

SENATE, No. 4034

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 24, 2019

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Provides for spaying and neutering stray or feral cats and establishes fund therefor; designated as “Compassion for Community Cats Law.”

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning cat population control, designated as the
2 "Compassion for Community Cats Law," and amending,
3 supplementing, and repealing various parts of statutory law.

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

7
8 1. (New section) a. There is established in the Department of
9 Health a special, nonlapsing fund to be known as the "Compassion
10 for Community Cats Fund." The fund shall be administered by the
11 department and shall be credited with:

12 (1) all fees collected pursuant to section 1 of P.L.1983, c.181
13 (C.4:19-15.3c);

14 (2) all penalties collected pursuant to subsection c. of section 3
15 of P.L. , c. (C.) (pending before the Legislature as this bill);

16 (3) moneys as may be appropriated by the Legislature; and

17 (4) any return on investment of moneys deposited in the fund.

18 b. Moneys in the fund shall be used by the department solely for
19 grants to municipalities and counties to establish programs to
20 humanely trap community cats, sterilize, ear-tip, vaccinate against
21 rabies, and return each community cat to the location where the
22 community cat was trapped.

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

25 d. As used in this section, "community cat" means a cat, whether
26 or not fearful of, or socialized to, humans, that has no known
27 owner, lives and freely roams in the outdoors, and that may or may
28 not be cared for by a person, including, but not limited to, a person
29 who provides food, water, veterinary care, or indoor or outdoor
30 protection from the weather.

31

32 2. (New section) a. Except as otherwise provided pursuant to
33 subsection b. of this section, in addition to the provisions of section
34 16 of P.L.1941, c.151 (C.4:19-19.16), no cat may be released for
35 adoption from an animal rescue organization facility, shelter,
36 pound, or kennel operating as a shelter or pound unless the cat has
37 been spayed or neutered by a licensed veterinarian. The animal
38 rescue organization facility, shelter, pound, or kennel operating as a
39 shelter or pound may charge the cost of spaying or neutering the cat
40 to the person assuming ownership from the animal rescue
41 organization facility, shelter, pound, or kennel operating as a shelter
42 or pound.

43 b. The provisions of subsection a. of this section shall not apply
44 to a cat that:

45 (1) is less than two months old;

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.

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1 (2) a licensed veterinarian determines cannot be spayed or
2 neutered for other health reasons affecting the cat; or

3 (3) is being placed in a foster home or transferred to another
4 shelter, pound, kennel operating as a shelter or pound, or animal
5 rescue organization facility by a shelter, pound, or kennel operating
6 as a shelter or pound, except as otherwise provided in subsection h.
7 of section 16 of P.L.1941, c.151 (C.4:19-15.16).

8 c. Any person who violates subsection a. of this section shall
9 be subject to a civil penalty of up to \$1,000, to be collected by the
10 Department of Health in a civil action by a summary proceeding
11 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
12 (C.2A:58-10 et seq.). The Superior Court and the municipal courts
13 shall have jurisdiction to enforce the provisions of the "Penalty
14 Enforcement Law of 1999" pursuant to this section, and all monies
15 collected pursuant to this subsection shall be deposited in the
16 "Compassion for Community Cats Fund," established pursuant to
17 section 1 of P.L. , c. (C.) (pending before the Legislature as
18 this bill) for the purposes of the fund.

19 d. The Department of Health, pursuant to the "Administrative
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt
21 rules and regulations necessary to implement this section.
22

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

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

26 "Animal rescue organization" means an individual or group of
27 individuals who, with or without salary or compensation, house and
28 care for homeless animals in the home of an individual or in other
29 facilities, with the intent of placing the animals in responsible, more
30 permanent homes as soon as possible.

31 "Animal rescue organization facility" means the home or other
32 facility in which an animal rescue organization houses and cares for
33 an animal.

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

44 "Community cat" means a cat, whether or not fearful of, or
45 socialized to, humans, that has no known owner, lives and freely
46 roams in the outdoors, and that may or may not be cared for by a
47 person, including, but not limited to, a person who provides food,

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1 water, veterinary care, or indoor or outdoor protection from the
2 weather.

3 “Community cat caregiver” means a person who provides care to
4 a community cat, including, but not limited to, a person who
5 provides food, water, veterinary care, or indoor or outdoor
6 protection from the weather.

7 “Dog” means any dog, bitch or spayed bitch.

