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

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on March 4, 2021, with amendments.

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

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

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

The Legislature therefore determines that it is the public policy of the State to require those caring for an animal, including veterinarians and staff at animal hospitals, to: (1) clearly communicate to the owner the tests and procedures required and how the tests and procedures may affect the condition of the animal's body after death; and (2) disclose whether the remains of the animal can be returned to the owner, and the condition of the those remains. The Legislature further determines that the importance of the connection between domestic companion animals and their owners needs to be recognized and addressed by those who treat animals, euthanize them, and handle their remains after death.**[1]**

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:
[1]Senate SEN committee amendments adopted March 4, 2021.

[1]**[**1.**]** 2.[1] (New section) a. No rabies testing shall be performed on a dead domestic companion animal until the health official requiring, or the veterinarian performing, the rabies testing, and the owner of the animal have complied with the requirements of subsections b. [1]**[**through d.**]** and c.[1] of this section.

b. Whenever it is necessary to test a dead domestic companion animal for rabies, prior to commencing any testing procedure, the health official requiring, or the veterinarian performing, the rabies testing, as applicable, shall notify at the first opportunity the owner of the animal, if known, verbally and in writing, of:

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

(2) the rabies testing protocol to be followed;

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

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

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

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

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

d.**]** c.[1] Upon receiving the notification required in subsection b. of this section, [1]**[** the information required, and if applicable, any notification that may be required, pursuant to subsection c. of this section,**]**[1] the owner of the animal shall immediately provide, in writing, in the manner prescribed by the department pursuant to subsection [1]**[**f.**]** d.[1] of this section:

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

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

[1](3)] (2)[1] the owner's consent to the protocols and procedures to be followed pursuant to this section.

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

f.] d.[1] The Department of Health shall develop and provide on its website forms for use in providing the [1[notifications] notification[1] required pursuant to [1[subsections] subsection[1] b. [1[and c.]1] of this section, and the release, authorization, and consent required pursuant to subsection [1[d.] c.[1] of this section.

[1[g.] e.[1] This section shall not apply to rabies testing required pursuant to section 10 of P.L.1989, c.307 (C.4:19-26) or to the handling of an impounded animal that is suspected of being rabid pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16).

[1[h.] f.[1] Nothing in this section shall be construed to interfere with the powers of any municipality to control rabies consistent with R.S.26:4-95.

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

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

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

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

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

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

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

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

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

[1]**[**4.**]** 5.[1] This act shall take effect immediately.