

[Third Reprint]

**ASSEMBLY, No. 1219**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

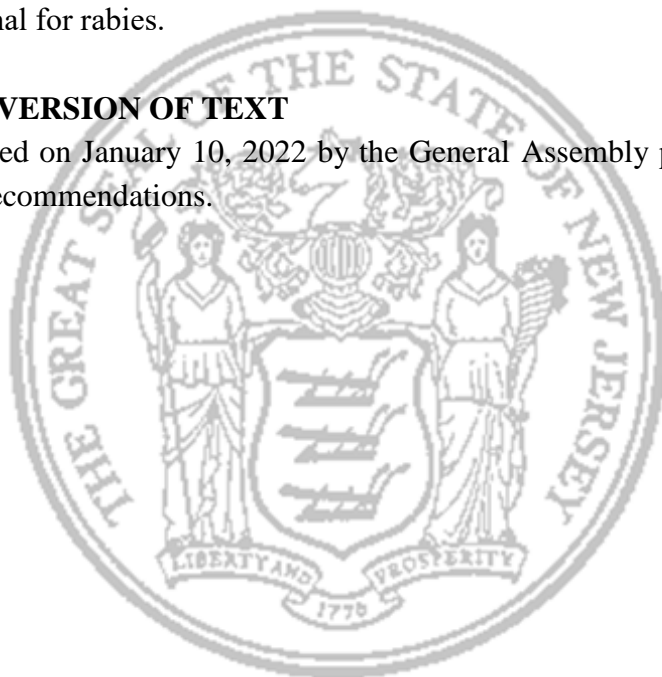
**Assemblymen Johnson, Peterson, Assemblywoman Vainieri Huttle,  
Assemblyman Freiman and Assemblywoman Swain**

**SYNOPSIS**

Requires owner notification of rabies testing protocol prior to testing of owner's animal for rabies.

**CURRENT VERSION OF TEXT**

As amended on January 10, 2022 by the General Assembly pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 12/2/2021)**

1 AN ACT concerning certain animals suspected of being rabid,  
2 amending R.S.26:4-86 and R.S.26:4-94, and supplementing Title  
3 26 of the Revised Statutes.  
4

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

8 <sup>1</sup>1. (New section) The Legislature finds and declares that: pets are  
9 important in the lives of their owners and are often integral to the  
10 owner's well-being and emotional and mental health; a domestic  
11 companion animal, the term often used for a pet in State law, may  
12 provide companionship to its owner as important as the owner's  
13 human companions and family members and, in some cases, may be  
14 the owner's only companion in the household; a domestic companion  
15 animal is often as treasured as a family member; the loss of a domestic  
16 companion animal can be mourned with the same depth of emotion as  
17 the loss of a human family member and may have a profound effect on  
18 the mental health of an owner; organizations such as the Substance  
19 Abuse and Mental Health Services Administration in the United States  
20 Department of Health and Human Services and the National  
21 Association on Mental Illness have noted the effectiveness of animal  
22 therapy in treating or managing mental illness and the benefits  
23 attributed to the unconditional acceptance and affection received from  
24 interacting with an animal; because of the importance of a domestic  
25 companion animal to its owner its illness or death is traumatic for the  
26 owner, particularly when the owner authorizes euthanizing the animal;  
27 such trauma is unnecessarily exacerbated when the owner is not  
28 properly notified about procedures that are required in connection with  
29 the disposition of the remains of the domestic companion animal; and  
30 failure to forewarn the owner of any necessary dismemberment of the  
31 animal for public health reasons is wrongful and unnecessarily  
32 injurious to the owner.

33 The Legislature therefore determines that it is the public policy of  
34 the State to require those caring for an animal, including veterinarians  
35 and staff at animal hospitals, to: (1) clearly communicate to the owner  
36 the tests and procedures required and how the tests and procedures  
37 may affect the condition of the animal's body after death; and (2)  
38 disclose whether the remains of the animal can be returned to the  
39 owner, and the condition of the those remains. The Legislature further  
40 determines that the importance of the connection between domestic  
41 companion animals and their owners needs to be recognized and  
42 addressed by those who treat animals, euthanize them, and handle their  
43 remains after death. <sup>2</sup>[The Legislature further finds and determines  
44 that it is in the public interest to offer proper training to veterinarians,

**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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted December 14, 2020.

<sup>2</sup>Assembly floor amendments adopted May 20, 2021.

<sup>3</sup>Assembly amendments adopted in accordance with Governor's recommendations January 10, 2022.

