

SENATE, No. 2923

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED MAY 23, 2011

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Establishes pilot program concerning sterilization of cats and dogs released for adoption from various facilities; and updates law concerning impoundment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2011)

1 AN ACT concerning the sterilization and impoundment of animals
2 and amending and supplementing P.L.1941, c.151.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to
8 read as follows:

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

10 “Animal rescue organization” means an individual or group of
11 individuals who, with or without salary or compensation, house and
12 care for homeless animals in the home of an individual or in other
13 facilities, with the intent of placing the animals in responsible, more
14 permanent homes as soon as possible.

15 “Animal rescue organization facility” means the home or other
16 facility in which an animal rescue organization houses and cares for
17 an animal.

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

27 "Dog" **[shall mean]** means any dog, bitch or spayed bitch.

28 "Dog of licensing age" **[shall mean]** means any dog which has
29 attained the age of seven months or which possesses a set of
30 permanent teeth.

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

37 "Kennel" **[shall mean]** means any establishment wherein or
38 whereon the business of boarding or selling dogs or breeding dogs
39 for sale is carried on, except a pet shop.

40 "Owner" when applied to the proprietorship of a dog shall
41 include every person having a right of property in that dog and
42 every person who has that dog in his keeping, and when applied to
43 the proprietorship of any other animal, including, but not limited to,
44 a cat, shall include every person having a right of property in that
45 animal and every person who has that animal in his keeping.

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

7 "Pound" **【shall mean】** means an establishment for the
8 confinement of dogs or other animals seized either under the
9 provisions of this act or otherwise.

10 "Shelter" **【shall mean】** means any establishment where dogs or
11 other animals are received, housed and distributed.

12 "Sterilize" means to render an animal incapable of reproducing
13 by either spaying or neutering.

14 "Stray animal" means a domestic animal that is off the owner's
15 property and not under the direct control of the owner or person
16 charged with the care of the animal.

17 (cf: P.L.1997, c.247, s.1)

18
19 2. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
20 read as follows:

21 16. **【Any person】** a. The certified animal control officer
22 appointed **【for the purpose】** by the governing body of the
23 municipality shall take into custody and impound **【or cause to be**
24 taken into custody and impounded, and】 any animal, to thereafter
25 **【destroyed】 be euthanized** or offered for adoption, as provided in
26 this section. Specifically, the certified animal control officer may
27 take into custody and impound:

28 **【(a)】** (1) Any dog or other animal off the premises of the owner
29 or of the person **【keeping or harboring said】** charged with the care
30 of the dog or other animal, which **【said official or his agent or**
31 agents have reason to believe】 is reasonably believed to be a stray
32 dog or stray animal;

33 **【(b)】** (2) Any dog or other animal off the premises of the owner
34 or **【of】** the person **【keeping or harboring said】** charged with the
35 care of the dog or other animal without a current registration tag on
36 **【his】** its collar or elsewhere;

37 **【(c)】** (3) Any female dog in season off the premises of the owner
38 or **【of】** the person **【keeping or harboring said】** charged with the
39 care of the dog;

40 **【(d)】** (4) Any dog or other animal which is suspected to be rabid;
41 or

42 **【(e)】** (5) Any dog or other animal off the premises of the owner
43 or the person charged with its care that is reported to, or observed
44 by, a certified animal control officer to be ill, injured, or creating a
45 threat to public health, safety or welfare, or otherwise interfering
46 with the enjoyment of property.

1 b. If ~~any~~ an animal ~~so seized wears~~ taken into custody and
2 impounded pursuant to subsection a. of this section has a collar or
3 harness ~~having inscribed thereon or attached thereto~~ with
4 identification of the name and address of any person , or has a
5 registration tag, or has a microchip with an identification number
6 that can be traced to the owner or person charged with the care of
7 the animal, or the owner or the person ~~keeping or harboring said~~
8 charged with the care of the animal is otherwise known, ~~any~~
9 person authorized by the governing body shall forthwith serve on
10 the person whose address is given on the collar, or on the owner or
11 the person keeping or harboring said animal, if known, ~~the~~
12 certified animal control officer shall ascertain the name and address
13 of the owner or the person charged with the care of the animal, and
14 serve to the identified person as soon as practicable, a notice in
15 writing ~~stating~~ that the animal has been seized and will be liable
16 to be offered for adoption or ~~destroyed~~ euthanized if not claimed
17 within seven days after the service of the notice.

