

ASSEMBLY, No. 1827

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Co-Sponsored by:

Assemblywoman Cruz-Perez and Assemblyman Cryan

SYNOPSIS

Requires all cats and dogs released from pounds and shelters be sterilized with certain exceptions; establishes special fund for sterilizations; increases certain dog-related fees and dedicates increases to the fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the sterilization of cats and dogs,
2 supplementing Title 4 of the Revised Statutes and amending
3 P.L.1941, c.151 and P.L.1983, c.172.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. Notwithstanding any law, or any rule or
9 regulation adopted pursuant thereto, to the contrary, no cat or dog
10 shall be released from a shelter or pound in the State unless it has
11 been sterilized, except if an owner of a cat or dog who is reclaiming
12 the cat or dog submits an exemption application to the shelter or
13 pound with the required documentation pursuant to subsection b. of
14 this section, or after submitting an exemption application, submits
15 the required documentation as provided for under subsection c. of
16 this section. No provision of this section shall be construed to
17 require the shelter or pound to sterilize a cat or dog unless it is
18 being reclaimed, adopted, or otherwise released from the custody of
19 the shelter or pound.

20 No cat or dog received at a shelter or pound that has a
21 registration, license or any other type of identification tag shall be
22 sterilized until the cat or dog has not been claimed after being at the
23 shelter or pound for seven business days. If the seven business days
24 elapse between the date that the owner of the cat or dog has
25 submitted an exemption application without the required
26 documentation and the date on which the owner returns with the
27 required documentation, the cat or dog shall not be sterilized until
28 the owner fails to comply with the provisions of subsection c. of
29 this section. The shelter or pound shall notify any owner seeking to
30 reclaim a cat or dog of the requirements and the provisions of this
31 subsection and subsections b. and c. of this section, in writing and
32 at the time that the owner first seeks to reclaim the cat or dog.

33 b. Any owner reclaiming a cat or a dog from a shelter or pound
34 who expressly does not wish the cat or dog to be sterilized, shall, at
35 the time of reclaiming the cat or dog, submit an exemption
36 application, provided by the shelter or pound, with one of the
37 following:

38 (1) documentation that the cat or dog has been shown in the past
39 12 months and is registered as an American Kennel Club or Cat
40 Fanciers Association show animal, or a show animal of any
41 successor organization recognized as a successor organization to
42 either of these organizations by the Department of Health and
43 Senior Services;

44 (2) documentation from a licensed veterinarian that sterilizing
45 the cat or dog would be detrimental to the health of the cat or dog,

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 or that the cat or dog is too young to be sterilized properly;

2 (3) documentation of the American Kennel Club or Cat Fanciers
3 Association requirements that are inconsistent with the sterilization
4 of the cat or dog, or such documentation from any successor
5 organization recognized as a successor organization to either of
6 these organizations by the Department of Health and Senior
7 Services; or

8 (4) documentation that the owner is a professional licensed
9 breeder registered with the American Kennel Club or Cat Fanciers
10 Association, or any successor organization recognized as a
11 successor organization to either of these organizations by the
12 Department of Health and Senior Services.

13 c. If the owner does not have the documentation required under
14 subsection b. of this section at the time of reclaiming the cat or dog,
15 the owner shall return with the required documentation within seven
16 business days after submitting the exemption application, or by
17 such time as otherwise agreed to by the shelter or pound, and
18 reclaim the cat or dog without the cat or dog being sterilized.

19 d. There is established a special fund to be known as the "Cat
20 and Dog Sterilization Fund," to be administered by the Department
21 of Health and Senior Services for the purposes of funding the
22 sterilizations required pursuant to subsection a. of this section. No
23 moneys deposited in the fund shall be used for any purpose other
24 than the sterilization of cats or dogs.

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

29

30 2. Section 2 of P.L.1941, c.151 (C.4:19-15.2) is amended to read
31 as follows:

32 2. Any person who shall own, keep or harbor a dog of licensing
33 age shall annually or every ~~third~~ second year, in accordance with
34 a ~~3-year~~ two-year dog license or renewal thereof issued under
35 subsection b. of section 12 of ~~this act (C. 4:19-15.12b)~~ P.L.1941,
36 c.151 (C.4:19-15.12), apply for [and] a license and official metal
37 registration tag for each dog owned, kept or harbored by the
38 person. The person shall procure the license and registration tag
39 from the clerk of the municipality or other official designated by the
40 governing body thereof to license dogs in the municipality in which
41 [he] the person applying for the license and registration tag resides,
42 [a license and official metal registration tag for each such dog so
43 owned, kept or harbored,] and shall place upon each [such] dog a
44 collar or harness with the registration tag securely fastened thereto.
45 (cf: P.L.1982, c. 203, s. 1)