1 veterinary technicians, veterinary assistants, and employees of animal  
2 hospitals and similar facilities to ensure that both the domestic  
3 companion animals and their owners are treated with respect,  
4 compassion, and consideration of their relationship.<sup>1</sup><sup>2</sup>

5  
6 <sup>1</sup>[1.] 2.<sup>1</sup> (New section) a. <sup>3</sup>[No] Except as provided under  
7 subsection e. of this section, no<sup>3</sup> rabies testing shall be performed on a  
8 dead domestic companion animal until the health official requiring  
9 <sup>2</sup>the rabies testing<sup>2</sup>, or the veterinarian <sup>2</sup>[performing, the] preparing  
10 and submitting the specimen for<sup>2</sup> rabies testing, and the owner of the  
11 animal have complied with the requirements of subsections b.  
12 <sup>2</sup>[through d.] and c.<sup>2</sup> of this section.

13 b. Whenever it is necessary to test a dead domestic companion  
14 animal for rabies, prior to commencing any testing procedure, the  
15 health official requiring <sup>2</sup>the rabies testing<sup>2</sup>, or the veterinarian  
16 <sup>2</sup>[performing, the] preparing and submitting the specimen for<sup>2</sup> rabies  
17 testing, as applicable, shall notify at the first opportunity the owner of  
18 the animal, if known, verbally and in writing, of:

19 (1) the necessity of the rabies testing and the reasons therefor;

20 (2) the rabies testing protocol to be followed;

21 (3) the protocol to be followed with regard to the handling of the  
22 animal's body;

23 (4) the protocol to be followed with regard to the disposal of the  
24 animal's body or its return to the owner; and

25 (5) the <sup>2</sup>[possibility] protocol<sup>2</sup> of decapitation <sup>2</sup>[of the animal  
26 and, if decapitated, the possible loss of the animal's head after  
27 completion of the rabies testing]<sup>2</sup>.

28 <sup>1</sup>[To the greatest extent possible, the protocols followed pursuant  
29 to paragraphs (2) through (4) of this subsection shall provide that, if an  
30 animal's head is decapitated, the head is returned to the owner with the  
31 rest of the animal's body if the head does not test positive for rabies.]<sup>1</sup>

32 c. <sup>2</sup>[Whenever the owner of the domestic companion animal <sup>1</sup>[is  
33 upset about] objects to<sup>1</sup> the possible decapitation of the animal, the  
34 health official requiring, or the veterinarian performing, the rabies  
35 testing shall offer the owner the option to have only the brain removed  
36 for testing <sup>1</sup>[, unless there is a medical necessity for the animal's  
37 entire head to be taken]<sup>1</sup>. If the owner chooses to have only the brain  
38 removed, only the brain shall be removed for the rabies testing, and the  
39 remainder of the animal's body shall be maintained intact. <sup>1</sup>[If it is  
40 medically necessary to take the entire head, the health official or  
41 veterinarian, as applicable, shall immediately notify the owner of this  
42 necessity and provide the owner with the notice and the reason for the  
43 medical necessity in writing.]<sup>1</sup>

44 d.]<sup>2</sup> Upon receiving the notification required in subsection b. of  
45 this section, <sup>2</sup>[<sup>1</sup>and<sup>1</sup> the information required <sup>1</sup>[, and if applicable, any  
46 notification that may be required,]<sup>1</sup> pursuant to subsection c. of this  
47 section,]<sup>2</sup> the owner of the animal shall immediately provide, in

1 writing, in the manner prescribed by the department pursuant to  
2 subsection <sup>2</sup>[f.] d.<sup>2</sup> of this section:

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

6 <sup>2</sup>[(2) authorization to take only the animal's brain or the entire  
7 head of the animal <sup>1</sup>[as requested or required]<sup>1</sup>, as applicable,  
8 pursuant to subsections b. and c. of this section;]<sup>2</sup> and

9 <sup>2</sup>[(3) (2)<sup>2</sup> the owner's <sup>2</sup>[consent to] signature to acknowledge  
10 notification about<sup>2</sup> the protocols and procedures to be followed  
11 pursuant to this section.

12 <sup>2</sup>[e. The owner of the domestic companion animal may be  
13 required to pay a reasonable additional cost for rabies testing of only  
14 the brain.

15 f.] d.<sup>2</sup> The Department of Health shall develop and provide on  
16 its website forms for use in providing the <sup>1</sup>[notifications] notification<sup>1</sup>  
17 required pursuant to <sup>1</sup>[subsections] subsection<sup>1</sup> b. <sup>1</sup>[and c.]<sup>1</sup> of this  
18 section, and the release, <sup>2</sup>[authorization, and consent] and  
19 acknowledgement of notification<sup>2</sup> required pursuant to subsection  
20 <sup>2</sup>[d.] c.<sup>2</sup> of this section.

