals Fund."

27 Second, the bill establishes new penalties, increases existing
28 penalties, and requires the penalties to be deposited in the "Proper
29 Care of Sheltered Animals Fund."

30 The bill establishes that violations of:

31 1) the bill's recordkeeping requirements are subject to a fine of
32 \$100 for the first violation, \$200 for the second violation, and \$300
33 for the third and subsequent violations; and

34 2) the requirements other than those concerning recordkeeping
35 and trap-neuter-vaccinate-eartip-and-release programs under the bill
36 are subject to a fine of \$200 for the first violation, \$400 for the
37 second violation, and \$800 for the third and subsequent violations.

38 The bill also establishes that third-time violators of requirements
39 other than those concerning recordkeeping and trap-neuter-
40 vaccinate-eartip-and-release programs would be subject to license
41 revocation.

42 Third, the bill establishes a one percent surcharge on the price of
43 any pet food item sold at retail, to be collected from retailers and
44 deposited into the "Proper Care of Sheltered Animals Fund."

45 The bill also establishes requirements to increase opportunities to
46 offer animals in shelters, pounds, and kennels operating as shelters
47 or pounds for adoption. The bill requires every shelter, pound, or
48 kennel operating as a shelter or pound, in cooperation and

1 consultation with DOH and the municipality in which the facility is
2 located, to establish community outreach policies and procedures,
3 including, but not limited to, the use of social media or a website, to
4 maximize opportunities for adoption of the animals in its care.

5 The bill also requires each municipality in the State to require
6 every shelter, pound, or kennel operating as a shelter or pound
7 located within, and licensed by, the municipality to:

- 8 1) establish and maintain a website on the Internet; and
- 9 2) post on the website (a) a picture or an identifying description
10 of any animal impounded in the shelter, pound, or kennel operating
11 as a shelter or pound, and (b) information about animals available
12 for adoption.

13 Furthermore, whenever the certified animal control officer
14 contracted by a municipality impounds an animal in a shelter,
15 pound, or kennel operating as a shelter or pound, the bill requires
16 the certified animal control officer to report the impounding of the
17 animal to its contracting municipality and requires the municipality
18 to post a picture or an identifying description of the animal on the
19 Internet. The employee receiving animals is also required to:

- 20 1) confirm with the person bringing the animal to the shelter,
21 pound, or kennel operating as a shelter or pound, if not the owner of
22 the animal, whether the person has an interest in adopting the
23 animal and wishes to be notified if the animal is to be euthanized;
24 and
- 25 2) if the person wishes to be so notified, obtain and record in
26 the facility's records the person's contact information and which
27 animal the person has an interest in adopting.

28 This bill addresses the compelling public interest of protecting
29 animals from neglect, mistreatment, and physical suffering in
30 shelters and pounds throughout the State. It is of urgent public
31 importance to recommit the State to the protection of animals and
32 the achievement of important and necessary measures in improving
33 care for displaced and homeless animals. These measures can be
34 achieved through renewed and vigorous regulation of shelters,
35 pounds, and kennels operating as shelters or pounds. Shelters and
36 pounds should be caring, safe havens for animals. Their operators
37 have a duty to make as many animals available for adoption as
38 possible and prolong every animal's life in their care. The killing
39 of animals in shelters and pounds is often a needless tragedy,
40 especially when the animals are healthy or can recover from illness
41 through treatment. Euthanasia should be used only as a last resort.