8 “Dog of licensing age” means any dog which has attained the age
9 of seven months or which possesses a set of permanent teeth.

10 “Foster home” means placement of a cat or dog with an
11 individual or group that is not an animal rescue organization for the
12 purpose of temporarily caring for the cat or dog, without the
13 individual or group assuming ownership and with the intent of the
14 individual or group relinquishing the cat or dog to a suitable owner
15 when one is located.

16 “Kennel” means any establishment wherein or whereon the
17 business of boarding or selling dogs or breeding dogs for sale is
18 carried on, except a pet shop.

19 “Owner” when applied to the proprietorship of a dog shall
20 include every person having a right of property in that dog and
21 every person who has that dog in **【his】** the person’s keeping, and
22 when applied to the proprietorship of any other animal, including,
23 but not limited to, a cat, shall include every person having a right of
24 property in that animal **【and every person who has that animal in**
25 **his keeping.】** and shall not include a community cat caregiver.

26 “Pet shop” means any place of business which is not part of a
27 kennel, wherein animals, including, but not limited to, dogs, cats,
28 birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or
29 displayed chiefly for the purpose of sale to individuals for personal
30 appreciation and companionship rather than for business or research
31 purposes.

32 “Pound” means an establishment for the confinement of dogs or
33 other animals seized either under the provisions of this act or
34 otherwise.

35 “Shelter” means any establishment where dogs or other animals
36 are received, housed and distributed.

37 “Sterilize” means to render an animal incapable of reproducing
38 by either spaying or neutering.

39 (cf: P.L.2011, c.142, s.1)

40

41 4. Section 1 of P.L.1983, c.181 (C.4:19-15.3c) is amended to
42 read as follows:

43 1. In addition to the fee charged pursuant to section 3 of
44 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
45 Health pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11),
46 any person applying for **【the】** a license and registration tag
47 pursuant to section 2 of P.L.1941, c.151 (C.4:19-15.2) shall pay an
48 additional fee of \$0.20 for any dog.

1 All fees collected pursuant to the provisions of this section shall
2 be forwarded to the State Treasurer to be placed in the ["Pilot
3 Clinic Fund" created pursuant to P.L.1983, c.180 (C.4:19A-10 et
4 seq.), to be used by the Commissioner of Health for the operation of
5 the animal sterilization pilot clinic established pursuant to that act]
6 "Compassion for Community Cats Fund" established pursuant to
7 section 1 of P.L. , c. (C.) (pending before the Legislature
8 as this bill).

9 (cf: P.L.1983, c.181, s.1)

10
11 5. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
12 read as follows:

13 16. a. The certified animal control officer appointed by the
14 governing body of the municipality shall take into custody and
15 impound any animal, to thereafter be euthanized or offered for
16 adoption, as provided in this section:

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

20 (2) Any dog off the premises of the owner or the person charged
21 with the care of the dog without a current registration tag [on its
22 collar or elsewhere];

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

25 (4) Any dog or other animal which is suspected to be rabid; [or]

26 (5) Any dog [or other animal] off the premises of the owner or
27 the person charged with [its] the dog's care that is reported to, or
28 observed by, a certified animal control officer to be [ill, injured,
29 or] creating a threat to public health, safety, or welfare, or
30 otherwise interfering with the enjoyment of property; or

31 (6) Any animal reported to, or observed by, a certified animal
32 control officer to be ill or injured.

33 b. If an animal taken into custody and impounded pursuant to
34 subsection a. of this section has a collar or harness with
35 identification of the name and address of any person, or has a
36 registration tag, or has a microchip with an identification number
37 that can be traced to the owner or person charged with the care of
38 the animal, or the owner or the person charged with the care of the
39 animal is otherwise known, the certified animal control officer shall
40 ascertain the name and address of the owner or the person charged
41 with the care of the animal, and serve to the identified person as
42 soon as practicable, a notice in writing that the animal has been
43 seized and will be liable to be offered for adoption or euthanized if
44 not claimed within seven days after the service of the notice.

45 c. A notice required pursuant to this section may be served: (1)
46 by delivering it to the person on whom it is to be served, or by
47 leaving it at the person's usual or last known place of residence or

1 the address given on the collar, harness, or microchip identification;
2 or (2) by mailing the notice to that person at the person's usual or
3 last known place of residence, or to the address given on the collar,
4 harness or microchip identification.

