SENATE, No. 1034

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

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

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

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

   (1) all fees collected pursuant to section 1 of P.L.1983, c.181 (C.4:19-15.3c);
   (2) all penalties collected pursuant to subsection c. of section 3 of P.L. , c. (C.) (pending before the Legislature as this bill);
   (3) moneys as may be appropriated by the Legislature; and
   (4) any return on investment of moneys deposited in the fund.

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

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

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

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

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

   (1) is less than two months old;
   (2) a licensed veterinarian determines cannot be spayed or neutered for other health reasons affecting the cat; or

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.
(3) is being placed in a foster home or transferred to another
shelter, pound, kennel operating as a shelter or pound, or animal
rescue organization facility by a shelter, pound, or kennel operating
as a shelter or pound, except as otherwise provided in subsection h.

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

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

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

1. As used in P.L.1941, c. 151 (C.4:19-15.1 et seq.):
“Animal rescue organization” means an individual or group of
individuals who, with or without salary or compensation, house and
care for homeless animals in the home of an individual or in other
facilities, with the intent of placing the animals in responsible, more
permanent homes as soon as possible.

“Animal rescue organization facility” means the home or other
facility in which an animal rescue organization houses and cares for
an animal.

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

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

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

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

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

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

“Owner” when applied to the proprietorship of a dog shall include every person having a right of property in that dog and every person who has that dog in [his] the person’s keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include every person having a right of property in that animal [and every person who has that animal in his keeping.] and shall not include a community cat caregiver.

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

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

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

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

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

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

1. In addition to the fee charged pursuant to section 3 of P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of Health pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11), any person applying for [the] a license and registration tag pursuant to section 2 of P.L.1941, c.151 (C.4:19-15.2) shall pay an additional fee of $0.20 for any dog.
All fees collected pursuant to the provisions of this section shall be forwarded to the State Treasurer to be placed in the "Pilot Clinic Fund" created pursuant to P.L.1983, c.180 (C.4:19A-10 et seq.), to be used by the Commissioner of Health for the operation of the animal sterilization pilot clinic established pursuant to that act ["Compassion for Community Cats Fund" established pursuant to section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill)].

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

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

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

(1) Any dog off the premises of the owner or of the person charged with the care of the dog, which is reasonably believed to be a stray dog;
(2) Any dog off the premises of the owner or the person charged with the care of the dog without a current registration tag on its collar or elsewhere;
(3) Any female dog in season off the premises of the owner or the person charged with the care of the dog;
(4) Any dog or other animal which is suspected to be rabid; [or]
(5) Any dog [or other animal] off the premises of the owner or the person charged with [its] the dog’s care that is reported to, or observed by, a certified animal control officer to be [ill, injured, or] creating a threat to public health, safety, or welfare, or otherwise interfering with the enjoyment of property; or

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

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

c. A notice required pursuant to this section may be served: (1) by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of residence or
the address given on the collar, harness, or microchip identification;
or (2) by mailing the notice to that person at the person's usual or
last known place of residence, or to the address given on the collar,
harness or microchip identification.

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

(1) the animal is surrendered voluntarily by [it’s] the animal’s
owner to the shelter, pound, or kennel operating as a shelter or
pound, in which case the provisions of subsection e. of this section
shall apply; or

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

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

(1) shall offer the animal for adoption for at least seven days
before euthanizing [it] the animal; or

(2) may transfer the animal to an animal rescue organization
facility or a foster home prior to offering [it] the animal for
adoption if such a transfer is determined to be in the best interest of
the animal by the shelter, pound, or kennel operating as a shelter or
pound.

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

g. If the owner or the person charged with the care of the
animal seeks to claim [it] the animal within seven days, or after
the seven days have elapsed but before the animal has been adopted
or euthanized, the shelter, pound, or kennel operating as a shelter or
pound:

(1) shall, in the case of a cat or dog, release [it] the cat or dog
to the owner or person charged with [it] the animal’s care,
provided the owner or person charged with the care of the animal
provides proof of ownership, which may include a valid cat or dog
license, registration, rabies inoculation certificate, or documentation
from the owner's veterinarian that the cat or dog has received
regular care from that veterinarian;
(2) may, in the case of a cat or dog, charge the cost of sterilizing the cat or dog, if the owner requests such sterilizing when claiming [it] the cat or dog; and

