Sponsored by:
Senator STEPHEN M. SWEENEY
District 3 (Salem, Cumberland and Gloucester)
Senator JEFF VAN DREW
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS
Requires sterilization of all cats and dogs released for adoption from various facilities; and updates law concerning impoundment.

CURRENT VERSION OF TEXT
As amended by the General Assembly on March 3, 2011.

(Sponsorship Updated As Of: 3/15/2011)
AN ACT concerning the sterilization of dogs and cats to be adopted from shelters, pounds, animal rescue organizations or auxiliary organizations, and supplementing Title 4 of the Revised Statutes and impoundment of animals and amending and supplementing P.L.1941, c.151.

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

1. 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 seemingly unowned or unwanted 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 January 17, 1987.

   "Dog” shall mean any dog, bitch or spayed bitch.

   "Dog of licensing age” shall mean 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.

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 floor amendments adopted October 18, 2010.
2 Assembly AAN committee amendments adopted February 10, 2011.
3 Assembly floor amendments adopted February 17, 2011.
4 Assembly floor amendments adopted March 3, 2011.
"Kennel" shall mean 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 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.

"Pet shop" shall mean 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" shall mean an establishment for the confinement of dogs or other animals seized either under the provisions of this act or otherwise.

"Shelter" shall mean any establishment where dogs or other animals are received, housed and distributed.

(cf: P.L.1997, c.247, s.1)

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

16. a. [Any person] The certified animal control officer appointed [for the purpose] by the governing body of the municipality shall take into custody and impound, or cause to be taken into custody and impounded, any animal, and thereafter cause the animal to be destroyed or offered for adoption as provided in this section:

(a) (1) Any dog or other animal off the premises of the owner or of the person keeping or harboring said charged with the care of the dog or other animal, which [said official or his agent or agents have reason to believe] is reasonably believed to be a stray dog or stray animal:

(b) (2) Any dog off the premises of the owner or of the person keeping or harboring said charged with the care of the dog without a current registration tag on its collar;

(c) (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said charged with the care of the dog;

(d) (4) Any dog or other animal which is suspected to be rabid; or

(e) (5) Any dog or other animal off the premises of the owner or other person charged with the care of the dog or other animal 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.

b. If any animal so seized wears a collar or harness having inscribed thereon or attached thereto, with identification of the name and address of any person or has a registration tag, or the owner or the person keeping or harboring said charged with the care of the animal is otherwise known, the person authorized by the governing body shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said the animal, if known, taking into custody and impounding the animal shall ascertain the name and address and serve to the identified person as soon as practicable notice in writing stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice.

c. A notice under this section may be served either: (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 abode, or at the address given on the collar; or (2) by forwarding it by post in a prepaid letter addressed to that person at his or her usual or last known place of abode, or to the address given on the collar. Any person authorized by the governing body may cause an animal to:

d. No shelter, pound, or kennel operating as a shelter or pound shall be required to hold for seven days before offering for adoption any animal surrendered voluntarily to the shelter, pound, or kennel operating as a shelter or pound by its owner, but the shelter, pound, or kennel operating as a shelter or pound shall offer the animal for adoption for at least seven full days before humanely destroying the animal, except if the age, health, or behavior of the animal warrants humanely destroying the animal before seven days have elapsed. The shelter, pound, or kennel operating as a shelter or pound may transfer the animal surrendered voluntarily by its owner to an animal rescue organization facility or a foster home prior to offering the animal for adoption for seven days 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.

e. No shelter, pound, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer pursuant to this section 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.
f. Except as provided pursuant to subsection d. of this section, or except as otherwise required pursuant to subsection h. of this section, an impounded animal may be destroyed in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19, may be placed in or transferred to an animal rescue organization facility or a foster home, or may be offered for adoption not less than seven days after [seizure:] 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, provided that [1]:

(1) Notice is given as set forth above and the animal remains unclaimed [2]; or

(2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding $4.00 per day or

(3) The [3].

g. If the owner or the person charged with the care of the animal seeks to claim the animal within the seven days provided pursuant to subsections d., e. and f. of this section, or another person seeks to adopt the animal after the seven days have elapsed, or before that time has elapsed as provided for under subsection d. of this section, the shelter, pound, or kennel operating as a shelter or pound, before releasing the animal to the owner [or] the person keeping or harboring a dog which was unlicensed at the time of seizure does not charged with the care of the animal, or the person adopting the animal:

(1) shall require the owner or other person to comply with the provisions of sections 3 and 4 of P.L. _ , c. (C. ) (pending before the Legislature as this bill) if the animal is a cat or dog and no proof of sterilization has been provided; and

(2) may require the owner or other person to:

(a) pay all the animal’s expenses while in the care of the shelter, pound, or kennel operating as a shelter or pound; or

(b) in the case of a dog, or a cat from a municipality where cats are licensed, produce a license and registration tag for the dog or cat, as applicable.

