

## CHAPTER 23A

**ANIMAL FACILITY OPERATION; ANIMAL CONTROL OFFICER AND ANIMAL CRUELTY INVESTIGATOR CERTIFICATION; PILOT SPAYING AND NEUTERING CLINIC FEES; AND RABIES INOCULATION****Authority**

N.J.S.A. 4:19-15.1 et seq., particularly 15.2a, 15.14, and 15.16a; and 4:19A-1 et seq., particularly 4:19A-2, 8 and 11.

**Source and Effective Date**

R.2007 d.98, effective March 13, 2007.  
See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 23A, Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation, expires on March 13, 2014. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was originally codified in N.J.A.C. 8:23 as Subchapter 3, Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds, Subchapter 5, Animal Control Officer Certification, and Subchapter 6, Pilot Low Cost Spaying and Neutering Clinic Surgery Fees. Subchapter 3 was filed and became effective prior to September 1, 1969. Subchapter 5 was adopted as R.1984 d.575, effective December 17, 1984. See: 16 N.J.R. 2725(a), 16 N.J.R. 3432(b). Subchapter 6 was adopted as R.1993 d.568, effective November 15, 1993. See: 25 N.J.R. 3116(a), 25 N.J.R. 5148(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds, Subchapter 5, Animal Control Officer Certification, and Subchapter 6, Pilot Low Cost Spaying and Neutering Clinic Certification, were readopted as R.1995, d.24, effective December 13, 1994, and were recodified as N.J.A.C. 8:23A by R.1995 d.24, effective January 17, 1995. See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b). Pursuant to Executive Order No. 66(1978), Chapter 23A expired on December 13, 1999.

Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was adopted as new rules by R.2000 d.122, effective March 20, 2000. See: 31 N.J.R. 3025(a), 32 N.J.R. 1053(a).

In accordance with N.J.S.A. 52:14B-5.1c, the expiration date of Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was extended to September 16, 2005. See: 37 N.J.R. 1392(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was extended by gubernatorial directive from September 16, 2005 to September 15, 2006. See: 37 N.J.R. 4019(b).

Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was readopted as R.2007 d.98, effective March 13, 2007. As a part of R.2007 d.98, Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees was renamed Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation, and Subchapter 5, Penalty for Violation, was adopted as new rules, effective April 16, 2007. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. SANITARY OPERATION OF KENNELS, PET SHOPS, SHELTERS AND POUNDS

**8:23A-1.1 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Adult dog or cat” means a dog or cat over the age of seven months or which possesses a set of permanent teeth.

“Animal” means any animal subject to rabies or other diseases of dogs.

“Boarding” is the act of providing food and shelter to dogs, regardless of whether it involves an overnight stay, for a fee, at the request of the owner or caretaker.

“Department” means the Department of Health and Senior Services.

“Disinfection” is any process, chemical or physical, by means of which pathogenic agents or disease producing microbes are destroyed, but not necessarily resistant bacterial spores.

“Euthanasia” is the act of inducing painless death.

“Facility” means any kennel, pet shop, shelter or pound subject to N.J.S.A. 4:19-15.1 et seq. and this chapter.

“Impervious surface” means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, which will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.

“Infectious and Zoonotic Disease Program” or “IZDP” means the Infectious and Zoonotic Disease Program of the Communicable Disease Service of the Division of Epidemiology, Environmental and Occupational Health in the Public Health Protection and Emergency Preparedness Branch of the Department of Health and Senior Services. The mailing address of the IZDP is PO Box 369, Trenton, NJ 08625-0369.

“Kennel” means any establishment wherein or whereupon 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 means every person having a right of property in that dog and every person who has that dog in his or her keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, means every person having a right of property in that animal and every person who has that animal in his or her keeping.

“Pet shop” means 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.

“Potable water” means water suitable for human consumption.

“Pound” means any establishment of the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4:19-15.16 or otherwise.

“Primary enclosure” means any structure used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage or compartment.

“Shelter” means any establishment where dogs or other animals are received, housed and distributed.

New Rule, R.1995 d.24, effective January 17, 1995.

See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

Amended by R.2007 d.98, effective April 16, 2007.

See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

In introductory sentence, substituted a colon for a period at the end; and added definitions “Boarding”, “Department”, “Facility” and “Infectious and Zoonotic Disease Program”.

### 8:23A-1.2 Compliance

(a) Kennels, pet shops, shelters and pounds shall comply with the provisions of these rules in the maintenance and care of all animals subject to rabies and other diseases of dogs, as well as rules, regulations and ordinances enacted by the appropriate agency or governing body of the municipality wherein they are located.