5 d. A shelter, pound, or kennel operating as a shelter or pound
6 receiving an animal from a certified animal control officer pursuant
7 to subsection a. of this section, or from any other individual, group,
8 or organization, shall hold the animal for at least seven days before
9 offering **【it】** the animal for adoption, or euthanizing, relocating, or
10 sterilizing the animal, except if:

11 (1) the animal is surrendered voluntarily by **【it's】** the animal's
12 owner to the shelter, pound, or kennel operating as a shelter or
13 pound, in which case the provisions of subsection e. of this section
14 shall apply; or

15 (2) the animal is suspected of being rabid, in which case the
16 provisions of subsection j. of this section shall apply.

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

21 (1) shall offer the animal for adoption for at least seven days
22 before euthanizing **【it】** the animal ; or

23 (2) may transfer the animal to an animal rescue organization
24 facility or a foster home prior to offering **【it】** the animal for
25 adoption if such a transfer is determined to be in the best interest of
26 the animal by the shelter, pound, or kennel operating as a shelter or
27 pound.

28 f. Except as otherwise provided for under subsection e. of this
29 section, no shelter, pound, or kennel operating as a shelter or pound
30 receiving an animal from a certified animal control officer may
31 transfer the animal to an animal rescue organization facility or a
32 foster home until the shelter, pound, or kennel operating as a shelter
33 or pound has held the animal for at least seven days.

34 g. If the owner or the person charged with the care of the animal
35 seeks to claim **【it】** the animal within seven days, or after the seven
36 days have elapsed but before the animal has been adopted or
37 euthanized, the shelter, pound, or kennel operating as a shelter or
38 pound:

39 (1) shall, in the case of a cat or dog, release **【it】** the cat or dog
40 to the owner or person charged with **【it】** the animal's care,
41 provided the owner or person charged with the care of the animal
42 provides proof of ownership, which may include a valid cat or dog
43 license, registration, rabies inoculation certificate, or documentation
44 from the owner's veterinarian that the cat or dog has received
45 regular care from that veterinarian;

- 1 (2) may, in the case of a cat or dog, charge the cost of sterilizing
2 the cat or dog, if the owner requests such sterilizing when claiming
3 **[it]** the cat or dog; and
- 4 (3) may require the owner or person charged with the care of the
5 animal to pay all the animal's expenses while in the care of the
6 shelter, pound, or kennel operating as a shelter or pound, not to
7 exceed \$4 per day.
- 8 h. If the animal remains unclaimed, is not claimed due to the
9 failure of the owner or other person to comply with the
10 requirements of this section, or is not adopted after seven days after
11 the date on which notice is served pursuant to subsection c. of this
12 section or, if no notice can be served, not less than seven days after
13 the date on which the animal was impounded, the impounded
14 animal may be placed in a foster home, transferred to another
15 shelter, pound, kennel operating as a shelter or pound, or animal
16 rescue organization facility, or euthanized in a manner causing as
17 little pain as possible and consistent with the provisions of
18 R.S.4:22-19.
- 19 i. At the time of adoption, the right of ownership in the animal
20 shall transfer to the new owner. Prior to the release to the person
21 assuming ownership of a cat that has not been spayed or neutered,
22 the shelter, pound, or kennel operating as a shelter or pound shall
23 spay or neuter the cat except as otherwise provided in subsection b.
24 of section 2 of P.L. , c. (C.) (pending before the
25 Legislature as this bill). No dog or other animal taken into
26 custody, impounded, sent or otherwise brought to a shelter, pound,
27 or kennel operating as a shelter or pound shall be sold or otherwise
28 be made available for the purpose of experimentation. Any person
29 who sells or otherwise makes available any such dog or other
30 animal for the purpose of experimentation shall be guilty of a crime
31 of the fourth degree.
- 32 j. Any animal seized under this section suspected of being rabid
33 shall be immediately reported to the executive officer of the local
34 board of health and to the Department of Health, and shall be
35 quarantined, observed, and otherwise handled and dealt with as
36 appropriate for an animal suspected of being rabid or as required by
37 the Department of Health for the animals.
- 38 k. When a certified animal control officer takes into custody and
39 impounds, or causes to be taken into custody and impounded, an
40 animal, the certified animal control officer may place the animal in
41 the custody of, or cause the animal to be placed in the custody of,
42 only a licensed shelter, pound, or kennel operating as a shelter or
43 pound. The certified animal control officer may not place the
44 animal in the custody of, or cause the animal to be placed in the
45 custody of, any animal rescue organization facility, foster home, or
46 other unlicensed facility. However, the licensed shelter, pound, or
47 kennel operating as a shelter or pound may place the animal in an

1 animal rescue organization facility, foster home, or other unlicensed
2 facility if necessary pursuant to subsection e. or h. of this section.