If the animal remains unclaimed or is not adopted due to the failure of the owner or other person to comply with the requirements of this subsection, 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 destroyed in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19.

h. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal [so caught
and detained or procured, obtained, sent, taken into custody, impounded, sent or otherwise brought to a pound or 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.

[After observation, any] i. 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 Senior Services, 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 and Senior Services for such animals.

j. When a certified animal control officer, pursuant to this section, 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.

k. Notwithstanding the provisions of subsection g. of this section and sections 3 and 4 of P.L. c. (pending before the Legislature as this bill) 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.²

[(cf: P.L.1997, c.324, s.1)]³

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

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

[a] Any dog or other animal off the premises of the owner or of the person keeping or harboring said charged with the care of the dog or other animal, which said official or his agent or agents have reason to believe is reasonably believed to be a stray dog or stray animal:
Any dog off the premises of the owner or the person keeping or harboring said dog without a current registration tag on its collar;

Any female dog in season off the premises of the owner or the person keeping or harboring said dog;

Any dog or other animal which is suspected to be rabid;

or

Any dog or other animal off the premises of the owner or the person charged with the care of the dog 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.

b. If any animal so seized wears taken into custody and impounded pursuant to subsection a. of this section has a collar or harness having inscribed thereon or attached thereto with identification of the name and address of any person, or has a registration tag, or the owner or the person keeping or harboring said charged with the care of the animal is otherwise known, any the person authorized by the governing body shall forthwith serve on the owner or the person keeping or harboring animal, if known, taking into custody and impounding the animal shall ascertain the name and address and serve to the identified person as soon as practicable a notice in writing stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice.

c. A notice under 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 at the address given on the collar, or harness; or (2) by forwarding it by post in a prepaid letter addressed 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 or harness.

Any person authorized by the governing body may cause an animal to]

d. No shelter, pound, or kennel operating as a shelter or pound shall be required to hold for seven days before offering for adoption any animal surrendered voluntarily by its owner to the shelter, pound, or kennel operating as a shelter or pound. However, the shelter, pound, or kennel operating as a shelter or pound shall offer the animal for adoption for at least seven days before humanely destroying the animal, except if the age, health, or behavior of the animal warrants humanely destroying the animal before seven days have elapsed. The shelter, pound, or kennel
operating as a shelter or pound may transfer the animal surrendered
voluntarily by its owner to an animal rescue organization facility or
a foster home prior to offering the animal for adoption for seven
days 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.

e. No shelter, pound, or kennel operating as a shelter or pound
receiving an animal from a certified animal control officer pursuant
to this section 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.

f. Except as provided pursuant to subsection d. of this section,
or except as otherwise required pursuant to subsection k. of this
section, an impounded animal may be destroyed in a manner
causing as little pain as possible and consistent with the provisions
of R.S.4:22-19, may be placed in or transferred to an animal rescue
organization facility or a foster home, or may be offered for
adoption not less than seven days after seizure; 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, provided that:

(1) Notice is given as set forth above and the animal remains
unclaimed; or

(2) The owner or person keeping or harboring the animal has not
claimed the animal and paid all expenses incurred by reason of its
detention, including maintenance costs not exceeding $4.00 per day;
or

(3) The animal is either unlicensed at the time of seizure or has not
provided proof of ownership.

g. If the owner or the person keeping or harboring a dog
charged with the care of the animal seeks to claim the animal within the seven days provided
pursuant to subsections d., e. and f. of this section, or after the
seven days have elapsed but before the animal has been sterilized,
adopted, or humanely destroyed, the shelter, pound, or kennel
operating as a shelter or pound:

(1) shall release the cat or dog to the owner or person charged
with the care of the cat or dog, without requiring the animal to be
sterilized, if 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 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; and
(3) may charge the cost of sterilizing the cat or dog, if the owner or person charged with the care of the animal request such sterilizing when claiming the animal.

h. If a person seeks to adopt a cat or dog after the seven days have elapsed, or before that time has elapsed as provided for under subsection d. of this section, the shelter, pound, or kennel operating as a shelter or pound, before releasing the animal to the person adopting it, shall require the animal to be sterilized. The shelter, pound, or kennel operating as a shelter or pound may charge the person adopting the animal the cost of sterilizing the cat or dog.

i. If the animal remains unclaimed or is not adopted due to the failure of the owner or other person to comply with the requirements of this section, 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 destroyed in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19.

j. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal so caught and detained or procured, obtained, taken into custody, impounded, sent or otherwise brought to a pound or 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.

