

[Second Reprint]

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 prior to testing of owner's animal for rabies.

CURRENT VERSION OF TEXT

As amended by the Senate on December 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 ¹1. (New section) The Legislature finds and declares that: pets
9 are important in the lives of their owners and are often integral to
10 the 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
15 companion animal is often as treasured as a family member; the loss
16 of a domestic companion animal can be mourned with the same
17 depth of emotion as the loss of a human family member and may
18 have a profound effect on the mental health of an owner;
19 organizations such as the Substance Abuse and Mental Health
20 Services Administration in the United States Department of Health
21 and Human Services and the National Association on Mental Illness
22 have noted the effectiveness of animal therapy in treating or
23 managing mental illness and the benefits attributed to the
24 unconditional acceptance and affection received from interacting
25 with an animal; because of the importance of a domestic companion
26 animal to its owner its illness or death is traumatic for the owner,
27 particularly when the owner authorizes euthanizing the animal; such
28 trauma is unnecessarily exacerbated when the owner is not properly
29 notified about procedures that are required in connection with the
30 disposition of the remains of the domestic companion animal; and
31 failure to forewarn the owner of any necessary dismemberment of
32 the animal for public health reasons is wrongful and unnecessarily
33 injurious to the owner.

34 The Legislature therefore determines that it is the public policy
35 of the State to require those caring for an animal, including
36 veterinarians and staff at animal hospitals, to: (1) clearly
37 communicate to the owner the tests and procedures required and
38 how the tests and procedures may affect the condition of the
39 animal's body after death; and (2) disclose whether the remains of
40 the animal can be returned to the owner, and the condition of the
41 those remains. The Legislature further determines that the
42 importance of the connection between domestic companion animals
43 and their owners needs to be recognized and addressed by those
44 who treat animals, euthanize them, and handle their remains after
45 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:

¹Senate SEN committee amendments adopted March 4, 2021.

²Senate floor amendments adopted December 2, 2021.

1 ¹**[1.] 2.**¹ (New section) a. No rabies testing shall be performed
2 on a dead domestic companion animal until the health official
3 requiring ²the rabies testing², or the veterinarian ²**[performing, the]**
4 preparing and submitting the specimen for² rabies testing, and the
5 owner of the animal have complied with the requirements of
6 subsections b. ¹**[through d.] and c.**¹ of this section.

7 b. Whenever it is necessary to test a dead domestic companion
8 animal for rabies, prior to commencing any testing procedure, the
9 health official requiring ²the rabies testing², or the veterinarian
10 ²**[performing, the]** preparing and submitting the specimen for²
11 rabies testing, as applicable, shall notify at the first opportunity the
12 owner of the animal, if known, verbally and in writing, of:

- 13 (1) the necessity of the rabies testing and the reasons therefor;
14 (2) the rabies testing protocol to be followed;
15 (3) the protocol to be followed with regard to the handling of the
16 animal's body;
17 (4) the protocol to be followed with regard to the disposal of the
18 animal's body or its return to the owner; and
19 (5) the ²**[possibility]** protocol² of decapitation ²**[of the animal**
20 and, if decapitated, the possible loss of the animal's head after
21 completion of the rabies testing]².

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

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

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

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

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

4 ¹[(3)] (2)¹ the owner's ²[consent to] signature to acknowledge
5 notification about² the protocols and procedures to be followed
6 pursuant to this section.

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

10 f.] d.¹ The Department of Health shall develop and provide on
11 its website forms for use in providing the ¹[notifications]
12 notification¹ required pursuant to ¹[subsections] subsection¹ b.
13 ¹[and c.]¹ of this section, and the release, ²[authorization, and
14 consent] and acknowledgement of notification² required pursuant
15 to subsection ¹[d.] c.¹ of this section.

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

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

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

31
32 ¹[2.] 3.¹ R.S.26:4-86 is amended to read as follows:

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

40 If the animal dies within the [ten day] 10-day confinement
41 period or if the owner or person in charge of the animal [elects to
42 destroy] chooses to euthanize the animal at any time during the
43 confinement period, the local board may order a laboratory
44 examination for rabies to be performed on the dead animal, in
45 compliance with section ¹[1] 2¹ of P.L. , c. (C.) (pending
46 before the Legislature as this bill).

1 **【No】** Except as provided for in section **‘[1] 2’** of
2 P.L. , c. (C.) (pending before the Legislature as this bill), no
3 person shall refuse, obstruct, or interfere with the local board in
4 making any examination authorized pursuant to this section.
5 (cf: P.L.1989, c.297, s.1)

6
7 **‘[3.] 4.’** R.S.26:4-94 is amended to read as follows:
8 26:4-94. Any person who violates any of the provisions of this
9 article, or any notice served thereunder, shall be liable to a penalty
10 of **【five dollars (\$5.00)】** \$50 for the first offense, and not less than
11 **【five dollars (\$5.00)】** \$50 nor more than **【fifty dollars (\$50.00)】**
12 \$250 for each subsequent offense, to be recovered in a civil action
13 brought by and in the name of the **【State】** Department of Health or
14 a local board. Penalties hereunder shall be enforced and collected
15 pursuant to **【sections】** R.S.26:3-72, R.S.26:3-77 and R.S.26:3-78
16 **【of the Revised Statutes】**.
17 (cf: P.L.2014, c.69, s.5)

18
19 **‘[4.] 5.’** This act shall take effect immediately.