(3) may require the owner or person charged with the care of the animal to pay all the animal’s expenses while in the care of the shelter, pound, or kennel operating as a shelter or pound, not to exceed $4 per day.

h. If the animal remains unclaimed, is not claimed due to the failure of the owner or other person to comply with the requirements of this section, or is not adopted after seven days after the date on which notice is served pursuant to subsection c. of this section or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be placed in a foster home, transferred to another shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, or euthanized in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19.

i. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. Prior to the release to the person assuming ownership of a cat that has not been spayed or neutered, the shelter, pound, or kennel operating as a shelter or pound shall spay or neuter the cat except as otherwise provided in subsection h. of section 2 of P.L. , c. (pending before the Legislature as this bill). No dog or other animal taken into custody, impounded, sent or otherwise brought to a shelter, pound, or kennel operating as a shelter or pound shall be sold or otherwise be made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.

j. Any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local board of health and to the Department of Health, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health for the animals.

k. When a certified animal control officer takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the certified animal control officer may place the animal in the custody of, or cause the animal to be placed in the custody of, only a licensed shelter, pound, or kennel operating as a shelter or pound. The certified animal control officer may not place the animal in the custody of, or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home, or other unlicensed facility. However, the licensed shelter, pound, or kennel operating as a shelter or pound may place the animal in an
animal rescue organization facility, foster home, or other unlicensed facility if necessary pursuant to subsection e. or h. of this section.

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

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

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

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

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

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

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

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

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

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

3. In order to be eligible to participate in the program, an owner of a cat or dog [or cat] or a community cat caregiver shall be eligible for, and participate in, at least one of the following:
   b. The Supplemental Security Income Program established pursuant to Title XVI of the federal “Social Security Act, [1] ” 42 U.S.C. s.1381 et seq. [2];
   c. The program for aid to families with dependent children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or the special supplemental food program for women, infants and children, also referred to as the “WIC” program, established pursuant to 42 U.S.C. s.1786;
   d. [The program for general public assistance, pursuant to the provisions of the “General Public Assistance Law,” P.L.1947, c.156 (C.44:8-107 et seq.)] The Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), the general assistance program established pursuant to the "Work First New Jersey General Public Assistance Act," established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), or any successor program thereof;
   e. The program of medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.);
   f. The program of "Pharmaceutical Assistance to the Aged and Disabled," established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) or the Senior Gold Prescription Discount Program, established pursuant to “Senior Gold Prescription Discount Act,” P.L.2001, c.96 (C.30:4D-43 et seq.);
   g. The rental assistance program authorized pursuant to section 8 of the United States Housing Act of 1937, Pub.L.75-412, as added by the Housing and Community Development Act of 1974, Pub.L.93-383 (42 U.S.C. s. 1437(f)) or the State rental assistance program established pursuant to P.L.2004, c.140 (C.52:27D-287.1 et seq.).
h. The "Lifeline Credit Program" established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.); or
i. The "Tenants' Lifeline Assistance Program" established pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.); or
j. The Low Income Home Energy Assistance Program established pursuant to 42 U.S.C. s. 8621 et seq.

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

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

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

4. a. Any person submitting a [dog or] cat or dog, pursuant to the provisions of [this act] P.L.1983, c.172 (C.4:19A-1 et al.) for spaying or neutering, as the case may be, shall:
   [a. Furnish] (1) Provide any State licensed veterinarian [of this State] participating in the program with proof that the cat or dog owner or community cat caregiver, as applicable, meets at least one of the eligibility criteria pursuant to the provisions of section 3 of [this amendatory and supplementary act] P.L.1983, c.172 (C.4:19A-2);
   [b. ] (2) Sign a consent form (a) certifying that the person is the owner of the dog or cat, or is authorized by the owner to present the dog or cat for the procedure[; and] , or (b) attesting that the community cat to be sterilized, ear-tipped, and vaccinated against rabies has no known owner; and
   [c. ] (3) Pay a fee of [$10.00, which] $10.

(cf: P.L.1983, c.172, s.4)

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

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

b. The commissioner shall, to the extent that moneys are available therefrom from the "Animal Population Control Fund," reimburse participating veterinarians for 80% of the fee for each animal sterilization procedure administered, upon the submission of an animal sterilization certificate, prescribed by the commissioner, signed by the veterinarian and the owner of the animal for each sterilization procedure.

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

1. the presurgical immunization of dogs against distemper, hepatitis, leptospirosis, and parvovirus; or

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

3. the immunization of community cats against rabies.