[After observation, any] k. 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 Senior Services, 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 and Senior Services for such animals.

l. When a certified animal control officer, pursuant to this section, 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.

m. Notwithstanding the provisions of any other subsection of this section and sections 3 and 4 of P.L. , c. (pending before the Legislature as this bill) 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.\(^2\)

\(^2\) Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
read as follows:

16. **Any person** a. The certified animal control officer
appointed for the purpose by the governing body of the
municipality shall take into custody and impound (or cause to be
taken into custody and impounded, and) **any animal**, to thereafter
[destroyed] be euthanized or offered for adoption as provided in
this section [\[. \]]. Specifically, the certified animal control officer
may take into custody and impound:

\[ (a) \] (1) Any dog or other animal off the premises of the owner
or of the person [keeping or harboring said] charged with the care
of the dog or other animal, which [said official or his agent or
agents have reason to believe] is reasonably believed to be a stray
dog or stray animal;

\[ (b) \] (2) Any dog off the premises of the owner or [of] the
person [keeping or harboring said] charged with the care of the dog
without a current registration tag on [his] its collar;

\[ (c) \] (3) Any female dog in season off the premises of the owner
or [of] the person [keeping or harboring said] charged with the
care of the dog;

\[ (d) \] (4) Any dog or other animal which is suspected to be rabid;

\[ (e) \] (5) Any dog or other animal off the premises of the owner
or the person charged with its 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.

b. If [\[any\]] an animal [so seized wears] taken into custody and
impounded pursuant to subsection a. of this section has a collar or
harness [having inscribed thereon or attached thereto] with
identification of the name and address of any person , or has a
registration tag, or the owner or the person [\[keeping or harboring
said\]] charged with the care of the animal is otherwise known, [\[any
person authorized by the governing body shall forthwith serve on
the person whose address is given on the collar, or on the owner or
the person keeping or harboring said animal, if known,\]] 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 [\[stating\]] that the animal has been seized and will be liable
to be offered for adoption or [destroyed] euthanized if not claimed within seven days after the service of the notice.

c. A notice [under] required pursuant to this section may be served [either] (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 [abode,] residence or [at] the address given on the collar [.,] or harness; or (2) by [forwarding it by post in a prepaid letter addressed] mailing the notice to that person at [his] the person’s usual or last known place of [abode,] residence, or to the address given on the collar or harness.

[Any person authorized by the governing body may cause an animal to be destroyed] 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 for adoption, or euthanizing, relocating, or sterilizing the animal, except if:

(1) the animal is surrendered voluntarily by its owner to the shelter, pound, or kennel operating as a shelter or pound;
(2) the age, health, or other care needs of the animal require the shelter, pound, or kennel operating as a shelter or pound to place it in an animal rescue facility, foster home, or other unlicensed facility;
(3) the age, health, or behavior of the animal warrants euthanizing it before seven days have elapsed; or
(4) the animal is suspected of being rabid, in which case the provisions of subsection k. 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; or
(2) may transfer the animal to an animal rescue organization facility or a foster home prior to offering it 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 subsections d. and 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 within seven days, or after the seven days have elapsed but before the animal has been sterilized, 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 to the owner or person charged with its care, without requiring it to be sterilized, 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; 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.

h. If a person seeks to adopt a cat or dog when adoption is permitted pursuant to this section, the shelter, pound, or kennel operating as a shelter or pound, before releasing the animal to the person adopting it, shall require the animal to be sterilized. The shelter, pound, or kennel operating as a shelter or pound may charge the person adopting the animal the cost of sterilization.

i. 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 [or to be offered for adoption seven days after seizure; provided that:

(1) Notice is given as set forth above and the animal remains unclaimed; or

(2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding $4.00 per day; or

(3) The owner or person keeping or harboring a dog which was unlicensed at the time of seizure does not produce a license and registration tag for the dog].
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.

K. 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 Senior Services, 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 and Senior Services for such animals.