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

9 m. Notwithstanding the provisions of this section, or any other
10 law, or rule or regulation adopted pursuant thereto, or municipal
11 ordinance, to the contrary, a shelter, pound, or kennel operating as a
12 shelter or pound shall not be required to hold a community cat for
13 any period of time before sterilizing, ear-tipping, vaccinating the
14 community cat against rabies, and returning the community cat to
15 the location where the community cat was trapped.

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

17

18 6. Section 2 of P.L.1983, c.172 (C.4:19A-1) is amended to read
19 as follows:

20 2. The department shall establish and implement an Animal
21 Population Control Program **[(hereinafter referred to as the**
22 **"program")]** . The purpose of **[this]** the program shall be to
23 reduce the unwanted increase in population of **[unwanted and stray**
24 **dogs and cats]** cats and dogs by encouraging **[the owners of dogs**
25 **and cats** to have them permanently sexually sterilized] the
26 permanent sexual sterilization of cats and dogs, thereby reducing
27 potential threats to public health and safety posed by the growing
28 population of these **[unwanted and stray]** animals, and by providing
29 low-cost animal sterilization services to cat or dog owners
30 **[meeting]** or community cat caregivers who meet at least one of the
31 criteria of need enumerated in section 3 of **[this act]** P.L.1983,
32 c.172 (C.4:19A-2).

33 (cf: P.L.1983, c.172, s.2)

34

35 7. (New section) As used in sections 2 through 11 of P.L.1983,
36 c.172 (C.4:19A-1 et seq.):

37 "Community cat" means a cat, whether or not fearful of, or
38 socialized to, humans, that has no known owner, lives and freely
39 roams in the outdoors, and that may or may not be cared for by a
40 person, including, but not limited to, by a person who provides
41 food, water, veterinary care, or indoor or outdoor protection from
42 the weather.

43 "Community cat caregiver" means a person who provides care to
44 a community cat, including, but not limited to, by a person who
45 provides food, water, veterinary care, or indoor or outdoor
46 protection from the weather.

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1 "Program" means the Animal Population Control Program
2 established pursuant to subsection a. of section 3 of P.L.1983, c.172
3 (C.4:19A-2).

4
5 8. Section 3 of P.L.1983, c.172 (C.4:19A-2) is amended to read
6 as follows:

7 3. In order to be eligible to participate in the program, an owner
8 of a cat or dog **【or cat】** or a community cat caregiver shall be
9 eligible for, and participate in, at least one of the following:

10 a. The Food Stamp Program authorized by Title XIII of the Food
11 and Agriculture Act of 1977, Pub.L.95-113 (7 U.S.C. s.2011 et
12 seq.), the New Jersey Supplemental Nutrition Assistance Program,
13 established pursuant to the federal "Food and Nutrition Act of
14 2008," 7 U.S.C. s.2011 et seq., or the New Jersey Supplementary
15 Food Stamp Program established pursuant to the "New Jersey
16 Supplementary Food Stamp Program Act," P.L.1998, c.32
17 (C.44:10-79 et seq.);

18 b. The Supplemental Security Income Program established
19 pursuant to Title XVI of the federal "Social Security Act, [()] 42
20 U.S.C. s.1381 et seq. **【】**;

21 c. The program for aid to families with dependent children,
22 pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or the special
23 supplemental food program for women, infants and children, also
24 referred to as the "WIC" program, established pursuant to 42 U.S.C.
25 s.1786;

26 d. **【**The program for general public assistance, pursuant to the
27 provisions of the "General Public Assistance Law," P.L.1947, c.156
28 (C.44:8-107 et seq.)**】** The Work First New Jersey program
29 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), the
30 general assistance program established pursuant to the "Work First
31 New Jersey General Public Assistance Act," established pursuant to
32 P.L.1947, c.156 (C.44:8-107 et seq.), or any successor program
33 thereof;

34 e. The program of medical assistance pursuant to P.L.1968,
35 c.413 (C.30:4D-1 et seq.);

