

ASSEMBLY, No. 2317

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Chaparro

SYNOPSIS

Requires kennels and veterinary facilities to provide for supervision of dogs, training of employees, and maintenance of certain records; designated as "Daisy's Law."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/28/2018)

A2317 VAINIERI HUTTLE, MUKHERJI

2

1 AN ACT concerning the supervision of dogs at kennels and
2 veterinary facilities, designated as Daisy’s Law, amending and
3 supplementing P.L.1941, c.151, and supplementing Title 45 of
4 the Revised Statutes.

5

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

8

9 1. (New section) a. Each kennel in the State shall:

10 (1) provide for the direct supervision of any indoor or outdoor
11 common play area whenever two or more dogs are present in the
12 common play area at the same time;

13 (2) keep a record of each time a dog is released from or returned
14 to its cage or other enclosure. The record shall be maintained on-
15 site at the kennel for at least one year from the date the dog is
16 discharged from the kennel, and made available upon request to the
17 dog’s owner, the Department of Health, the municipality licensing
18 the kennel, or the relevant local health authority;

19 (3) develop and implement a training program for all employees
20 of the kennel who handle or provide care for dogs or who supervise
21 staff handling or providing such care. The training program shall
22 include a review of the provisions of this section, the provisions of
23 P.L.1941, c.151 (C.4:19-15.1 et seq.) that are applicable to kennels,
24 the rules and regulations adopted pursuant thereto, and the proper
25 implementation of these laws, rules, and regulations in kennels; and

26 (4) post a sign in a conspicuous location at or near the entrance
27 to the kennel, in no less than 24-point font, which states: “THIS
28 KENNEL IS REQUIRED TO COMPLY WITH THE
29 SUPERVISION, RECORD KEEPING, AND EMPLOYEE
30 TRAINING REQUIREMENTS OF P.L. , c. (C.) (pending
31 before the Legislature as this bill), ALSO KNOWN AS ‘DAISY’S
32 LAW.’”

33 b. Within 90 days after the effective date of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), each
35 kennel in the State shall file a written certification with the clerk or
36 other official designated to license dogs in the municipality where
37 the kennel is located certifying that the kennel is in compliance with
38 the requirements of this section.

39 c. The Department of Health, local health authorities, and
40 municipalities shall have authority to enforce the provisions of this
41 section and any rules and regulations adopted pursuant thereto. A
42 kennel that fails to submit the certification required pursuant to
43 subsection b. of this section or to comply with the provisions of this
44 section or any rules and regulations adopted pursuant thereto shall
45 be subject to a fine of up to \$100 for each offense. If the violation

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 is of a continuing nature, each day during which it continues shall
2 constitute an additional, separate, and distinct offense. Any penalty
3 imposed pursuant to this section may be collected, with costs, in a
4 summary proceeding pursuant to the "Penalty Enforcement Law of
5 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
6 and the municipal court shall have jurisdiction to enforce the
7 provisions of the "Penalty Enforcement Law of 1999" in connection
8 with this section.

9 d. The Department of Health shall, pursuant to the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.), adopt such rules and regulations as may be necessary to
12 effectuate the purposes of this act.

13

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

16 8. a. Any person who keeps or operates or proposes to
17 establish a kennel, a pet shop, a shelter or a pound shall apply to the
18 clerk or other official designated to license dogs in the municipality
19 where such establishment is located, for a license entitling him to
20 keep or operate such establishment.

21 The application shall describe the premises where the
22 establishment is located or is proposed to be located, the purpose or
23 purposes for which it is to be maintained, and shall be accompanied
24 by the written approval of the local municipal and health authorities
25 showing compliance with the local and State rules and regulations
26 governing location of and sanitation at such establishments. In the
27 case of a kennel, the application shall also contain a written
28 certification from the owner or operator of the kennel that the
29 kennel is in compliance with the requirements of section 1 of
30 P.L. , c. (C.) (pending before the Legislature as this bill) or
31 the date by which it will be in compliance. No license may be
32 issued to the kennel until the date on which it is in compliance.

33 b. All licenses issued for a kennel, pet shop, shelter, or pound
34 shall state the purpose for which the establishment is maintained,
35 and all licenses shall expire on the last day of June of each year, and
36 be subject to revocation by the municipality on recommendation of
37 the Department of Health or the local board of health for failure to
38 comply with the rules and regulations of the State department or
39 local board governing the same, after the owner has been afforded a
40 hearing by either the State department or local board, except as
41 provided in subsection c. of this section.

42 Any person holding a license shall not be required to secure
43 individual licenses for dogs owned by a licensee and kept at the
44 establishments; the licenses shall not be transferable to another
45 owner or different premises.

46 c. The license for a pet shop shall be subject to review by the
47 municipality, upon recommendation by the Department of Health or
48 the local health authority for failure by the pet shop to comply with

1 the rules and regulations of the State department or local health
2 authority governing pet shops or if the pet shop meets the criteria
3 for recommended suspension or revocation provided under
4 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after
5 the owner of the pet shop has been afforded a hearing pursuant to
6 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

7 The municipality, based on the criteria for the recommendation
8 of the local health authority provided under subsections c. and d. of
9 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license
10 for 90 days or may revoke the license if it is determined at the
11 hearing that the pet shop: (1) failed to maintain proper hygiene and
12 exercise reasonable care in safeguarding the health of animals in its
13 custody or (2) sold a substantial number of animals that the pet shop
14 knew, or reasonably should have known, to be unfit for purchase.

