

CHAPTER 436

AN ACT concerning certain animals suspected of being rabid, amending R.S.26:4-86 and R.S.26:4-94, and supplementing Title 26 of the Revised Statutes.

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

C.26:4-86.1 Findings, declarations.

1. The Legislature finds and declares that: pets are important in the lives of their owners and are often integral to the owner's well-being and emotional and mental health; a domestic companion animal, the term often used for a pet in State law, may provide companionship to its owner as important as the owner's human companions and family members and, in some cases, may be the owner's only companion in the household; a domestic companion animal is often as treasured as a family member; the loss of a domestic companion animal can be mourned with the same depth of emotion as the loss of a human family member and may have a profound effect on the mental health of an owner; organizations such as the Substance Abuse and Mental Health Services Administration in the United States Department of Health and Human Services and the National Association on Mental Illness have noted the effectiveness of animal therapy in treating or managing mental illness and the benefits attributed to the unconditional acceptance and affection received from interacting with an animal; because of the importance of a domestic companion animal to its owner its illness or death is traumatic for the owner, particularly when the owner authorizes euthanizing the animal; such trauma is unnecessarily exacerbated when the owner is not properly notified about procedures that are required in connection with the disposition of the remains of the domestic companion animal; and failure to forewarn the owner of any necessary dismemberment of the animal for public health reasons is wrongful and unnecessarily injurious to the owner.

The Legislature therefore determines that it is the public policy of the State to require those caring for an animal, including veterinarians and staff at animal hospitals, to: (1) clearly communicate to the owner the tests and procedures required and how the tests and procedures may affect the condition of the animal's body after death; and (2) disclose whether the remains of the animal can be returned to the owner, and the condition of the those remains. The Legislature further determines that the importance of the connection between domestic companion animals and their owners needs to be recognized and addressed by those who treat animals, euthanize them, and handle their remains after death.

C.26:4-86.2 Rabies testing requirements; notifying owner, acknowledgement from owner.

2. a. Except as provided under subsection e. of this section, no rabies testing shall be performed on a dead domestic companion animal until the health official requiring the rabies testing, or the veterinarian preparing and submitting the specimen for rabies testing, and the owner of the animal have complied with the requirements of subsections b. and c. of this section.

b. Whenever it is necessary to test a dead domestic companion animal for rabies, prior to commencing any testing procedure, the health official requiring the rabies testing, or the veterinarian preparing and submitting the specimen for rabies testing, as applicable, shall notify at the first opportunity the owner of the animal, if known, verbally and in writing, of:

- (1) the necessity of the rabies testing and the reasons therefor;
- (2) the rabies testing protocol to be followed;
- (3) the protocol to be followed with regard to the handling of the animal's body;
- (4) the protocol to be followed with regard to the disposal of the animal's body or its return to the owner; and
- (5) the protocol of decapitation.

c. Upon receiving the notification required in subsection b. of this section, the owner of the animal shall immediately provide, in writing, in the manner prescribed by the department pursuant to subsection d. of this section:

(1) release of the animal to the health official or veterinarian, as applicable, for the rabies testing, in accordance with the protocols to be followed pursuant to subsection b. of this section; and

(2) the owner's signature to acknowledge notification about the protocols and procedures to be followed pursuant to this section.

d. The Department of Health shall develop and provide on its website forms for use in providing the notification required pursuant to subsection b. of this section, and the release, and acknowledgement of notification required pursuant to subsection c. of this section.

e. This section shall not apply to rabies testing required pursuant to section 10 of P.L.1989, c.307 (C.4:19-26) or to the handling of an impounded animal that is suspected of being rabid pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16). In cases where a veterinarian or health official has made reasonable attempts to contact the owner to comply with this section and the owner is unable to be contacted or refuses to provide a signature, rabies testing can proceed. When contact is made but a written signature or acknowledgement by the owner cannot be obtained, the veterinarian or health official shall document the date and time that verbal notification was made to the owner and keep this information on file for six months.

f. Nothing in this section shall be construed to interfere with the powers of any municipality to control rabies consistent with R.S.26:4-95.

g. As used in this section, "domestic companion animal" means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal" shall not include "domestic livestock" as defined in subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).

3. R.S.26:4-86 is amended to read as follows:

Examination of animals by local board.

26:4-86. The local board or the duly authorized agent of the board, within its jurisdiction, shall be permitted by the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to examine the animal at any time, and daily if desired, within a period of 10 days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

If the animal dies within the 10-day confinement period or if the owner or person in charge of the animal chooses to euthanize the animal at any time during the confinement period, the local board may order a laboratory examination for rabies to be performed on the dead animal, in compliance with section 2 of P.L.2021, c.436 (C.26:4-86.2).

Except as provided for in section 2 of P.L.2021, c.436 (C.26:4-86.2), no person shall refuse, obstruct, or interfere with the local board in making any examination authorized pursuant to this section.

4. R.S.26:4-94 is amended to read as follows:

Penalties; recovery.

26:4-94. Any person who violates any of the provisions of this article, or any notice served thereunder, shall be liable to a penalty of \$50 for the first offense, and not less than \$50 nor

more than \$250 for each subsequent offense, to be recovered in a civil action brought by and in the name of the Department of Health or a local board. Penalties hereunder shall be enforced and collected pursuant to R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78.

5. This act shall take effect immediately.

Approved January 18, 2022.