36 f. The program of "Pharmaceutical Assistance to the Aged and
37 Disabled," established pursuant to P.L.1975, c.194 (C.30:4D-20 et
38 seq.) or the Senior Gold Prescription Discount Program, established
39 pursuant to "Senior Gold Prescription Discount Act," P.L.2001,
40 c.96 (C.30:4D-43 et seq.);

41 g. The rental assistance program authorized pursuant to
42 section 8 of the United States Housing Act of 1937, Pub.L.75-412,
43 as added by the Housing and Community Development Act of
44 1974, Pub.L.93-383 (42 U.S.C. s. 1437(f)) or the State rental
45 assistance program established pursuant to P.L.2004, c.140
46 (C.52:27D-287.1 et seq.);

1 h. The "Lifeline Credit Program" established pursuant to
2 P.L.1979, c.197 (C.48:2-29.15 et seq.); **or**

3 i. The "Tenants' Lifeline Assistance Program" established
4 pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.) ; or

5 j. The Low Income Home Energy Assistance Program
6 established pursuant to 42 U.S.C. s. 8621 et seq.

7 **【A resident of New Jersey who owns a dog or cat shall also be**
8 **eligible to participate in the program if the owner: (1) submits to a**
9 **veterinarian participating in the program proof, in the form of a**
10 **certificate of adoption, that the dog or cat was adopted from a New**
11 **Jersey licensed animal shelter, a New Jersey municipal, county, or**
12 **regional pound, or a New Jersey holding and impoundment facility**
13 **that contracts with New Jersey municipalities, or proof that the dog**
14 **or cat was adopted through a non-profit corporation operating an**
15 **animal adoption referral service in New Jersey and whose holding**
16 **facility is licensed in accordance with State and municipal law; or**
17 **proof that the dog or cat was adopted through a non-profit**
18 **corporation operating an animal adoption referral service in New**
19 **Jersey that does not operate a holding facility; and, in the case of a**
20 **dog, proof that the dog is duly licensed pursuant to State and**
21 **municipal law; and (2) pays a \$20 fee, to be deposited in the**
22 **fund.】** The Department of Health may adopt, pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), **【such】** rules and regulations **【as may be】** necessary to
25 implement **【this amendatory act】** P.L.1983, c.172 (C.4:19A-1 et
26 al.).

27 (cf: P.L.1991, c.405, s.1)

28

29 9. Section 4 of P.L.1983, c.172 (C.4:19A-3) is amended to read
30 as follows:

31 4. a. Any person submitting a **【dog or】** cat or dog, pursuant to
32 the provisions of **【this act】** P.L.1983, c.172 (C.4:19A-1 et al.) for
33 spaying or neutering, as the case may be, shall:

34 **【a. Furnish】** (1) Provide any State licensed veterinarian **【of this**
35 **State】** participating in the program with proof that the cat or dog
36 owner or community cat caregiver, as applicable, meets at least one
37 of the eligibility criteria pursuant to the provisions of section 3 of
38 **【this amendatory and supplementary act】** P.L.1983, c.172
39 (C.4:19A-2);

40 **【b.】** (2) Sign a consent form (a) certifying that the person is the
41 owner of the dog or cat, or is authorized by the owner to present the
42 dog or cat for the procedure**【; and】** , or (b) attesting that the
43 community cat to be sterilized, ear-tipped, and vaccinated against
44 rabies has no known owner; and

45 **【c.】** (3) Pay a fee of **【\$10.00, which】** \$10.

1 b. The fee shall be forwarded to the commissioner for deposit in
2 the "Animal Population Control Fund," established pursuant to
3 section 6 of P.L.1983, c.172 (C.4:19A-5).
4 (cf: P.L.1983, c.172, s.4)

5
6 10. Section 5 of P.L.1983, c.172 (C.4:19A-4) is amended to read
7 as follows:

8 5. a. Any licensed veterinarian of this State may participate in
9 the program upon filing with the commissioner an application
10 therefor, on forms prescribed by the commissioner, which
11 application shall supply, in addition to any other information
12 requested by the commissioner, an animal sterilization fee schedule
13 listing the fees charged for animal sterilization in the normal course
14 of business. These fees may vary with the animal's weight, sex and
15 species. The commissioner may, however, disqualify from
16 participation in the program any veterinarian whose fees are
17 deemed unreasonable.

