

SENATE, No. 1054

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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 1. (New section) a. No rabies testing shall be performed on a
9 dead domestic companion animal until the health official requiring,
10 or the veterinarian performing, the rabies testing, and the owner of
11 the animal have complied with the requirements of subsections b.
12 through d. 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, or the veterinarian performing, the rabies
16 testing, as applicable, shall notify at the first opportunity the owner
17 of the animal, if known, verbally and in writing, of:

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

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

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

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

24 (5) the possibility of decapitation of the animal and, if
25 decapitated, the possible loss of the animal's head after completion
26 of the rabies testing.

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

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

44 d. Upon receiving the notification required in subsection b. of
45 this section, the information required, and if applicable, any

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 notification that may be required, pursuant to subsection c. of this
2 section, the owner of the animal shall immediately provide, in
3 writing, in the manner prescribed by the department pursuant to
4 subsection f. of this section:

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

8 (2) authorization to take only the animal's brain or the entire
9 head of the animal as requested or required, as applicable, pursuant
10 to subsections b. and c. of this section; and

11 (3) the owner's consent to the protocols and procedures to be
12 followed pursuant to this section.

13 e. The owner of the domestic companion animal may be
14 required to pay a reasonable additional cost for rabies testing of
15 only the brain.

16 f. The Department of Health shall develop and provide on its
17 website forms for use in providing the notifications required
18 pursuant to subsections b. and c. of this section, and the release,
19 authorization, and consent required pursuant to subsection d. of this
20 section.

21 g. 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).

25 h. Nothing in this section shall be construed to interfere with
26 the powers of any municipality to control rabies consistent with
27 R.S.26:4-95.

28 i. As used in this section, "domestic companion animal" means
29 any animal commonly referred to as a pet that was bought, bred,
30 raised, or otherwise acquired, in accordance with local ordinances
31 and State and federal law, for the primary purpose of providing
32 companionship to the owner, rather than for business or agricultural
33 purposes.

34

35 2. R.S.26:4-86 is amended to read as follows:

36 26:4-86. The local board or the duly authorized agent of **【such】**
37 the board, within its jurisdiction, shall be permitted by the owner or
38 person in charge of a dog, cat or other animal which has attacked or
39 bitten a person, to examine the animal at any time, and daily if
40 desired, within a period of **【ten】** 10 days after the animal has
41 attacked or bitten a person, to determine whether the animal shows
42 symptoms of rabies.

43 If the animal dies within the **【ten day】** 10-day confinement
44 period or if the owner or person in charge of the animal **【elects to**
45 **destroy】** chooses to euthanize the animal at any time during the
46 confinement period, the local board may order a laboratory
47 examination for rabies to be performed on the dead animal, in

1 compliance with section 1 of P.L. , c. (C.) (pending before
2 the Legislature as this bill).

3 **【No】** Except as provided for in section 1 of P.L. , c. (C.)
4 (pending before the Legislature as this bill), no person shall refuse,
5 obstruct, or interfere with the local board in making any
6 examination authorized pursuant to this section.
7 (cf: P.L.1989, c.297, s.1)

8
9 3. R.S.26:4-94 is amended to read as follows:

10 26:4-94. Any person who violates any of the provisions of this
11 article, or any notice served thereunder, shall be liable to a penalty
12 of **【five dollars (\$5.00)】** \$50 for the first offense, and not less than
13 **【five dollars (\$5.00)】** \$50 nor more than **【fifty dollars (\$50.00)】**
14 \$250 for each subsequent offense, to be recovered in a civil action
15 brought by and in the name of the **【State】** Department of Health or
16 a local board. Penalties hereunder shall be enforced and collected
17 pursuant to **【sections】** R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78
18 **【of the Revised Statutes】**.

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

20
21 4. This act shall take effect immediately.

22 23 24 STATEMENT

25
26 This bill prohibits any rabies testing from being performed on a
27 dead domestic companion animal until the health official requiring,
28 or the veterinarian performing, the rabies testing, and the owner of
29 the animal have complied with the requirements set forth in the bill.

30 The bill requires any health official requiring, or the veterinarian
31 performing, rabies testing, as applicable, to notify at the first
32 opportunity the owner of the animal, if known, verbally and in
33 writing, of:

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

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

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

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

40 (5) the possibility of decapitation of the animal and, if
41 decapitated, the possible loss of the animal's head after completion
42 of the rabies testing.

43 The bill also requires, if the owner is upset about the decapitation
44 of the animal, the health official requiring, or the veterinarian
45 performing, the rabies testing to offer the owner the option to have
46 only the brain removed, unless there is a medical necessity for the
47 animal's entire head to be taken.

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1 All notifications under the bill are required to be provided in
2 writing and the bill requires the animal's owner to immediately
3 provide in writing the release, authorization, and consent required
4 pursuant to the bill. The bill allows for the owner to be charged a
5 reasonable additional cost for rabies testing of only the brain.

6 Finally, the bill provides that the requirements established in the
7 bill do not apply to vicious dogs or impounded animals suspected of
8 being rabid.