

# SENATE, No. 1640

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**SYNOPSIS**

Establishes failure to provide certain specific protections from weather and during emergencies for domestic companion animals as animal cruelty.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/13/2016)**

1 AN ACT concerning exposure of domestic companion animals to  
2 potentially harmful weather and supplementing Title 4 of the  
3 Revised Statutes.

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

7  
8 1. a. It shall be unlawful to leave outdoors unattended a cat,  
9 dog, or other domestic companion animal when the outside ambient  
10 temperature is 32 degrees Fahrenheit or less or 90 degrees  
11 Fahrenheit or more, unless the cat, dog, or other domestic  
12 companion animal is provided readily available access to shelter, in  
13 which the ambient temperature is properly and safely maintained  
14 above 32 degrees Fahrenheit and below 90 degrees Fahrenheit in  
15 accordance with any applicable local code, ordinance, or regulation.  
16 If the cat, dog, or other domestic companion animal is relocated, or  
17 provided readily available access, to a basement or garage, the  
18 basement or garage shall be properly ventilated in accordance with  
19 the "State Uniform Construction Code Act," P.L.1975, c.217  
20 (C.52:27D-119 et seq.).

21 b. It shall be unlawful to leave a cat, dog, or other domestic  
22 companion animal outdoors when evacuation of the area has been  
23 recommended by State or local law enforcement due to weather or  
24 other emergency conditions. If possible, any cat, dog, or other  
25 domestic companion animal shall be evacuated with its owner. If  
26 evacuation with the owner is not an option, the cat, dog, or other  
27 domestic companion animal shall be:

28 (1) delivered to an animal kennel, shelter, or other suitable  
29 animal care facility; or

30 (2) secured in an indoor area constructed to be as protective of  
31 the animal as possible under the circumstances. If the cat, dog, or  
32 other domestic companion animal is secured in a basement or  
33 garage, the basement or garage shall be properly ventilated, in  
34 accordance with the "State Uniform Construction Code Act,"  
35 P.L.1975, c.217 (C.52:27D-119 et seq.), and reasonably safe from  
36 flooding.

37 c. A violation of subsection a. or b. of this section shall  
38 constitute failure to provide necessary care pursuant to R.S.4:22-17  
39 and R.S.4:22-26.

40 d. The requirements of subsections a. and b. of this section  
41 shall not apply to any cat living outside with no apparent owner,  
42 commonly referred to as, or considered to be, a feral cat.

43 e. As used in this section, "domestic companion animal" means  
44 any animal commonly referred to as a pet that was bought, bred,  
45 raised or otherwise acquired, in accordance with local ordinances  
46 and State and federal law, for the primary purpose of providing  
47 companionship to the owner, rather than for business or agricultural

1 purposes. "Domestic companion animal" does not include livestock  
2 as defined in N.J.A.C.2:2-1.1.

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4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill would make it a violation of the State animal cruelty  
10 laws to:

11 1) leave a cat, dog, or other domestic companion animal  
12 unattended outdoors when the outside ambient temperature is 32  
13 degrees Fahrenheit or less or 90 degrees Fahrenheit or more,  
14 without readily available access to shelter in which the ambient  
15 temperature is maintained properly and safely above 32 degrees  
16 Fahrenheit and below 90 degrees Fahrenheit or below in accordance  
17 with any applicable local code, ordinance, or regulation; or

18 2) leave a cat, dog, or other domestic companion animal outdoors  
19 when evacuation of the area has been recommended by State or  
20 local law enforcement due to weather or other emergency  
21 conditions.

22 In the case of evacuation, the bill directs that the cat, dog, or  
23 other domestic companion animal be evacuated with its owner, if  
24 possible. If evacuation with the owner is not an option, the bill  
25 requires the cat, dog, or other domestic companion animal to be:

26 1) delivered to an animal kennel, shelter, or other suitable animal  
27 care facility; or

28 2) secured in an indoor area constructed to be as protective of the  
29 animal as possible under the circumstances.

30 If, for the purposes of complying with the bill's requirements,  
31 the cat, dog, or other domestic companion animal is relocated to, or  
32 provided readily available access to, a basement or a garage, the bill  
33 requires the basement or garage to be properly ventilated in  
34 accordance with the State Uniform Construction Code, and during  
35 weather or other emergency conditions, also reasonably safe from  
36 flooding.

37 The bill defines "domestic companion animal" means any animal  
38 commonly referred to as a pet or one that has been bought, bred,  
39 raised or otherwise acquired, in accordance with local ordinances  
40 and State and federal law for the primary purpose of providing  
41 companionship to the owner, rather than for business or agricultural  
42 purposes. It does not include livestock.

43 Furthermore, the bill establishes that violations of any of the  
44 bill's provisions would constitute failure to provide "necessary  
45 care" pursuant to R.S.4:22-17 and R.S.4:22-26.

46 Current law defines "necessary care" as care sufficient to  
47 preserve the health and well-being of an animal, and includes, but is  
48 not limited to: food of sufficient quantity and quality to allow for

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1 normal growth or maintenance of body weight; adequate access to  
2 water in sufficient quantity and quality to satisfy the animal's needs;  
3 access to adequate protection from the weather; and veterinary care  
4 to alleviate suffering and maintain health.

5 Under R.S.4:22-26, a violator may be liable for civil penalties of  
6 \$500 to \$2,000 for failure to provide necessary care, depending on  
7 the consequences of failure to do so. Under R.S.4:22-17, failure to  
8 provide necessary care would be a disorderly persons offense, a  
9 crime of the fourth degree, or crime of the third degree, depending  
10 on the consequences of failure to do so.