(b) A certificate of inspection, issued for the current licensing year by the local health authority indicating compliance with these rules, shall be prominently displayed at the facility in an area visible to the public. The telephone number of the inspecting local health authority shall be on the certificate.

(c) Any facility constructed or renovated after January 17, 1995 shall first undergo plan review and approval by the local health authority. This review shall be completed within 60 days by the local health authority.

(d) Facilities shall show evidence of satisfactory inspection on a yearly basis by local fire officials.

Amended by R.1995 d.24, effective January 17, 1995.

See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

### 8:23A-1.3 Facilities (general)

(a) Housing facilities for animals shall be maintained in good repair, to protect the animals from injury, to contain the animals, to restrict the entrance of other animals; and location, construction, arrangement and operation shall not constitute a nuisance.

(b) Reliable and adequate electric power, if required to comply with other provisions of these rules, and adequate potable water shall be available. Facilities not receiving water from a municipal water supply system shall test their water annually, or more frequently if required by any applicable standard, in order to be proven free of coliform bacteria. One copy of the water test results shall be kept on file and made available to the State or local health department at the time of facility inspection; another copy shall be sent to the local health department.

(c) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be provided and operated as to control vermin infestation, odors and disease hazards. In facilities

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**Source and Effective Date**

R.2007 d.98, effective March 13, 2007.  
See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

**Chapter Expiration Date**

Chapter 23A, Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation, expires on March 13, 2012.

**Chapter Historical Note**

Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was originally codified in N.J.A.C. 8:23 as Subchapter 3, Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds, Subchapter 5, Animal Control Officer Certification, and Subchapter 6, Pilot Low Cost Spaying and Neutering Clinic Surgery Fees. Subchapter 3 was filed and became effective prior to September 1, 1969. Subchapter 5 was adopted as R.1984 d.575, effective December 17, 1984. See: 16 N.J.R. 2725(a), 16 N.J.R. 3432(b). Subchapter 6 was adopted as R.1993 d.568, effective November 15, 1993. See: 25 N.J.R. 3116(a), 25 N.J.R. 5148(b).

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(b) Reliable and adequate electric power, if required to comply with other provisions of these rules, and adequate potable water shall be available. Facilities not receiving water from a municipal water supply system shall test their water annually, or more frequently if required by any applicable standard, in order to be proven free of coliform bacteria. One copy of the water test results shall be kept on file and made available to the State or local health department at the time of facility inspection; another copy shall be sent to the local health department.

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(d) Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be provided and operated as to control vermin infestation, odors and disease hazards. In facilities

having no refrigeration in which to store carcasses, carcasses shall be removed from the premises within 12 hours, in ambient temperatures of 45 degrees Fahrenheit and above. Carcasses being stored on the premises shall be placed in tightly closed containers to prevent the entry of insects, vermin or other animals.

(e) Facilities, such as washroom, basins or sinks, shall be provided in the facility to maintain cleanliness among animal caretakers; hot and cold water, soap, and towels shall be provided. Toilet facilities shall be provided in the facility or nearby on the premises and shall be kept clean and in good repair.

(f) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in these rules and regulations. Premises shall remain free of accumulations of trash and the overgrowth of vegetation up to the property line or within 20 feet of the facility. Insects, ectoparasites, and avian and mammalian pests shall be controlled effectively.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

#### 8:23A-1.4 Facilities (indoor)

(a) Indoor animal facilities shall be provided for all pet shops, shelters and pounds. Kennels must also have indoor facilities, except for animals which the supervising veterinarian certifies are acclimated to the climatic conditions in New Jersey.

(b) Indoor housing facilities for animals shall be sufficiently heated when necessary to protect the animals from cold, and to provide for their health and comfort. Adequate heat shall mean enough heat necessary to prevent physical damage to an animal from hypothermia. The animals' age, physical condition and hair coat shall be taken into consideration. The temperature at the height level of the animals shall not be allowed to fall below 55 degrees Fahrenheit in any indoor primary enclosures where animals are housed.

(c) Indoor housing facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher. Windows and doors used for ventilation (except for guillotine doors) shall be screened to control the entrance of insects.

(d) Indoor housing facilities for animals shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly-distributed illumination of sufficient light intensity to permit

routine inspection and cleaning during the entire working period.

(e) Primary enclosures shall be so placed as to protect the animals from excessive illumination, including natural sunlight.

(f) The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.

(g) A suitable method shall be provided to eliminate excess water from indoor housing facilities. Drains, when used, shall be properly constructed and kept in good repair to avoid foul odors and back-up therefrom. Facilities which are not connected to a municipal sewerage system shall have a system for the disposal of animal excrement that meets all applicable standards.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

#### 8:23A-1.5 Facilities (outdoor)

(a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals kept outdoors to protect themselves from the direct rays of the sun.