46

47 3. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read

1 as follows:

2 3. The person applying for the license and registration tag shall
3 pay the fee fixed or authorized to be fixed in section 12 of this act,
4 and the sum of ~~[\$1.00]~~ \$10 for a one-year registration tag or
5 ~~[\$3.00]~~ \$20 for a ~~[three-year]~~ two-year registration tag for each
6 dog; and for each renewal, the fee for the license and for the
7 registration tag shall be the same as for the original license and tag;
8 and said licenses, registration tags and renewals thereof shall expire
9 no later than June 30 in the year stated on the license; except that
10 this expiration date shall not require a municipality to alter its
11 schedule for administering rabies inoculations to any dog to be
12 licensed and registered; nor shall this expiration date require a
13 municipality to alter its schedule for renewing licenses and
14 registration tags, provided that the registration period precedes June
15 30. The governing body of a municipality may stagger the
16 expiration of such annual licenses so long as all expirations occur
17 no later than June 30 in the calendar year stated on the license. Any
18 three-year license issued prior to the July 1 following the effective
19 date of P.L. , c. (C.) (now before the Legislature as this
20 bill) shall remain valid until the conclusion of the three-year period
21 for which the license was issued, and thereafter shall be renewed as
22 a two-year license, provided that the documentation required
23 pursuant to this section has been provided.

24 Only one license and registration tag shall be required in any
25 licensing year for any dog owned in New Jersey, and ~~[such]~~ the
26 license and tag shall be accepted by all municipalities as evidence
27 of compliance with this section.

28 Dogs used as guides for blind persons and commonly known as
29 "seeing-eye" dogs, dogs used to assist handicapped persons and
30 commonly known as "service dogs," or dogs used to assist deaf
31 persons and commonly known as "hearing ear" dogs shall be
32 licensed and registered as other dogs hereinabove provided for,
33 except that the owner or keeper of such dog shall not be required to
34 pay any fee therefor.

35 Any person applying for a license and registration tag pursuant
36 to this section shall provide documentation from a licensed
37 veterinarian indicating that the dog has been spayed, neutered, or
38 sterilized or, if appropriate, that the dog has not been spayed,
39 neutered, or sterilized because to do so would be detrimental to the
40 health of the dog or because the dog is too young to be sterilized
41 properly. Any person not providing that documentation shall be
42 required to pay an additional fee pursuant to section 1 of P.L.1983,
43 c.172 (C.4:19-15.3b) and may not apply for a two-year registration
44 tag or license.

45 License forms and uniform official metal registration tags
46 designed by the State Department of Health shall be furnished by
47 the municipality and shall be numbered serially and shall bear the

1 year of issuance and the name of the municipality.
2 (cf: P.L.1996, c.113, s.1)

3

4 4. Section 1 of P.L.1983, c.172 (C.4:19-15.3b) is amended to
5 read as follows:

6 a. In addition to the fee charged pursuant to section 3 of
7 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
8 Health and Senior Services pursuant to section 11 of P.L.1941,
9 c.151 (C.4:19-15.11), any person applying for the license and
10 registration tag pursuant to section 2 of P.L.1941, **[c.151 (C.**
11 **4:19-15.2)]** c.151 (C.4:19-15.2) shall pay a fee of **[\$3.00]** \$20 for
12 any dog of reproductive age which has not had its reproductive
13 capacity permanently altered through sterilization.

14 b. **[All]** One fourth of the fees collected pursuant to the
15 provisions of this section and section **[5** of this amendatory and
16 supplementary act] 4 of P.L.1983, c.172 (C.4:19A-3) shall be
17 forwarded to the State Treasurer, for deposit in the "Animal
18 Population Control Fund" **[created pursuant to section 7 of this act]**
19 established in subsection b. of section 6 of P.L.1983, c.172
20 (C.4:19A-5). Three fourths of the fees collected pursuant to the
21 provisions of this section shall be forwarded to the State Treasurer
22 for deposit in the "Cat and Dog Sterilization Fund," established
23 pursuant to subsection c. of section 1 of P.L. , c. (C.)**(now**
24 **pending before the Legislature as this bill).**
25 (cf: P.L.1983, c.172, s.1)

26

27 5. Section 11 of P.L.1941, c.151 (C.4:19-15.11) is amended to
28 read as follows:

29 11. **[License fees and other moneys]** Half of the license fee
30 fixed or authorized to be fixed in section 12 of P.L.1941, c.151
31 (C.4:19-15.12) and collected or received under the provisions of
32 **[sections 3, 8, 9 and 16 of this act]** section 3 of P.L.1941, c.151
33 (C.4:19-15.3), and the license fees and other moneys collected or
34 received under the provisions of sections 3, 8, 9 and 16 of P.L.1941,
35 c.151, except registration tag fees, shall be forwarded to the
36 treasurer of the municipality within 30 days after collection or
37 receipt and shall be placed in a special account separate from any of
38 the other accounts of the municipality and shall be used for the
39 following purposes only; for collecting, keeping and disposing of
40 dogs liable to seizure under **[this act]** P.L.1983, c.172 or under
41 local dog control ordinances; for local prevention and control of
42 rabies; for providing antirabic treatment under the direction of the
43 local board of health for any person known or suspected to have
44 been exposed to rabies, for payment of damage to or losses of
45 poultry and domestic animals, except dogs and cats, caused by a
46 dog or dogs and for administering the provisions of **[this act]**
47 P.L.1983, c.172. Any unexpended balance remaining in such

1 special account shall be retained therein until the end of the third
 2 fiscal year following and may be used for any of the purposes set
 3 forth in this section. At the end of the **【said】** third fiscal year
 4 following, and at the end of each fiscal year thereafter, there shall
 5 be transferred from such special account to the general funds of the
 6 municipality any amount then in such account which is in excess of
 7 the total amount paid into **【said】**the special account during the last
 8 2 fiscal years next preceding.

9 Half of the license fee fixed or authorized to be fixed in section
 10 12 of P.L.1941, c.151 (C.4:19-15.12) and collected or received
 11 under the provisions of section 3 of P.L.1941, c.151 (C.4:19-15.3)
 12 shall be forwarded to the State Treasurer for deposit in the "Cat and
 13 Dog Sterilization Fund," established pursuant to section 1 of
 14 P.L. , c. (C.) (now pending before the Legislature as this
 15 bill).

16 The registration tag fee for each dog shall be forwarded within
 17 30 days after collection by the clerk or other official designated to
 18 license dogs to the **【State】** Department of Health **【which】** and
 19 Senior Services. The department shall forward **【said】** the sum to
 20 the State Treasurer who shall place all such moneys in a special
 21 account for use only by the **【State】** Department of Health and
 22 Senior Services in administering **【this act】** P.L.1983, c.172 and for
 23 the prevention and control of rabies throughout the State, and such
 24 account is hereby declared to be a trust fund not subject to
 25 legislative appropriation. At the end of the third fiscal year
 26 following the adoption of **【this act】** P.L.1983, c.172 and at the end
 27 of each fiscal year thereafter, there shall be withdrawn from this
 28 trust fund and transferred to the general funds of the State any
 29 amount then in such fund which is in excess of the total amount
 30 paid into such fund during the last **【2】** two fiscal years next
 31 preceding.

32 (cf: P.L.1981, c.235, s.3)

33

34 6. Section 12 of P.L.1941, c.151 (C.4:19-15.12) is amended to
 35 read as follows:

36 12. a. **【The governing body of each municipality may, by**
 37 **ordinance, fix the sum to be paid annually for a dog license and**
 38 **each renewal thereof, as required by section 3 of this act, which**
 39 **sum shall be not less than \$1.50 nor more than \$7.00; provided**
 40 **however, that the governing body may by ordinance, provide for a**
 41 **reduction or waiver of the sum to be paid by an owner who presents**
 42 **a certificate signed by a licensed veterinarian stating that the dog**
 43 **has been spayed or neutered. In the absence of any local ordinance,**
 44 **the fee for all dog licenses shall be \$1.50.】** The fee for any annual
 45 dog license or renewal thereof, as required by section 3 of
 46 P.L.1941, c.151 (C.4:19-15.3), shall be \$10.

47 b. **【The】** If the governing body of **【each】** a municipality **【,** may,

1 by ordinance, fix the sum to be paid for a 3-year] offers a two-year
2 dog license [and each] or a renewal thereof, [which sum shall be
3 not more than 3 times the sum charged for an annual license under
4 subsection a. of this section. In the absence of such a local
5 ordinance,] the fee for the two-year license [fee for a 3-year dog
6 license] , or a renewal thereof, shall be [\$4.50.] \$20. No two-year
7 dog license shall be issued except for a dog that has been spayed,
8 neutered, or sterilized and for whom the documentation required
9 pursuant to section 3 of P.L.1941, c.151 (C.4:19-15.3) is submitted
10 at the time of application for the license and registration tag, or
11 renewal thereof. The Department of Health and Senior Services
12 shall [promulgate] adopt appropriate rules and regulations
13 concerning veterinarians' certificates for rabies inoculations of dogs
14 for [3-year] two-year periods in connection with licenses issued
15 under this subsection.

