SYNOPSIS
Imposes certain registration and reporting requirements to prevent illegal trade of tigers.

CURRENT VERSION OF TEXT
As reported by the Assembly Agriculture and Natural Resources Committee on May 14, 2012, with amendments.

(Sponsorship Updated As Of: 5/25/2012)
AN ACT concerning tigers, supplementing Title 23 of the Revised Statutes, and amending P.L.1979, c.304.

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

1. (New section) As used in this act:


“Commissioner” means the Commissioner of Environmental Protection.

“Department” means the Department of Environmental Protection.

“Initial Application” means an application regarding a tiger for which no previous certificate of registration has been issued, or an application regarding a tiger for which a previous certificate of registration has been issued to a previous owner, but not to the current applicant.

“Qualified disposal agent” means a licensed veterinarian or other person authorized by the department to dispose of a dead tiger, but shall not include any person who owns or otherwise possesses a tiger in, or outside of, this State.

“Tiger” means an animal of the species Panthera tigris or any subspecies thereof.

2. (New section) a. A person who owns or otherwise possesses a tiger kept in this State shall apply for a certificate of registration by filing an application with the department, an Exotic and Nongame Wildlife Possession permit issued by the department pursuant to “The Endangered and Nongame Species Conservation Act,” P.L.1973, c.309 (C.23:2A-1 et seq.), or P.L.1962, c.127 (C.23:4-63.3 et seq.). The application shall be submitted on a form and in a manner prescribed by the department, which and shall include contain information required by the department for an Exotic and Nongame Wildlife Possession permit issued pursuant to P.L.1973, c.309 or P.L.1962, c.127, including but not limited to:

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 SEG committee amendments adopted January 23, 2012.
2Senate SBA committee amendments adopted February 27, 2012.
3Assembly AAN committee amendments adopted May 14, 2012.
(1) the name, Social Security number, address, and telephone number of the owner of the person who owns or otherwise possesses the tiger;

(2) the address and exact location where the tiger will be kept;

(3) the birth date, weight, and sex of the tiger;

(4) the tiger’s current name and any former names of the tiger;

(5) a description of any distinguishing marks and digital color photographs of (a) the tiger’s face, (b) the right side of the tiger’s body, and (c) the left side of the tiger’s body;

(6) a hair sample or a sample of other tissue as required by the department, which is sufficient to meet any future need for conduct a DNA analysis of the tiger;

(7) the name, address, and telephone number of the licensed veterinarian who provides veterinary care for the tiger;

(8) any other additional information the department may require.

The department, as part of the annual permit renewal process pursuant to subsection d. of this section, shall require an applicant to provide the weight of the tiger, as provided in paragraph (3) of this subsection, and digital color photographs of the tiger, as provided in paragraph (4) of this subsection, to the department on an annual basis.

b. Upon review and approval of the application submitted pursuant to subsection a. of this section, the department shall issue a certificate of registration, which shall pertain only to one individual tiger, and which shall include thereon, in addition to the information required of an applicant pursuant to subsection a. of this section, a unique identification number assigned solely and specifically by the department to the individual tiger. The unique identification number assigned to a tiger shall not change at any time during the tiger’s lifetime or at any time after the tiger’s death, notwithstanding any change in ownership, possession, or relocation of the tiger, or any other circumstance. The department may impose a reasonable fee upon the person who owns or otherwise possesses the tiger for the services rendered in connection with the department’s costs in issuing a certificate of registration, managing, maintaining and renewing a permit.

c. No person may own or otherwise possess a tiger in this State unless the person holds a valid certificate of registration Exotic and Nongame Wildlife Possession permit issued by the department. A person possessing more than one tiger in this State shall hold a separate and distinct certificate of registration for each tiger.
(2) A person who possesses a tiger, for which an initial application for a certificate of registration is pending with the department, shall be exempt from the requirements of paragraph (1) of this subsection until the issuance or denial of a certificate of registration.