L. 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 subsections d., e., or i. of this section.

M. Notwithstanding the provisions of this section and sections 3 and 4 of P.L. , c. (C.) (pending before the Legislature as this bill) 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.4

2[2[1.] 2. Except as otherwise provided pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).2

(1) A shelter, pound,2kennel operating as a shelter or pound, or2animal rescue organization2or 'an' auxiliary organization] facility2 shall not release a2[dog or]2cat2or dog2 for adoption unless: (a) 2at least2 seven days have elapsed after arrival of the2[dog or]2cat2or dog2 at the shelter, pound,2kennel operating as a shelter or pound, or2animal rescue organization2or 'an' auxiliary organization] facility2, except as provided otherwise pursuant to paragraph (2) of this subsection2or subsection d. of section 16 of P.L.1941, c.151 (C.4:19-15.16) ; and (b) the2[dog or]2cat2or dog2 has been sterilized 'unless a licensed veterinarian
determines that sterilization would be detrimental to the health of the cat or dog. For the purposes of this paragraph, “detrimental to the health of the cat or dog” shall include, but need not be limited to, the cat or dog being too young to be sterilized.

2) No animal rescue organization, kennel operating as a shelter or pound, or animal rescue organization auxiliary organization, that has a license, registration, or any other type of identification tag may be sterilized in preparation for its release for adoption if the animal has not been claimed by its owner, with proof of ownership, or the owner has not asserted a claim, for seven days after arrival of the animal at the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization auxiliary organization facility. If any person asserts a claim of ownership within that seven-day period, the shelter, pound, animal rescue organization or an auxiliary organization shall not sterilize the animal in preparation for its release for adoption until seven days have elapsed since the claim was asserted and the person asserting the claim has failed to provide proof of ownership in that time period. Proof of ownership may include a valid license, registration, rabies inoculation certificate or documentation from the owner's veterinarian that the animal has received regular care from that veterinarian.

3) A shelter, pound, kennel operating as a shelter or pound, or animal rescue organization auxiliary organization facility may charge a person adopting a dog or cat for the cost of sterilizing the animal prior to its release for adoption, up to a maximum of $100 or such higher maximum as may be established by rule or regulation adopted by the Department of Health and Senior Services, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

b. Any shelter, pound, kennel operating as a shelter or pound, or animal rescue organization auxiliary organization facility that violates any provision of subsection a. of this section shall be liable to a penalty of at least $100 for each dog or cat that was the basis of the violation. Penalties may be collected by the municipality in which the shelter, pound, animal rescue organization auxiliary organization is located, or by the Department of Health and Senior Services, 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.), 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.) by: (1) the municipality in which the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility is located; or (2) the Department of Health and Senior Services. The Superior Court and the municipal court shall have jurisdiction to enforce the “Penalty Enforcement Law of 1999.”

All penalties collected pursuant to this subsection, whether by the municipality or the State, shall be deposited into a special account created by the municipality to be used solely for municipal animal control, health, and welfare programs.

c. Notwithstanding the provisions of section 20 of P.L.1941, c.151 (C.4:10-15.20) to the contrary:

(1) All penalties collected by a municipality pursuant to this subsection shall be deposited into a special account created by the municipality to be used solely for municipal animal control, health, and welfare programs; and

(2) All penalties collected by the Department of Health and Senior Services pursuant to this subsection shall be deposited into a special account created by the Department of the Treasury to be used solely for State inspections of licensed shelters, pounds, or kennels, and animal health and welfare programs.

c. 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.

d. The Department of Health and Senior Services may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or regulations necessary for the implementation of the provisions and requirements of this section.

3. (New section) a. Except as otherwise provided pursuant to section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill):

(1) A shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall not release a cat or dog for adoption unless: (a) at least seven days have elapsed after arrival of the cat or dog at the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, except as provided otherwise pursuant to paragraph (2) of this subsection or subsection d. of section 16 of P.L.1941, c.151 (C.4:19-15.16); and (b) the cat or dog has been sterilized unless a licensed veterinarian determines that sterilization would be detrimental to the health of the cat or dog. For the purposes of this paragraph, “detrimental to the health of the cat or dog” shall include, but need not be limited to, the cat or dog being too young to be sterilized.
(2) No cat or dog, received at a shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, that has a license, registration, or any other type of identification tag may be sterilized for at least seven days after arrival of the cat or dog at the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, or at least seven days after notice has been issued to the owner if such information could be obtained through the license, registration, or any other type of identification. If the owner of the cat or dog seeks to claim the animal within the seven days, or, after the seven days, before the cat or dog is sterilized, euthanized, or adopted, the owner may claim the cat or dog, with proof of ownership, and may remove the cat or dog from the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility without having it sterilized. Proof of ownership 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.

The provisions of section 4 of P.L. , c. (C. ) ( pending before the Legislature as this bill) shall not apply to an owner claiming a cat or dog pursuant to this paragraph.