16 (cf: P.L.1978, c.168, s.1)

17

18 7. This act shall take effect on July 1 following enactment.

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STATEMENT

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23 This bill provides that no cat or dog can be released from a
24 shelter or pound in the State unless it has been sterilized, except if
25 an owner of a cat or dog who is reclaiming the cat or dog submits
26 an exemption application to the shelter or pound with the
27 documentation required under the bill or, after submitting an
28 exemption application, the owner submits the required
29 documentation as provided under the bill. The required
30 documentation is one of the following:

31 1) documentation that the cat or dog has been shown in the past
32 12 months and is registered as an American Kennel Club or Cat
33 Fanciers Association show animal, or a show animal of any
34 successor organization recognized as a successor organization to
35 either of these organizations by the Department of Health and
36 Senior Services;

37 2) documentation from a licensed veterinarian that sterilizing the
38 cat or dog would be detrimental to the health of the cat or dog, or
39 that the cat or dog is too young to be sterilized properly;

40 3) documentation of the American Kennel Club or Cat Fanciers
41 Association requirements that are inconsistent with the sterilization
42 of the cat or dog, or such documentation from any successor
43 organization recognized as a successor organization to either of
44 these organizations by the Department of Health and Senior
45 Services; or

46 4) documentation that the owner is a professional licensed
47 breeder registered with the American Kennel Club or Cat Fanciers

1 Association, or any successor organization recognized as a
2 successor organization to either of these organizations by the
3 Department of Health and Senior Services.

4 If the required documentation is not provided, the cat or dog
5 shall be sterilized before it is reclaimed or adopted. The bill also
6 provides that the shelter or pound is not required to sterilize a cat or
7 dog unless it is being reclaimed, adopted, or otherwise released
8 from the custody of the shelter or pound.

9 Under the bill, if the owner does not have the required
10 documentation at the time of reclaiming the cat or dog, the owner
11 may return with the required documentation within three business
12 days after submitting the exemption application, or at such time as
13 otherwise agreed to by the shelter or pound, and reclaim the cat or
14 dog without the cat or dog being sterilized.

15 The bill further provides that no cat or dog received at a shelter
16 or pound that has a registration, license or any other type of
17 identification tag shall be sterilized until the cat or dog has not been
18 claimed after being at the shelter or pound for seven business days.
19 If the seven business days elapse between the date that the owner of
20 the cat or dog has submitted an exemption application without the
21 required documentation and the date on which the owner returns
22 with the required documentation, the cat or dog shall not be
23 sterilized until the other provisions of the bill have been complied
24 with. The bill also requires that the shelter or pound notify any
25 owner seeking to reclaim a cat or dog of the requirements and
26 provisions of this bill, in writing and at the time that the owner first
27 seeks to reclaim the cat or dog.

28 The bill also establishes the "Cat and Dog Sterilization Fund," to
29 be administered by the Department of Health and Senior Services
30 for the purposes of funding the sterilizations required under the bill.
31 The bill decreases the three-year license for dogs to two years, and
32 further provides that only sterilized dogs or dogs that cannot be
33 sterilized because of their age or because it would be detrimental to
34 the dog's health may be issued two-year licenses.

35 The bill authorizes the Department of Health and Senior Services
36 to adopt any rules or regulations necessary to implement these
37 provisions and requirements.

38 Finally, the bill increases the fees that are charged for dog
39 unsterilized dogs and dog licenses, and directs the amount of the
40 increase to be deposited in the "Cat and Dog Sterilization Fund."
41 More specifically, the bill requires one fourth of the \$20 surcharge
42 for an unsterilized dog and half of a dog license fee to be deposited
43 in the fund. The bill increases the surcharge for an unsterilized dog
44 from \$3 to \$20, eliminates the range for dog licenses fees
45 established by municipal ordinance provided under current law, and
46 increases the dog license fee to \$10, whether set by ordinance or if
47 no ordinance exists. The effect of these increases is that licensing
48 an unsterilized dog would cost \$30 per year and the license would

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1 have to be applied for each year, and the license for a sterilized dog
2 would be \$10 per year and could be applied for every two years,
3 instead of each year. The two-year renewal license is in sync with
4 the current veterinarian recommendation that dogs be vaccinated
5 for rabies every two years.