d. The commissioner may, by rule or regulation, adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), establish a schedule by which an owner of a tiger shall be required to periodically renew a certificate of registration, and in any person who has received an Exotic and Nongame Wildlife Possession permit or other permit to own or otherwise possess a tiger shall apply for renewal of such permit annually. In connection therewith, the commissioner may require the renewal applicant to resubmit any or all of the information and materials required of an owner of a person who owns or otherwise possesses a tiger under subsection a. of this section.

e. No person who has been issued an Exotic and Nongame Wildlife Possession permit for a tiger pursuant to “The Endangered and Nongame Species Conservation Act,” P.L.1973, c.309 (C.23:2A-1 et seq.), or P.L.1962, c.127 (C.23:4-63.3 et seq.) on or before the effective date of this act, shall be required to submit an application pursuant to this section. However, if the person has a permit issued for the tiger but the permit was not issued to the person who currently owns or otherwise possesses the tiger, the person who currently owns or otherwise possesses the tiger shall apply for an Exotic and Nongame Wildlife Possession permit pursuant to this section.

3. (New section) a. Within 30 days of receiving an Exotic and Nongame Wildlife Possession permit issued by the department pursuant to section 2 of this act, a person who owns or otherwise possesses a tiger in this State, other than any institution that has received accreditation by the Association of Zoos and Aquariums, shall have implanted in the tiger, by or under the supervision of a licensed veterinarian, a subcutaneous microchip; unless the person who owns or otherwise possesses the tiger provides information required by the department demonstrating to the satisfaction of the department that a microchip that meets the standards required by the department has already been implanted in the tiger. The cost of the microchip and its implantation shall be borne by the person who owns or otherwise possesses the tiger. If the department deems it necessary, it may require the microchip to be purchased from a specific manufacturer or manufacturers. The microchip shall contain allow the department the ability to access the following information:
(1) the unique identification number issued pursuant to section 2 of this act;
(2) the name, address, and telephone number of the person who owns or otherwise possesses the tiger;
(3) the address and exact location where the tiger is kept;
(4) the birth date, weight, and sex of the tiger;
(5) the tiger's current name and any former names of the tiger;
(6) the digital photographs of the tiger that were submitted to the department pursuant to paragraph (4) of subsection a. of section 2 of this act;
(7) the name, address, and telephone number of the licensed veterinarian who provides veterinary care for the tiger; and
(8) any other information the department may require.

b. A person shall not remove a subcutaneous microchip from a tiger, whether living or deceased, without express authorization from the department or as provided pursuant to subsection c. of section 7 of this act; provided, however, a subcutaneous microchip may be temporarily removed, or replaced, by or under the supervision of a licensed veterinarian for the purpose of protecting the health of the tiger or for updating information on the subcutaneous microchip if necessary for compliance with this act or any rules or regulations adopted pursuant thereto.

4. (New section) A person owning or possessing a newborn tiger shall be exempt from the requirements of section 2 of this act, as those requirements apply to the newborn tiger, for the first 10 days immediately following the birth of the newborn tiger.

b. A person possessing a tiger in this State for a period of less than 60 consecutive days who is a licensed exhibitor under the Animal Welfare Act, 7 U.S.C. s.2131 et seq., and who possesses an appropriate permit under N.J.A.C. 7:25-4.2 from the department, as listed in N.J.A.C. 7:25-4.6(a), as well as any other State, municipal, or federal permits or licenses which may be required to own or possess a tiger, shall be exempt from the requirements of this act.