(b) Whenever animals are kept outdoors, they shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) In kennels where animals are housed exclusively outdoors, adequate shelter from the weather shall be provided at all times. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the atmospheric temperature falls below 40 degrees Fahrenheit. Each shelter shall be provided with a windbreak at its entrance.

(d) A suitable method shall be provided to drain surface water rapidly.

(e) Surfaces of outdoor enclosures of pet shops, shelters, pounds and boarding kennels shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned and disinfected; run off from outdoor enclosures shall be disposed of, in accordance with N.J.A.C. 8:23A-1.4(g).

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

#### 8:23A-1.6 Primary enclosures

(a) Primary enclosures shall be structurally sound and maintained in good repair so as to:

1. Contain the animals;
2. Protect animals from injury;

3. Keep predators out;
4. Enable animals to remain dry and clean;
5. Permit animals convenient access to food and water as required in these rules;
6. Provide sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position; and
7. Have no sharp points or edges accessible to the animals that could cause injury.

(b) In addition to the other provisions of this section each dog in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, expressed in square feet.

(c) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

1. Females shall not be housed in the same primary enclosure with sexually intact males, except for breeding purposes, unless otherwise requested by the owner;
2. Any animal exhibiting a vicious disposition shall be housed individually in a primary enclosure;
3. Immature animals shall not be housed in the same primary enclosure with adults other than their mothers, except when permanently maintained in breeding colonies; and
4. Animals of different species shall not be housed in the same primary enclosures.

(d) Animals shall not be placed in empty primary enclosures previously inhabited by other animals unless the enclosure has first been cleaned and disinfected.

(e) Animals showing signs of contagious illness shall be removed from rooms and enclosures containing healthy animals and housed in a separate isolation room, in accordance with N.J.A.C. 8:23A-1.9(b) through (f).

(f) The floors of primary enclosures shall be constructed so as to protect the animals' feet and legs from injury. Enclosures may have grid-type flooring, provided that the grid material is of adequate gauge to prevent sagging under the weight of the animals and that the mesh is small enough to prevent their feet from passing through or to cause cutting injuries to the foot pads.

(g) Each adult cat housed in a primary enclosure for longer than 15 days shall be provided a minimum of seven cubic feet of cage space. A receptacle containing sufficient litter shall be provided to contain excreta.

(h) Adult dogs confined in cages of less than double the minimum standard size as stated in (c) above shall be exercised in runs at least twice a day or walked on a leash for at least 20 minutes per day.

(i) Suspect rabid animals shall be held in caging that is impermeable to the dissemination of saliva to animals housed on either side of it, with a warning sign prominently posted on the enclosure.

(j) Animals shall not be tied to fences or cages in lieu of being housed in primary enclosures.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

### 8:23A-1.7 Feeding and watering

(a) Animals shall be fed at least once each day except as otherwise might be required to provide adequate care. Food from the previous day shall be discarded and fresh food supplied daily except when self-feeders are used, as described in (g) below.

(b) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the animals.

(c) Immature animals shall be fed in accordance with generally accepted procedures; those animals under three months of age shall be fed three times daily; those three to six months of age shall be fed twice daily.

(d) Containers of food shall be accessible to animals and shall be located so as to minimize contamination by excreta.

(e) Feeding pans shall be durable, cleaned and disinfected daily.

(f) Disposable food receptacles may be used but must be discarded after each feeding.

(g) Self-feeders may be used for the feeding of dry food and they shall be cleaned regularly to prevent molding, deterioration or caking of feed.

(h) Potable water must be accessible to animals at all times unless contraindicated by the supervising veterinarian. Receptacles for such purposes shall be cleaned daily.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

### 8:23A-1.8 Sanitation

(a) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to control disease hazards and odors. When cleaning, any animal contained therein shall be removed from such enclosures during the cleaning process, and adequate measures shall be taken to protect the animals in

other such enclosures from being contaminated with water and other wastes.

(b) Primary enclosures for animals shall be physically cleaned often enough to prevent an accumulation of debris or excreta and to reduce to a practical minimum, agents injurious to the health of animals or humans.

(c) Cages, floors, and hard surfaced pens or runs shall be disinfected at least once per day by washing them with hot water (180 degrees Fahrenheit) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam.

(d) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and disease, to facilitate the prescribed sanitary practices as set forth in these rules, and to prevent nuisances.