(3) A shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility may charge a person adopting a cat or dog therefrom for the cost of sterilizing the animal prior to its release for adoption, and may charge that cost to an owner claiming a cat or dog who requests the cat or dog be sterilized.

b. Any shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility that violates any provision of subsection a. of this section shall be liable for a penalty of at least $100 for each cat or dog that was the basis of the violation. Penalties may be collected 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.) by: the municipality in which the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility is located; or the Department of Health and Senior Services. The Superior Court and the municipal court shall have jurisdiction to enforce the “Penalty Enforcement Law of 1999.”

Notwithstanding the provisions of section 20 of P.L.1941, c.151 (C:4:19-15.20) to the contrary:

(1) All penalties collected by a municipality pursuant to this subsection shall be deposited into a special account created by the municipality to be used solely for municipal animal control, health, and welfare programs; and

(2) All penalties collected by the Department of Health and Senior Services pursuant to this subsection shall be deposited into a special account created by the Department of the Treasury to be
used solely for State inspections of licensed shelters, pounds, or
kennels, and animal health and welfare programs.

c. 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.

d. The Department of Health and Senior Services may adopt,
pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
(C.52:14B-1 et seq.), any rules or regulations necessary for the
implementation of the provisions and requirements of this section.

4. (New section) a. A person may adopt and remove a cat or
dog from a shelter, pound, kennel operating as a shelter or pound,
or animal rescue organization facility without sterilizing the cat or
dog if: (1) the cat or dog cannot be sterilized because it is too
young; and (2) the person pays a refundable deposit of not less than
$100. The amount of the refundable deposit may be established by
the shelter, pound, kennel operating as a shelter or pound, or animal
rescue organization facility, provided that the deposit is not less
than $100.

b. Up to 90 days after the date of the adoption and removal
of the cat or dog and payment of the deposit pursuant to subsection
a. of this section, the shelter, pound, kennel operating as a shelter or
pound, or animal rescue organization facility shall refund to the
person the full amount of the deposit charged pursuant to subsection
a. of this section upon the person’s submittal of a licensed
veterinarian’s certification that the cat or dog: (1) has been
sterilized; or (2) cannot be sterilized because it would be
detrimental to the health of the cat or dog for reasons other than the
cat or dog is too young to be sterilized.

The shelter, pound, kennel operating as a shelter or pound, or
animal rescue organization facility shall refund the deposit required
pursuant to subsection a. of this section if, within 90 days after the
date of adoption, the person who adopted the cat or dog submits a
certification from a licensed veterinarian that the cat or dog (1) has
been sterilized, or (2) cannot be sterilized because it would be
detrimental to the health of the cat or dog for reasons other than the
cat or dog is too young to be sterilized. The shelter, pound, kennel
operating as a shelter or pound, or animal rescue organization
facility shall issue the refund within 30 days after receipt of the
licensed veterinarian’s certification.

c. A person adopting a cat or dog that cannot be sterilized for
reasons other than being too young may remove the cat or dog from
the shelter, pound, kennel operating as a shelter or pound, or animal
rescue organization facility without paying a deposit on the cat or
dog, provided that a licensed veterinarian has certified the cat or
dog cannot be sterilized because it would be detrimental to the
health of the cat or dog for reasons other than the cat or dog is too young to be sterilized.

5. (New section) a. When a cat or dog is put in the custody of and impounded with a shelter, pound, or kennel operating as a shelter or pound, or an animal rescue organization facility receives a cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall scan the animal for microchip identification, if the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility has such technology available.

b. Prior to release of any cat or dog for adoption, transferring it to another facility or foster home, or euthanizing the cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall scan the cat or dog for microchip identification, if the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility has such technology available.

c. If either scan required pursuant to subsection a. or b. of this section reveals information concerning the owner of the cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall immediately seek to contact and notify the owner of the whereabouts of the cat or dog. Furthermore, if microchip identification is found, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall hold the animal for at least seven days after the notification to the owner.

6. (New section) a. The Department of Health and Senior Services shall establish a registry of animal rescue organizations and their facilities in the State. Any animal rescue organization may voluntarily participate in the registry.

b. The department, pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (C.52:14B-1 et seq.), may adopt any rules and regulations determined necessary to implement the voluntary registry and coordinate its use with the provisions of P.L.,

c. (C. ) (pending before the Legislature as this bill) and section 16 of P.L. 1941, c.151 (C.4:19-15.16).

This act shall take effect on the day following enactment, but the Department of Health and Senior Services may take any administrative or regulatory action to implement the provisions of the act.