5. (New section) a. The commissioner shall establish a tiger permitting and accounting system through which the following records shall be kept for each tiger in the State:
(1) a unique identification number issued pursuant to section 2 of this act;
(2) the name, address, and telephone number of the person who owns or otherwise possesses the tiger;
(3) the address and exact location where the tiger is kept;
(4) the birth date, weight, and sex of the tiger;
(5) the tiger’s current name and any former names of the tiger;
(6) a description of any distinguishing marks and a digital color photograph of the tiger;
(7) a hair sample from DNA analysis of the tiger;
(8) sufficient to meet any future need for DNA analysis of the tiger;
(9) the date of death of the tiger, when applicable;
(10) the name, address, and telephone number of the licensed veterinarian who provided the most recent veterinary care for the tiger prior to its death;
(11) the sworn affidavits submitted to the department pursuant to section 7 of this act upon the death of a tiger;
(12) the date of death of the tiger, when applicable; and
(13) any other information, data, or documentation the commissioner may deem necessary in order to maintain a comprehensive tiger permitting and accounting system.

b. The commissioner shall monitor and periodically update records in the tiger registration permitting and accounting system in a manner sufficient to ensure that tigers in this State, whether living or deceased, are not in any way used for the illegal trade of tigers or tiger parts.

6. (New section) a. The owner of a tiger shall notify, in a form specified by the department, obtain written approval of the department in writing no less than 14 days prior to the permanent or extended relocation of the tiger or change in ownership or possession of the tiger.

b. In requesting such approval from the department, the person who owns or otherwise possesses a tiger shall demonstrate that the person is, and shall continue to be, in compliance with all necessary conditions pursuant to N.J.A.C.7:25-4.1 et seq. The person shall provide, in a form specified by the commissioner, written notification and information concerning the relocation or change in ownership or possession of the tiger, which shall include:

(1) the name, address, and telephone number of the person to whom ownership or possession of the tiger will be transferred,
(2) the new address and exact location where the tiger will be kept, if there is to be a permanent or extended relocation;
(3) the name, address, and telephone number of the licensed veterinarian who shall provide veterinary care for the tiger upon relocation, or change in ownership or possession of the tiger, and any other information the department may require by rule or regulation.
b. The owner of a tiger shall notify the department in writing of any planned surgical procedure, such as castration or spaying, within 72 hours prior to the procedure. The tiger’s testicles, uterus, and ovaries, as applicable, shall be placed in formalin. The procedure shall be conducted in a manner deemed acceptable to the department, and any organs or parts that are removed pursuant to the procedure, such as testicles, uteruses, or ovaries, shall be submitted to a qualified disposal agent. Declawing of a tiger shall be permitted only if the tiger’s claw or digit is creating a health risk to the tiger and the amputated digit or claw shall then be submitted to a qualified disposal agent.

c. Prior to the lawful change in ownership or possession of a tiger in this State, the person assuming new ownership or possession of the tiger shall immediately:

(1) notify the department of the person’s intent to take ownership or possession and demonstrate current compliance with all applicable laws, rules and regulations, including but not limited to N.J.A.C.7:25-4.1 et seq.; and

(2) submit an initial application to the department all applicable information required for a certificate of registration an Exotic and Nongame Wildlife Possession permit pursuant to section 2 of this act.

d. Upon the lawful permanent or extended relocation of a tiger for which there is no change in ownership or possession, the department shall issue a new Exotic and Nongame Wildlife Possession permit reflecting the relocation of the tiger.

e. Upon the issuance of a new Exotic and Nongame Wildlife Possession permit for a tiger, or the change in ownership or possession of a tiger, any preexisting permit authorization for that tiger shall permanently expire.

7. (New section) a. Except as provided in subsection b. of this section, a person shall not dispose of a deceased tiger, or otherwise in any manner relinquish possession of a deceased tiger, or any part thereof, without the express authorization of the department.

b. Upon the death of a tiger, the owner of the person who owns or otherwise possesses the tiger at the time of its death shall within five days:

(1) submit the remains of the tiger to a qualified disposal agent the department, in a manner prescribed by the department, for removal of the subcutaneous microchip and permanent
disposal of the tiger and all of its constituent parts in a manner prescribed by the department; and
(2) dispose of the remains of the tiger under the supervision of the department or a qualified disposal agent; and
(3) provide the department with a sworn affidavit which shall include the time of death, cause of death, the tiger’s unique identification number, the name, address, and telephone number of the qualified disposal agent, and a statement affirming that the tiger and all of its constituent parts have been disposed of in a manner prescribed by the department and a certification that the tiger has not in any way been used for the illegal trade of tigers or tiger parts.