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

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

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

25
26 3. (New section) a. Each veterinary facility in the State shall:

27 (1) provide for the direct supervision of any indoor or outdoor
28 common play area whenever two or more dogs are present in the
29 common play area at the same time;

30 (2) keep a record of each time a dog is released from or returned
31 to its cage or other enclosure. The record shall be maintained on-
32 site at the veterinary facility for one year from the date the dog is
33 discharged from the facility, and made available to the dog's owner
34 or the State Board of Veterinary Medical Examiners upon request;

35 (3) develop and implement a training program for all employees
36 of the veterinary facility who handle, treat, or provide care for dogs
37 held at the facility, and any employee supervising staff providing
38 such treatment or care. The training shall include a review of the
39 provisions of this section and any other laws, rules, or regulations
40 governing the supervision and safety of dogs at such facilities and
41 the proper implementation of such laws, rules, and regulations at
42 these facilities; and

43 (4) post a sign in a conspicuous location at or near the entrance
44 to the veterinary facility, in no less than 24-point font, which states:
45 "THIS VETERINARY FACILITY IS REQUIRED TO COMPLY
46 WITH THE SUPERVISION, RECORD KEEPING, AND
47 EMPLOYEE TRAINING REQUIREMENTS OF P.L. , c. (C.)

1 (pending before the Legislature as this bill), ALSO KNOWN AS
2 'DAISY'S LAW.'"

3 b. Within 90 days after the effective date of P.L. , c. (C.)
4 (pending before the Legislature as this bill), each veterinary facility
5 in the State shall file a written certification with the State Board of
6 Veterinary Medical Examiners certifying that the facility is in
7 compliance with the requirements of this section.

8 c. A veterinarian who fails to submit the certification required
9 pursuant to subsection b. of this section or to comply with the
10 provisions of this section or the rules and regulations adopted
11 pursuant thereto shall be subject to a public reprimand by the State
12 Board of Veterinary Medical Examiners and any other penalties the
13 board may determine appropriate.

14 d. The State Board of Veterinary Medical Examiners shall,
15 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
16 (C.52:14B-1 et seq.), adopt such rules and regulations as may be
17 necessary to effectuate the purposes of this act.

18 e. As used in this section:

19 "Domestic companion animal" means any animal commonly
20 referred to as a "pet," which has been bought, bred, raised or
21 otherwise acquired, in accordance with local ordinances and State
22 and federal law, for the primary purpose of providing
23 companionship to the owner, rather than for business or agricultural
24 purposes.

25 "Veterinarian" means any person engaged in the licensed
26 practice of veterinary medicine as defined by R.S.45:16-8.1.

27 "Veterinary facility" means any place or establishment, operated
28 on a for-profit basis, where a domestic companion animal, which is
29 not owned by either the proprietor or care-giving veterinarian, is
30 treated, temporarily sheltered, fed, and watered for the purpose of
31 providing veterinary care. "Veterinary facility" shall include, but
32 need not be limited to, an animal or veterinary facility as defined in
33 section 1 of P.L.1983, c.98 (C.45:16-1.1).

34

35 4. This act shall take effect immediately.

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37

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STATEMENT

39

40 This bill would require kennels and veterinary facilities to
41 provide for the supervision of dogs, training of employees, and
42 maintenance of certain records.

43 Specifically, under the bill, kennels and veterinary facilities in
44 the State would be required to:

45 (1) provide for the direct supervision of any indoor or outdoor
46 common play area whenever two or more dogs are present in that
47 area at the same time;

1 (2) keep a record of each time a dog is released from or returned
2 to its cage or enclosure, which must be maintained for at least one
3 year, and made available upon request to the dog's owner and
4 relevant governmental authorities;

5 (3) develop and implement a training program for all employees
6 of the kennel or veterinary facility who handle or provide care for
7 dogs or who supervise staff handling or providing such care. The
8 training would include a review of the provisions of this bill, other
9 laws, rules, and regulations applicable to kennels or veterinary
10 facilities, and the proper implementation of these laws, rules, and
11 regulations; and

12 (4) post a sign in a conspicuous location at or near the entrance
13 to the kennel or veterinary facility indicating that the kennel or
14 veterinary facility is required to comply with the supervision, record
15 keeping, and employee training requirements of this bill.

16 Within 90 days after the effective date of this bill, each kennel
17 and veterinary facility would be required to file a written
18 certification with appropriate authorities that the kennel or
19 veterinary facility is in compliance with the requirements of the bill.
20 Additionally, an application for a license to keep or operate a
21 kennel must contain a written certification that the kennel is or will
22 be in compliance with the requirements of the bill. A license would
23 not be issued until the date on which the kennel is in compliance.
24 An operating kennel that fails to submit the certification or to
25 comply with the provisions of the bill would be subject to a fine of
26 up to \$100, and each day during which the violation continues
27 would be a separate offense. A veterinarian who fails to submit the
28 required certification or to comply with the provisions of the bill
29 would be subject to a public reprimand by the State Board of
30 Veterinary Medical examiners and any other penalties the board
31 may determine appropriate.

32 This bill is named "Daisy's Law" in memory of Daisy, a Shih
33 Tzu who was brutally attacked and killed by a larger dog in the
34 common play area of a veterinary facility in New Jersey. The dogs
35 were unsupervised at the time of the attack, and adequate
36 supervision, record keeping, and training of staff may have
37 prevented what took place at the veterinary facility.