18 c. A notice ~~under~~ required pursuant to this section may be
19 served ~~either~~ : (1) by delivering it to the person on whom it is to
20 be served, or by leaving it at the person's usual or last known place
21 of ~~abode,~~ residence or ~~at~~ the address given on the collar,
22 harness, or microchip identification; or (2) by ~~forwarding it by~~
23 post in a prepaid letter addressed mailing the notice to that person
24 at ~~his~~ the person's usual or last known place of ~~abode~~
25 residence, or to the address given on the collar, harness or
26 microchip identification.

27 ~~Any person authorized by the governing body may cause an~~
28 animal to be destroyed d. A shelter, pound, or kennel operating as
29 a shelter or pound receiving an animal from a certified animal
30 control officer pursuant to subsection a. of this section, or from any
31 other individual, group, or organization, shall hold the animal for at
32 least seven days before offering it for adoption, or euthanizing,
33 relocating, or sterilizing the animal, except if:

34 (1) the animal is surrendered voluntarily by its owner to the
35 shelter, pound, or kennel operating as a shelter or pound;

36 (2) the age, health, or other care needs of the animal require the
37 shelter, pound, or kennel operating as a shelter or pound to place it
38 in an animal rescue organization facility, foster home, or other
39 unlicensed facility;

40 (3) the age, health, or behavior of the animal warrants
41 euthanizing it before seven days have elapsed; or

42 (4) the animal is suspected of being rabid, in which case the
43 provisions of subsection j. of this section shall apply.

44 e. If a shelter, pound or kennel operating as a shelter or pound
45 is not required to hold an animal for at least seven days pursuant to

1 paragraph (1) of subsection d. of this section, the shelter, pound, or
2 kennel operating as a shelter or pound:

3 (1) shall offer the animal for adoption for at least seven days
4 before euthanizing it; or

5 (2) may transfer the animal to an animal rescue organization
6 facility or a foster home prior to offering it for adoption if such a
7 transfer is determined to be in the best interest of the animal by the
8 shelter, pound, or kennel operating as a shelter or pound.

9 f. Except as otherwise provided for under subsections d. and e.
10 of this section, no shelter, pound, or kennel operating as a shelter or
11 pound receiving an animal from a certified animal control officer
12 may transfer the animal to an animal rescue organization facility or
13 a foster home until the shelter, pound, or kennel operating as a
14 shelter or pound has held the animal for at least seven days.

15 g. If the owner or the person charged with the care of the
16 animal seeks to claim it within seven days, or after the seven days
17 have elapsed but before the animal has been sterilized, adopted, or
18 euthanized, the shelter, pound, or kennel operating as a shelter or
19 pound:

20 (1) shall, in the case of a cat or dog, release it to the owner or
21 person charged with its care, without requiring it to be sterilized,
22 provided the owner or person charged with the care of the animal
23 provides proof of ownership, which may include a valid cat or dog
24 license, registration, rabies inoculation certificate or documentation
25 from the owner's veterinarian that the cat or dog has received
26 regular care from that veterinarian;

27 (2) may, in the case of a cat or dog, charge the cost of sterilizing
28 the cat or dog, if the owner requests such sterilizing when claiming
29 it; and

30 (3) may require the owner or person charged with the care of the
31 animal to pay all the animal's expenses while in the care of the
32 shelter, pound, or kennel operating as a shelter or pound.

33 h. If the animal remains unclaimed, is not claimed due to the
34 failure of the owner or other person to comply with the
35 requirements of this section, or is not adopted after seven days after
36 the date on which notice is served pursuant to subsection c. of this
37 section or, if no notice can be served, not less than seven days after
38 the date on which the animal was impounded, the impounded
39 animal may be placed in a foster home, transferred to another
40 shelter, pound, kennel operating as a shelter or pound, or animal
41 rescue organization facility, or euthanized in a manner causing as
42 little pain as possible and consistent with the provisions of
43 R.S.4:22-19 [or to be offered for adoption seven days after seizure;
44 provided that:

45 (1) Notice is given as set forth above and the animal remains
46 unclaimed ; or

47 (2) The owner or person keeping or harboring the animal has not
48 claimed the animal and paid all expenses incurred by reason of its

1 detention, including maintenance costs not exceeding \$4.00 per day;
2 or

3 (3) The owner or person keeping or harboring a dog which was
4 unlicensed at the time of seizure does not produce a license and
5 registration tag for the dog].