18 b. The commissioner shall, to the extent that moneys are
19 available therefor from the "Animal Population Control Fund,"
20 reimburse participating veterinarians for 80% of the fee for each
21 animal sterilization procedure administered, upon the submission of
22 an animal sterilization certificate, prescribed by the commissioner,
23 signed by the veterinarian and the **owner of** person submitting the
24 animal for each sterilization procedure.

25 c. The commissioner shall reimburse from the fund any State
26 licensed veterinarian **of this State** participating in the program
27 for:

28 (1) the presurgical immunization of dogs against distemper,
29 hepatitis, leptospirosis, and parvovirus **or** ;

30 (2) the presurgical immunization of cats against feline
31 panleukopenia, calici, pneumonitis and rhinotracheitis **as the case**
32 may be, which immunization shall be administered at least 10 days
33 prior to reproductive surgery, on animals not previously immunized.
34 The reimbursement shall be for no more than \$10.00 upon the
35 written certification, signed by the veterinarian and the owner of the
36 animal, that the immunization has been administered. **or**

37 (3) the immunization of community cats against rabies.

38 d. The reimbursement shall be for no more than \$10 upon the
39 written certification, signed by the veterinarian and the person
40 submitting the cat or dog for spaying or neutering, that the
41 immunization has been administered.

42 e. A community cat spayed or neutered through the program
43 shall also be ear-tipped and vaccinated against rabies by the State
44 licensed veterinarian performing the spaying or neutering.

45 (cf: P.L.1983, c.172, s.5)

1 11. Section 6 of P.L.1983, c.172 (C.4:19A-5) is amended to read
2 as follows:

3 6. a. The commissioner may:

4 (1) solicit and accept funds from any public or private source to
5 help carry out the provisions of P.L.1983, c.172 (C.4:19A-1 et al.);
6 and

7 (2) contract with a nonprofit organization that is exempt from
8 federal taxation pursuant to Section 501(c)(3) of the federal
9 "Internal Revenue Code," 26 U.S.C. s.501(c)(3), for the
10 administration of the Animal Population Control Program
11 established pursuant to section 2 of P.L. 1983, c.172 (C.4:19A-1).

12 b. All fees collected pursuant to section 1 of P.L.1983, c.172
13 (C.4:19-15.3b) and sections 3 and 4 of P.L.1983, c.172 (C.43:19A-2
14 and C.4:19A-3), all moneys from the application and renewal fees
15 collected for animal welfare license plates issued pursuant to
16 P.L.1993, c.184 (C.39:3-27.55 et seq.), and all moneys received
17 pursuant to subsection a. of this section, shall be placed in a special
18 fund to be known as the "Animal Population Control Fund," which
19 shall be separate from the General State Fund. All moneys in the
20 "Animal Population Control Fund" shall be used by the
21 commissioner exclusively for the implementation and promotion of
22 the program and for the costs associated with the administration of
23 P.L.1983, c.172 (C.4:19A-1 et al.), except as provided in subsection
24 c. of this section.

25 c. Moneys deposited into the fund generated by the collection of
26 application fees for animal welfare license plates issued pursuant to
27 P.L.1993, c.184 (C.39:3-27.55 et seq.) shall be utilized by the
28 commissioner to reimburse the Division of Motor Vehicles for all
29 costs incurred by the division, as certified by the director, of
30 producing, issuing, renewing, and publicizing the availability of
31 animal welfare license plates.

32 No moneys deposited in the "Animal Population Control Fund,"
33 established in subsection b. of this section, except for the moneys
34 generated by the collection of application fees for animal welfare
35 license plates issued pursuant to P.L.1993, c.184 (C.39:3-27.55 et
36 seq.), shall be utilized by the Department of Health or the Division
37 of Motor Vehicles for any expenses, administrative or otherwise,
38 related to the animal welfare license plates, or the advertising and
39 publicizing thereof, including, but not limited to notices, posters
40 and signs to be circulated or posted by the department or the
41 division.

42 d. The director shall annually certify to the commissioner the
43 average cost per license plate incurred in the immediately preceding
44 year by the division in producing, issuing, renewing, and
45 publicizing the availability of animal welfare license plates. The
46 annual certification of the average cost per license plate shall be
47 approved by the Joint Budget Oversight Committee, or its
48 successor.