c. A qualified disposal agent who disposes of a tiger shall extract the subcutaneous microchip from the tiger at the time of disposal and shall, no later than 10 days after conducting the disposal, deliver to the department:
(1) the subcutaneous microchip; and
(2) a sworn affidavit which shall include the exact method of disposal utilized, the name and address of the facility at which the disposal took place, the date of the disposal, and a statement affirming that the tiger and all of its constituent parts have been disposed of in a manner prescribed by the department.

d. The commissioner shall prescribe, by rule or regulation, acceptable methods of disposal of a tiger that will ensure the tiger is not in any way used for the illegal trade of tigers or tiger parts.

When receiving tiger remains for permanent disposal or supervising the disposal of such remains pursuant to subsection b. of this section, the department or a qualified disposal agent, as the case may be, shall obtain evidence from the tiger's subcutaneous microchip or, if inaccessible, other specific evidence connected with the tiger, which is sufficient to confirm the identity of the deceased tiger for the purposes of updating the tiger’s profile in the permitting and accounting system established pursuant to section 5 of this act.

d. The person who owns or otherwise possesses the tiger at the time of its death shall be liable for all costs incurred by the department in transporting, evaluating, and disposing of the deceased tiger.

8. (New section) A person who owns or otherwise possesses a living or deceased tiger in this State, whether as an owner, qualified disposal agent, caretaker, or otherwise, shall, upon the presentation of official credentials by any department employee or other duly authorized representative of the commissioner, present the representative with a valid certificate of registration Exotic and Nongame Wildlife Possession permit and allow the representative to enter the premises where the tiger is kept, examine
the tiger, take biological samples from the tiger, and take any other action necessary to ensure full compliance with this act.

9. (New section) The requirements and provisions of this act, or any rule or regulation adopted pursuant thereto, shall be in addition to those concerning the procurement, possession, permitting, treatment, or release of tigers, as may be established by any other State or federal law or any permit issued or rule or regulation adopted pursuant thereto, including but not limited to “The Endangered and Nongame Species Conservation Act,” P.L.1973, c.309 (C.23:2A-1 et seq.), or P.L.1962, c.127 (C.23:4-63.3 et seq.).

10. (New section) 
   a. A person who violates the provisions of this act or any rule or regulation adopted pursuant thereto shall be subject to the penalties applicable pursuant to section 10 of P.L.1973, c.309 (C.23:2A-10). 
   b. Penalties shall be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal court where the defendant may reside, or where the violation was detected, or where the defendant was apprehended shall have jurisdiction to enforce this act and any regulations adopted thereunder.
   c. The department may bring an administrative action before an administrative law judge to enforce the provisions of this act or any rule or regulation adopted pursuant thereto. Any final determination and penalty assessment by an administrative law judge may be enforced in the Superior Court in an action brought for that purpose by the Attorney General on behalf of the department.
   d. Any violation of the provisions of this act or any rule or regulation adopted pursuant thereto may be restrained by the Superior Court in an action brought for that purpose by the Attorney General on behalf of the department, to be enforced in the manner and in accordance with the authority provided therein.

11. Section 2 of P.L.1979, c.304 (C.23:4-63.7) is amended to read as follows:
   2. Except as provided in R.S.23:4-23 and section 7 of P.L. , c. (C. ) (pending before the Legislature as this bill), nothing contained in the provisions of this Title shall be construed so as to prohibit or limit the disposal, by State or municipal police officers, or by personnel authorized thereby, of any wild bird, animal, fowl, or fur-bearing animal found dead on or along any public highway or on any private property, upon request of the owner thereof. (cf: P.L.1979, c.304, s.2)
12. This act shall take effect on the 180th day after the date of enactment, but the Commissioner of Environmental Protection may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.