6 i. At the time of adoption, the right of ownership in the animal
7 shall transfer to the new owner. No dog or other animal [so caught
8 and detained or procured, obtained,] taken into custody,
9 impounded, sent or otherwise brought to a [pound or] shelter,
10 pound, or kennel operating as a shelter or pound shall be sold or
11 otherwise be made available for the purpose of experimentation.
12 Any person who sells or otherwise makes available any such dog or
13 other animal for the purpose of experimentation shall be guilty of a
14 crime of the fourth degree.

15 [After observation, any] j. Any animal seized under this section
16 suspected of being rabid shall be immediately reported to the
17 executive officer of the local board of health and to the Department
18 of Health and Senior Services, and shall be quarantined, observed,
19 and otherwise handled and dealt with as appropriate for an animal
20 suspected of being rabid or as required by the Department of Health
21 and Senior Services for such animals.

22 k. When a certified animal control officer takes into custody
23 and impounds, or causes to be taken into custody and impounded,
24 an animal, the certified animal control officer may place the animal
25 in the custody of, or cause the animal to be placed in the custody of,
26 only a licensed shelter, pound, or kennel operating as a shelter or
27 pound. The certified animal control officer may not place the
28 animal in the custody of, or cause the animal to be placed in the
29 custody of, any animal rescue organization facility, foster home, or
30 other unlicensed facility. However, the licensed shelter, pound, or
31 kennel operating as a shelter or pound may place the animal in an
32 animal rescue organization facility, foster home, or other unlicensed
33 facility if necessary pursuant to subsections d., e., or h. of this
34 section.

35 l. Notwithstanding the provisions of this section and sections 3
36 and 4 of P.L. , c. (C.) (pending before the Legislature as
37 this bill) to the contrary, no cat or dog being transferred between
38 shelters, pounds, or kennels operating as shelters or pounds, or
39 being transferred to an animal rescue organization facility or placed
40 in a foster home, shall be required to be sterilized prior to that
41 transfer.

42 (cf: P.L.1997, c.324, s.1)

43
44 3. (New section) a. The Department of Health and Senior
45 Services shall develop and establish a pilot program to be known as
46 the "Pet Sterilization Pilot Program." The pilot program shall operate
47 in any county with significant animal overpopulation issues that is

1 selected for the program by the Commissioner of Health and Senior
2 Services and agrees to participate in the program. Upon the county's
3 agreement to participate, every shelter, pound, and kennel operating as
4 a shelter or pound in the county shall participate in the pilot program.

5 b. The pilot program shall implement the following requirements in
6 each participating county:

7 (1) A shelter, pound, or kennel operating as a shelter or pound,
8 upon receiving an animal from a certified animal control officer
9 pursuant to section 16 of P.L.1941, c.151, (C.4:19-15.16), or from any
10 other individual, group, or organization, shall hold the animal for at
11 least seven days before offering it for adoption, or euthanizing,
12 relocating, or sterilizing the animal, except if:

13 (a) the animal is surrendered voluntarily by its owner to the
14 shelter, pound or kennel operating as a shelter or pound;

15 (b) the age, health, or other care needs of the animal require the
16 shelter, pound or kennel operating as a shelter or pound to place it in
17 an animal rescue organization facility, foster home, or other facility,
18 whether licensed or not; or

19 (c) the animal is suspected of being rabid, in which case paragraph
20 (5) of this subsection shall apply.

21 (2) If a shelter, pound, or kennel operating as a shelter or pound is
22 not required to hold an animal for at least seven days pursuant to
23 paragraph (1) of this subsection, the shelter, pound or kennel operating
24 as a shelter or pound:

25 (a) shall offer the animal for adoption for at least seven days
26 before euthanizing it, unless the animal is deemed by a licensed
27 veterinarian to be terminally ill and therefore should be euthanized for
28 humane reasons; or

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

33 (3) Except as otherwise provided for under paragraphs (1) and (2)
34 of this subsection, no shelter, pound or kennel operating as a shelter or
35 pound receiving an animal from a certified animal control officer may
36 transfer the animal to an animal rescue organization facility or a foster
37 home until the shelter, pound, or kennel operating as a shelter or pound
38 has held the animal for at least seven days.