1 e. In the event that the average cost per license plate as certified
2 by the director and approved by the Joint Budget Oversight
3 Committee, or its successor, is greater than the \$50 application fee
4 established in subsection b. of section 1 of P.L.1993, c.184 (C.39:3-
5 27.55) in two consecutive fiscal years, the director may discontinue
6 the issuance of animal welfare license plates.
7 (cf: P.L.1995, c.145, s.3)

8
9 12. Section 3 of P.L.2010, c.89 (C.45:16-9.4a) is amended to
10 read as follows:

11 3. a. The State Board of Veterinary Medical Examiners shall
12 establish, through the promulgation of regulations, any specific
13 courses or topics which are to be required for continuing veterinary
14 education, and designate which are the core requirements for
15 continuing veterinary education, including the number of required
16 hours, subject matter and content of courses of study.

17 For purposes of this section, “core requirements” means the
18 continuing veterinary education determined by the board to be
19 necessary to maintain currency in professional knowledge and skills
20 in order to deliver competent veterinary care.

21 b. The board may offset up to 10 percent of the requisite number
22 of hours of continuing veterinary education required pursuant to
23 section 4 of P.L.1952, c. 198 (C.45:16-9.4) by the number of
24 volunteer veterinary services rendered by licensees, at a rate of one
25 half of one hour of continuing veterinary education for each hour of
26 volunteer veterinary services, provided that a veterinarian shall be
27 required to complete at least the core requirements established
28 pursuant to subsection a. of this section. In addition, the board may
29 adopt a formula providing a minimum number of spaying or
30 neutering procedures that shall be deemed the equivalent of one
31 hour of continuing veterinary education.

32 The board may reduce, in part, an application by a licensee to
33 offset credits of continuing veterinary education pursuant to this
34 subsection if the board finds, in its discretion, that the applicant
35 requires continuing veterinary education in order to maintain or
36 restore professional competence, or may deny all applications if the
37 board finds that continuing veterinary education above the core
38 requirements is necessary because of developments in science or
39 technology.

40 The board may also, in its discretion and for good cause, notify a
41 veterinarian that the veterinarian is ineligible to offset credits of
42 continuing veterinary education pursuant to this subsection for any
43 other reason established by regulation by the board.

44 c. As used in this section [, “volunteer”]:

45 “Community cat” means a cat, whether or not fearful of, or
46 socialized to, humans, that has no known owner, lives and freely
47 roams in the outdoors, and that may or may not be cared for by a
48 person, including, but not limited to, by a person who provides

1 food, water, veterinary care, or indoor or outdoor protection from
2 the weather.

3 “Volunteer veterinary services” means veterinary care provided
4 without charge to:

5 (1) a person eligible for, and participating in, at least one of the
6 programs enumerated in section 3 of P.L.1983, c. 172 (C.4:19A-2);
7 **[or]**

8 (2) a licensed shelter [or] , pound [licensed by the Department
9 of Health and Senior Services or a municipally approved managed
10 cat colony, provided that the municipality or nonprofit group or
11 organization managing the cat colony has attested in writing to the
12 veterinarian that the cat to be spayed or neutered or otherwise
13 treated by the veterinarian is feral or stray with no known owner.] ,
14 or kennel operating as a shelter or pound; or

15 (3) a municipality, county, or nonprofit group or organization
16 that is operating a program of humanely trapping community cats,
17 and sterilizing, ear-tipping, and vaccinating the community cats
18 against rabies before returning the community cats to the locations
19 where the community cats were trapped.

20 A person or entity described in paragraph (1), (2), or (3) of this
21 subsection providing or receiving veterinary care without charge for
22 a community cat shall attest in writing that the cat has no known
23 owner.

24 (cf: P.L.2010, c.89, s.3)

25

26 13. Sections 3 and 4 of P.L.2011, c.142 (C.4:19-15.30 and
27 C.4:19-15.31) are repealed.

28

29 14. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 The bill establishes the “Compassion for Community Cats Fund”
35 for the Department of Health (DOH) to provide grants to
36 municipalities and counties to establish programs to humanely trap
37 community cats, and sterilize, ear-tip, vaccinate against rabies, and
38 return each community cat to the location where community cat was
39 trapped. The bill defines “community cat” as a cat, whether or not
40 fearful of, or socialized to, humans, that has no known owner, lives
41 and freely roams in the outdoors, and that may or may not be cared
42 for by a person, including, but not limited to, by a person who
43 provides food, water, veterinary care, or indoor or outdoor
44 protection from the weather.

