

P.L. 2021, CHAPTER 436, *approved January 18, 2022*
Assembly, No. 1219 (*Third Reprint*)

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 ¹1. (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

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:

¹Assembly AAN committee amendments adopted December 14, 2020.

²Assembly floor amendments adopted May 20, 2021.

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

1 owner, and the condition of the those remains. The Legislature further
 2 determines that the importance of the connection between domestic
 3 companion animals and their owners needs to be recognized and
 4 addressed by those who treat animals, euthanize them, and handle their
 5 remains after death. ²[The Legislature further finds and determines
 6 that it is in the public interest to offer proper training to veterinarians,
 7 veterinary technicians, veterinary assistants, and employees of animal
 8 hospitals and similar facilities to ensure that both the domestic
 9 companion animals and their owners are treated with respect,
 10 compassion, and consideration of their relationship. ¹²

11
 12 ¹[1.] 2. ¹ (New section) a. ³[No] Except as provided under
 13 subsection e. of this section, no ³ rabies testing shall be performed on a
 14 dead domestic companion animal until the health official requiring
 15 ²the rabies testing ², or the veterinarian ²[performing, the] preparing
 16 and submitting the specimen for ² rabies testing, and the owner of the
 17 animal have complied with the requirements of subsections b.
 18 ²[through d.] and c. ² of this section.

19 b. Whenever it is necessary to test a dead domestic companion
 20 animal for rabies, prior to commencing any testing procedure, the
 21 health official requiring ²the rabies testing ², or the veterinarian
 22 ²[performing, the] preparing and submitting the specimen for ² rabies
 23 testing, as applicable, shall notify at the first opportunity the owner of
 24 the animal, if known, verbally and in writing, of:

- 25 (1) the necessity of the rabies testing and the reasons therefor;
 26 (2) the rabies testing protocol to be followed;
 27 (3) the protocol to be followed with regard to the handling of the
 28 animal's body;
 29 (4) the protocol to be followed with regard to the disposal of the
 30 animal's body or its return to the owner; and
 31 (5) the ²[possibility] protocol ² of decapitation ²[of the animal
 32 and, if decapitated, the possible loss of the animal's head after
 33 completion of the rabies testing] ².

34 ¹[To the greatest extent possible, the protocols followed pursuant
 35 to paragraphs (2) through (4) of this subsection shall provide that, if an
 36 animal's head is decapitated, the head is returned to the owner with the
 37 rest of the animal's body if the head does not test positive for rabies.] ¹

38 c. ²[Whenever the owner of the domestic companion animal ¹is
 39 upset about] objects to ¹ the possible decapitation of the animal, the
 40 health official requiring, or the veterinarian performing, the rabies
 41 testing shall offer the owner the option to have only the brain removed
 42 for testing ¹[, unless there is a medical necessity for the animal's
 43 entire head to be taken] ¹. If the owner chooses to have only the brain
 44 removed, only the brain shall be removed for the rabies testing, and the
 45 remainder of the animal's body shall be maintained intact. ¹[If it is
 46 medically necessary to take the entire head, the health official or
 47 veterinarian, as applicable, shall immediately notify the owner of this

1 necessity and provide the owner with the notice and the reason for the
2 medical necessity in writing.】¹

3 d.】² Upon receiving the notification required in subsection b. of
4 this section, ²【¹and¹ the information required ¹【, and if applicable, any
5 notification that may be required,】¹ pursuant to subsection c. of this
6 section,】² the owner of the animal shall immediately provide, in
7 writing, in the manner prescribed by the department pursuant to
8 subsection ²【f.】 d.² of this section:

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

12 ²【(2) authorization to take only the animal’s brain or the entire
13 head of the animal ¹【as requested or required】¹, as applicable,
14 pursuant to subsections b. and c. of this section;】² and

15 ²【(3)】 (2)² the owner’s ²【consent to】 signature to acknowledge
16 notification about² the protocols and procedures to be followed
17 pursuant to this section.