21 <sup>2</sup>[g.] e.<sup>2</sup> This section shall not apply to rabies testing required  
22 pursuant to section 10 of P.L.1989, c.307 (C.4:19-26) or to the  
23 handling of an impounded animal that is suspected of being rabid  
24 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16). <sup>3</sup>In cases  
25 where a veterinarian or health official has made reasonable attempts to  
26 contact the owner to comply with this section and the owner is unable  
27 to be contacted or refuses to provide a signature, rabies testing can  
28 proceed. When contact is made but a written signature or  
29 acknowledgement by the owner cannot be obtained, the veterinarian or  
30 health official shall document the date and time that verbal notification  
31 was made to the owner and keep this information on file for six  
32 months.<sup>3</sup>

33 <sup>2</sup>[h.] f.<sup>2</sup> Nothing in this section shall be construed to interfere  
34 with the powers of any municipality to control rabies consistent with  
35 R.S.26:4-95.

36 <sup>2</sup>[i.] g.<sup>2</sup> As used in this section, "domestic companion animal"  
37 means any animal commonly referred to as a pet that was bought,  
38 bred, raised, or otherwise acquired, in accordance with local  
39 ordinances and State and federal law, for the primary purpose of  
40 providing companionship to the owner, rather than for business or  
41 agricultural purposes. <sup>2</sup>"Domestic companion animal" shall not  
42 include "domestic livestock" as defined in subsection c. of section 1 of  
43 P.L.1995, c.311 (C.4:22-16.1).<sup>2</sup>

44  
45 <sup>2</sup>[13. (New section) a. The Department of Health, in  
46 consultation with the State Board of Veterinary Medicine, shall  
47 recommend, develop, and offer sensitivity training for veterinarians,

1 veterinary technicians, veterinary assistants, and employees of  
 2 animal hospitals and other facilities providing health care to  
 3 domestic companion animals. The training shall provide education  
 4 in the communication skills necessary to address emotional trauma,  
 5 loss, and grief for the owners of domestic companion animals when  
 6 the animal is sick or dying, the necessity of euthanizing the animal,  
 7 and the necessary procedures associated with the care or  
 8 euthanizing of the animal. The training shall incorporate the  
 9 guidelines for addressing trauma and principles of mental health  
 10 first aid developed by the Substance Abuse and Mental Health  
 11 Services Administration in the United States Department of Health  
 12 and Human Services.

13 b. Every veterinarian, veterinary technician, veterinary assistant,  
 14 and employee of an animal hospitals or other facilities providing  
 15 health care to domestic companion animals in a capacity that  
 16 requires the person to care for animals, euthanize them, or handle  
 17 their remains shall be offered the training established pursuant to  
 18 subsection a. of this section but shall not be required to complete  
 19 the training.<sup>1</sup><sup>2</sup>

20

21 <sup>1</sup>~~[2.]~~ <sup>2</sup>~~[4.]~~ <sup>3.</sup><sup>2</sup> R.S.26:4-86 is amended to read as follows:

22 26:4-86. The local board or the duly authorized agent of ~~[such ]~~  
 23 the board, within its jurisdiction, shall be permitted by the owner or  
 24 person in charge of a dog, cat or other animal which has attacked or  
 25 bitten a person, to examine the animal at any time, and daily if  
 26 desired, within a period of ~~[ten]~~ 10 days after the animal has  
 27 attacked or bitten a person, to determine whether the animal shows  
 28 symptoms of rabies.

29 If the animal dies within the ~~[ten]~~ 10-day confinement period or  
 30 if the owner or person in charge of the animal ~~[elects to destroy]~~  
 31 chooses to euthanize the animal at any time during the confinement  
 32 period, the local board may order a laboratory examination for  
 33 rabies to be performed on the dead animal, in compliance with  
 34 section <sup>1</sup>~~[1]~~ <sup>2</sup>~~1~~ of P.L. , c. (C. ) (pending before the  
 35 Legislature as this bill).

36 ~~[No]~~ Except as provided for in section <sup>1</sup>~~[1]~~ <sup>2</sup>~~1~~ of P.L. ,  
 37 c. (C. ) (pending before the Legislature as this bill), no person  
 38 shall refuse, obstruct, or interfere with the local board in making  
 39 any examination authorized pursuant to this section.

40 (cf: P.L.1989, c.297, s.1)

41

42 <sup>1</sup>~~[3.]~~ <sup>2</sup>~~[5.]~~ <sup>4.</sup><sup>2</sup> R.S.26:4-94 is amended to read as follows:

43 26:4-94. Any person who violates any of the provisions of this  
 44 article, or any notice served thereunder, shall be liable to a penalty  
 45 of ~~[five dollars (\$5.00)]~~ \$50 for the first offense, and not less than  
 46 ~~[five dollars (\$5.00)]~~ \$50 nor more than ~~[fifty dollars (\$50.00)]~~  
 47 \$250 for each subsequent offense, to be recovered in a civil action  
 48 brought by and in the name of the ~~[State]~~ Department of Health or

1 a local board. Penalties hereunder shall be enforced and collected  
2 pursuant to **sections** R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78  
3 **of the Revised Statutes**.

4 (cf: P.L.2014, c.69, s.5)

5

6 <sup>1</sup>**[4.]** <sup>2</sup>**[6.1]** 5.2 This act shall take effect immediately.