39 (4) If a person seeks to adopt a cat or dog when adoption is
40 permitted pursuant to this subsection, the shelter, pound, or kennel
41 operating as a shelter or pound, before releasing the animal to the
42 person adopting it, shall require the animal to be sterilized. The
43 shelter, pound, or kennel operating as a shelter or pound may charge
44 the person adopting the animal the cost of sterilization.

45 (5) If an animal is suspected of being rabid, the animal shall
46 immediately be reported to the executive officer of the local board of
47 health and to the Department of Health and Senior Services, and shall
48 be quarantined, observed, and otherwise handled and dealt with as

1 appropriate for an animal suspected of being rabid or as required by
2 the Department of Health and Senior Services for such animals.

3 c. The pilot program shall operate for a period of at least two years.
4 No later than two years after the pilot program is established and
5 becomes operative, the Commissioner of Health and Senior Services
6 shall submit a written report to the Governor and, pursuant to section 2
7 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The report shall
8 contain information on the implementation of the pilot program and
9 shall include the recommendation of the commissioner on the
10 feasibility of implementing the pilot program on a Statewide basis.

11

12 4. (New section) a. Pursuant to the pilot program established
13 pursuant to section 3 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), a person may adopt and remove a cat or
15 dog from a shelter, pound, kennel operating as a shelter or pound,
16 or animal rescue organization facility, without sterilizing the cat or
17 dog, if: (1) the cat or dog is less than six months old; and (2) the
18 person pays a refundable deposit, the amount of which is to be
19 established by the shelter, pound, kennel operating as a shelter or
20 pound, or animal rescue organization facility.

21 b. The shelter, pound, kennel operating as a shelter or pound,
22 or animal rescue organization facility shall refund the deposit
23 required pursuant to subsection a. of this section if, within 180 days
24 after the date of adoption, the person who adopted the cat or dog
25 submits a certification from a licensed veterinarian that the cat or
26 dog (1) has been sterilized, or (2) cannot be sterilized because it
27 would be detrimental to the health of the cat or dog for reasons
28 other than age. The shelter, pound, kennel operating as a shelter or
29 pound, or animal rescue organization facility shall issue the refund
30 within 30 days after receipt of the licensed veterinarian's
31 certification.

32 c. A person adopting a cat or dog that cannot be sterilized for
33 reasons other than age may remove the cat or dog from the shelter,
34 pound, kennel operating as a shelter or pound, or animal rescue
35 organization facility without paying a deposit on the cat or dog,
36 provided that a licensed veterinarian has certified the cat or dog
37 cannot be sterilized because it would be detrimental to the health of
38 the cat or dog for reasons other than age.

39

40 5. (New section) a. When a cat or dog is put in the custody of
41 and impounded with a shelter, pound, or kennel operating as a
42 shelter or pound, or an animal rescue organization facility receives
43 a cat or dog, the shelter, pound, kennel operating as a shelter or
44 pound, or animal rescue organization facility shall, if the identity of
45 the owner is not known, scan the animal for microchip
46 identification, provided the shelter, pound, kennel operating as a
47 shelter or pound, or animal rescue organization facility has such
48 technology available.

1 The bill also establishes several requirements concerning offering
2 animals for adoption, and euthanizing, relocating or sterilizing the
3 animals, enumerated in subsection b. of section 3 of the bill, including
4 requiring a person adopting a cat or dog from a shelter, pound, or
5 kennel operating as a shelter or pound in the participating county to
6 have the animal sterilized. The bill permits the shelter, pound, and
7 kennel operating as a shelter or pound to charge the person adopting
8 the cat or dog the cost of sterilizing the adopted cat or dog.

9 The bill further provides for the pilot program to operate for a
10 period of at least two years. No later than two years after the pilot
11 program is established and becomes operative, the Commissioner of
12 Health and Senior Services is required to submit a written report to the
13 Governor and the Legislature, providing information on the
14 implementation of the pilot program and including the
15 recommendation of the commissioner on the feasibility of
16 implementing the pilot program on a Statewide basis.