18 ²【e. The owner of the domestic companion animal may be
19 required to pay a reasonable additional cost for rabies testing of only
20 the brain.

21 f.】 d.² The Department of Health shall develop and provide on
22 its website forms for use in providing the ¹【notifications】 notification¹
23 required pursuant to ¹【subsections】 subsection¹ b. ¹【and c.】¹ of this
24 section, and the release, ²【authorization, and consent】 and
25 acknowledgement of notification² required pursuant to subsection
26 ²【d.】 c.² of this section.

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

39 ²【h.】 f.² Nothing in this section shall be construed to interfere
40 with the powers of any municipality to control rabies consistent with
41 R.S.26:4-95.

42 ²【i.】 g.² As used in this section, “domestic companion animal”
43 means any animal commonly referred to as a pet that was bought,
44 bred, raised, or otherwise acquired, in accordance with local
45 ordinances and State and federal law, for the primary purpose of
46 providing companionship to the owner, rather than for business or
47 agricultural purposes. ²“Domestic companion animal” shall not

1 include “domestic livestock” as defined in subsection c. of section 1 of
 2 P.L.1995, c.311 (C.4:22-16.1).²

3
 4 ²**[¹3.** (New section) a. The Department of Health, in
 5 consultation with the State Board of Veterinary Medicine, shall
 6 recommend, develop, and offer sensitivity training for veterinarians,
 7 veterinary technicians, veterinary assistants, and employees of
 8 animal hospitals and other facilities providing health care to
 9 domestic companion animals. The training shall provide education
 10 in the communication skills necessary to address emotional trauma,
 11 loss, and grief for the owners of domestic companion animals when
 12 the animal is sick or dying, the necessity of euthanizing the animal,
 13 and the necessary procedures associated with the care or
 14 euthanizing of the animal. The training shall incorporate the
 15 guidelines for addressing trauma and principles of mental health
 16 first aid developed by the Substance Abuse and Mental Health
 17 Services Administration in the United States Department of Health
 18 and Human Services.

19 b. Every veterinarian, veterinary technician, veterinary assistant,
 20 and employee of an animal hospitals or other facilities providing
 21 health care to domestic companion animals in a capacity that
 22 requires the person to care for animals, euthanize them, or handle
 23 their remains shall be offered the training established pursuant to
 24 subsection a. of this section but shall not be required to complete
 25 the training.¹²

26
 27 ¹**[2.]** ²**[4.]** ³**[3.]** R.S.26:4-86 is amended to read as follows:

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

35 If the animal dies within the **[ten]** 10-day confinement period or
 36 if the owner or person in charge of the animal **[elects to destroy]**
 37 chooses to euthanize the animal at any time during the confinement
 38 period, the local board may order a laboratory examination for
 39 rabies to be performed on the dead animal, in compliance with
 40 section ¹**[1]** ² of P.L. , c. (C.) (pending before the
 41 Legislature as this bill).

42 **[No]** Except as provided for in section ¹**[1]** ² of P.L. ,
 43 c. (C.) (pending before the Legislature as this bill), no person
 44 shall refuse, obstruct, or interfere with the local board in making
 45 any examination authorized pursuant to this section.

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

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 48 ¹**[3.]** ²**[5.]** ⁴**[4.]** R.S.26:4-94 is amended to read as follows:

1 26:4-94. Any person who violates any of the provisions of this
 2 article, or any notice served thereunder, shall be liable to a penalty
 3 of **【five dollars (\$5.00)】** \$50 for the first offense, and not less than
 4 **【five dollars (\$5.00)】** \$50 nor more than **【fifty dollars (\$50.00)】**
 5 \$250 for each subsequent offense, to be recovered in a civil action
 6 brought by and in the name of the **【State】** Department of Health or
 7 a local board. Penalties hereunder shall be enforced and collected
 8 pursuant to **【sections】** R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78
 9 **【of the Revised Statutes】**.

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

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12 ¹**【4.】** ²**【6.1】** 5.² This act shall take effect immediately.

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14

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16

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