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

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

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

6. a. The commissioner may:
   (1) solicit and accept funds from any public or private source to help carry out the provisions of P.L.1983, c.172 (C.4:19A-1 et al.)
   and
   (2) contract with a nonprofit organization that is exempt from federal taxation pursuant to Section 501(c)(3) of the federal “Internal Revenue Code,” 26 U.S.C. s.501(c)(3), for the administration of the Animal Population Control Program established pursuant to section 2 of P.L. 1983, c.172 (C.4:19A-1).

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

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

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

d. The director shall annually certify to the commissioner the average cost per license plate incurred in the immediately preceding year by the division in producing, issuing, renewing, and publicizing the availability of animal welfare license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor.
e. In the event that the average cost per license plate as
certified by the director and approved by the Joint Budget Oversight
Committee, or its successor, is greater than the $50 application fee
established in subsection b. of section 1 of P.L.1993, c.184 (C.39:3-
27.55) in two consecutive fiscal years, the director may discontinue
the issuance of animal welfare license plates.
(cf: P.L.1995, c.145, s.3)

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

3. a. The State Board of Veterinary Medical Examiners shall
establish, through the promulgation of regulations, any specific
courses or topics which are to be required for continuing veterinary
education, and designate which are the core requirements for
continuing veterinary education, including the number of required
hours, subject matter and content of courses of study.
For purposes of this section, “core requirements” means the
continuing veterinary education determined by the board to be
necessary to maintain currency in professional knowledge and skills
in order to deliver competent veterinary care.

b. The board may offset up to 10 percent of the requisite
number of hours of continuing veterinary education required
pursuant to section 4 of P.L.1952, c. 198 (C.45:16-9.4) by the
number of volunteer veterinary services rendered by licensees, at a
rate of one half of one hour of continuing veterinary education for
each hour of volunteer veterinary services, provided that a
veterinarian shall be required to complete at least the core
requirements established pursuant to subsection a. of this section. In
addition, the board may adopt a formula providing a minimum
number of spaying or neutering procedures that shall be deemed the
equivalent of one hour of continuing veterinary education.
The board may reduce, in part, an application by a licensee to
offset credits of continuing veterinary education pursuant to this
subsection if the board finds, in its discretion, that the applicant
requires continuing veterinary education in order to maintain or
restore professional competence, or may deny all applications if the
board finds that continuing veterinary education above the core
requirements is necessary because of developments in science or
technology.
The board may also, in its discretion and for good cause, notify a
veterinarian that the veterinarian is ineligible to offset credits of
continuing veterinary education pursuant to this subsection for any
other reason established by regulation by the board.

c. As used in this section [], “volunteer []
“Community cat” means a cat, whether or not fearful of, or
socialized to, humans, that has no known owner, lives and freely
roams in the outdoors, and that may or may not be cared for by a
person, including, but not limited to, by a person who provides
food, water, veterinary care, or indoor or outdoor protection from the weather.

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

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

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

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

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

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


14. This act shall take effect immediately.

STATEMENT

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

The bill also provides, with limited exceptions, that:

1) no cat may be released for adoption from an animal rescue organization facility, shelter, pound, or kennel operating as a shelter
or pound unless the cat has been spayed or neutered by a licensed veterinarian; and

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

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

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

1) is less than two months old;
2) a licensed veterinarian determines cannot be spayed or neutered for other health reasons affecting the cat;
3) is placed in a foster home or transferred to another shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility by a shelter, pound, or kennel operating as a shelter or pound; or
4) is to be euthanized in accordance with the provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16) and R.S.4:22-19, which provide for humanely euthanizing animals after a shelter, pound, or kennel operating as a shelter or pound has offered the animal for adoption for at least seven days.

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

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

Feral cat populations have existed in the State since the time of the first European settlements and they continue to exist primarily due to a lack of effective management in the form of spaying and neutering. To a lesser but still important extent, cats are abandoned, stray from their owners, or are allowed to roam unsupervised, and, if sexually intact, will reproduce. Feral cats are known as
“community cats” because they live outdoors and are not owned by anyone but may be cared for by members of the community. The practice of “catch and kill,” whereby community cats are trapped and subsequently euthanized, has failed to effectively manage feral cat populations and the continued use of “catch and kill” is an inhumane practice that is incompatible with the moral values of this State.

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

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