45 The bill also provides, with limited exceptions, that:

46 1) no cat may be released for adoption from an animal rescue
47 organization facility, shelter, pound, or kennel operating as a shelter

1 or pound unless the cat has been spayed or neutered by a licensed
2 veterinarian; and

3 2) any community cat trapped and impounded at a shelter,
4 pound, or kennel operating as a shelter or pound, or trapped and
5 taken to an animal rescue organization facility, must be spayed or
6 neutered, ear-tipped, and vaccinated against rabies before being
7 returned to the location where the community cat was trapped or
8 given to a person assuming ownership of the community cat.

9 A person who violates the provisions of the bill would be subject
10 to a civil penalty of up to \$1,000, to be collected by the Department
11 of Health in a civil action by a summary proceeding under the
12 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
13 et seq.). The "Compassion for Community Cats Fund" is to be
14 credited with the monies collected for violations, the surcharge on
15 dog licenses imposed by section 1 of P.L.1983, c.181 (C.4:19-
16 15.3c), any moneys appropriated by the Legislature, and any return
17 on investment of moneys deposited in the fund.

18 The spaying and neutering requirements do not apply to a cat or
19 a community cat that:

20 1) is less than two months old;

21 2) a licensed veterinarian determines cannot be spayed or
22 neutered for other health reasons affecting the cat;

23 3) is placed in a foster home or transferred to another shelter,
24 pound, kennel operating as a shelter or pound, or animal rescue
25 organization facility by a shelter, pound, or kennel operating as a
26 shelter or pound; or

27 4) is to be euthanized in accordance with the provisions of
28 section 16 of P.L.1941, c.151 (C.4:19-15.16) and R.S.4:22-19,
29 which provide for humanely euthanizing animals after a shelter,
30 pound, or kennel operating as a shelter or pound has offered the
31 animal for adoption for at least seven days.

32 The bill authorizes an animal rescue organization facility,
33 shelter, pound, or kennel operating as a shelter or pound to charge
34 the cost of spaying or neutering the cat to the person assuming
35 ownership of the cat. The bill also authorizes the DOH to adopt
36 regulations necessary to implement grant programs and fund the
37 spaying and neutering requirements established in the bill. Finally,
38 the bill amends various sections of existing law to allow for the
39 implementation of the new spaying and neutering requirements
40 established by the bill and other provisions of the bill.

41 The bill also repeals sections 2 and 3 of P.L.2011, c.142 (C.4:19-
42 15.30 and 4:19-15.31), the "Pet Sterilization Pilot Program.

43 Feral cat populations have existed in the State since the time of
44 the first European settlements and they continue to exist primarily
45 due to a lack of effective management in the form of spaying and
46 neutering. To a lesser but still important extent, cats are abandoned,
47 stray from their owners, or are allowed to roam unsupervised, and,
48 if sexually intact, will reproduce. Feral cats are known as

1 “community cats” because they live outdoors and are not owned by
2 anyone but may be cared for by members of the community. The
3 practice of “catch and kill,” whereby community cats are trapped
4 and subsequently euthanized, has failed to effectively manage feral
5 cat populations and the continued use of “catch and kill” is an
6 inhumane practice that is incompatible with the moral values of this
7 State.

8 “Trap, neuter, vaccinate and return,” also known as “TNVR,” is
9 the most effective, compassionate, and humane method of
10 managing these populations of community cats. TNVR is a
11 nonlethal population control method in which community cats are
12 humanely trapped, vaccinated against rabies, and spayed or
13 neutered by licensed veterinarians, and then returned to the location
14 where they were trapped. TNVR is also the most effective method
15 of reducing the burden of community cats on the State’s animal
16 shelters. The Office of Veterinary Public Health in the Department
17 of Health reported that cats accounted for more than half of the
18 animals impounded and nearly 80 percent of the animals that were
19 euthanized in the State’s animal shelters in 2017. The TNVR
20 method of managing community cat populations is also cost
21 effective for the State’s taxpayers, the most beneficial to public
22 health, and results in improved quality of life for the residents of the
23 State. Five counties and more than 150 municipalities in the State
24 and the National Animal Care and Control Association, the
25 American Society for the Prevention of Cruelty to Animals, and the
26 Humane Society of the United States endorse TNVR for managing
27 community cat populations.

28 This bill would promote the use of TNVR by enabling
29 municipalities and counties to implement this effective,
30 compassionate and humane method of managing community cat
31 populations through provision of municipal startup grants and by
32 appropriately aligning the use of the Animal Population Control
33 Fund with spraying and neutering services in the State to manage
34 community cat populations.