(e) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

#### 8:23A-1.9 Disease control

(a) Facilities subject to this subchapter as provided in N.J.A.C. 8:23A-1.2 shall establish and maintain a program of disease control and adequate health care (program) under the supervision and assistance of a doctor of veterinary medicine.

1. The program shall address the physical and psychological well-being of animals at the facility, including stress-induced behaviors, such as repetitious behavior or vocalizations, from auditory, visual, and olfactory stimuli.

(b) The supervising veterinarian shall annually sign and date a form provided by the IZDP indicating that such a program is in effect at the facility.

1. The facility shall post this form in the facility in an area clearly visible to the public.

(c) The supervising veterinarian shall notify the local health department with jurisdiction over the licensed animal facility and the IZDP in the event that the program is not being followed.

(d) Each animal shall be observed daily by the animal caretaker in charge, or by someone under his or her direct supervision for clinical signs of communicable disease or stress.

1. Sick, diseased, injured or lame animals shall be provided with at least prompt, basic veterinary care (that is, to alleviate pain and suffering) or euthanized, unless such action is inconsistent with the purposes for which the animal was obtained and is being held; provided, however, that this provision shall not affect compliance with N.J.S.A.

4:19-15.16, which requires all stray animals to be held for seven days.

2. Animals displaying signs of stress shall be provided with relief pursuant to the disease control and health care program, as delineated in (a) above.

i. Environmental stress can be mediated through reducing the negative impact of excess noise, smells, visual stimuli, and perceived threats; socialization; exercise; increased privacy; and providing comfort, such as soft bedding.

(e) Euthanized animals that have bitten a human within 10 days previous to euthanasia shall be examined for rabies at the Public Health and Environmental Laboratories of the Department.

(f) Any animal under confinement for, or with signs of, a communicable disease shall be separated from other healthy animals and placed in an isolation area in order to minimize dissemination of such disease.

1. Caretakers shall wash their hands after handling these animals and follow procedures to control the dissemination of disease as recommended by the supervising veterinarian.

(g) In facilities constructed or renovated after January 17, 1995, the isolation area shall be a separate room (with ceiling to floor walls and door) from the holding area of the general animal population, not to be used for any purposes other than the segregation of animals with signs of communicable disease.

(h) In facilities constructed or renovated after January 17, 1995, the isolation area shall have an exhaust fan or system which creates air movement from the isolation area to an area outside the premises of the facility.

1. Removal of exhaust air from the isolation area may be accomplished by the use of existing heating and air conditioning ducts provided that no exhaust air from the isolation area is permitted to enter or mix with fresh air for use by the general animal population.

(i) Cleaning utensils for the isolation area shall be separate from those used for cleaning the general animal population area; such utensils shall either be washed separately from, or after, those used for the general population.

(j) The contracting veterinarian supervising the facility's disease control programs shall report the diagnosis of zoonotic diseases in animals at the facility to the Health Officer of the local health department.

(k) Any person operating or employed at a kennel, pet shop, shelter, or pound who observes an animal that he or she suspects of being rabid, shall at once notify by telephone the local health department or the IZDP at (609) 588-3121 and segregate such animal.

(l) Dogs, ferrets and cats suspected of having rabies shall be held for 10 days, unless examined by a veterinarian, or, shall be humanely euthanized and tested for rabies, provided that this does not affect compliance with N.J.S.A. 4:19-15.16.

1. Other animals shall be handled in accordance with recommendations of the IZDP.

(m) From time to time, the IZDP may issue fact sheets addressing specific zoonotic diseases to local health departments.

1. Each local health department shall provide copies of the fact sheets to persons operating kennels, pet shops, shelters and pounds within the local health department's jurisdiction.

2. Persons operating kennels, pet shops, shelters and pounds shall provide, and shall arrange for their employees to provide, these fact sheets to persons adopting or purchasing animals identified in the fact sheets.

3. Such operators may obtain additional copies of the fact sheets at no cost to them by writing to the IZDP.

(n) If the Department has confirmed or has reason to suspect the existence of a zoonotic or other communicable disease that would be harmful to human or animal health in any of the animals housed in a facility, the Department or the local health agency may order the quarantine of those animals and any other animals deemed susceptible or exposed to those animals, either at the facility or other site by the Health Officer, for as long as it is determined that a risk of transmission to humans or other animals exists.

Amended by R.1995 d.24, effective January 17, 1995.

See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

Amended by R.2007 d.98, effective April 16, 2007.

See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

Rewrote the section.

#### 8:23A-1.10 Holding and receiving of animals

(a) Facilities subject to the requirements of this subchapter shall undertake at least the following steps to protect the public from rabies infection, as applicable to the particular type of facility:

1. Impounded animals must be kept alive for seven days to give opportunity for rabies disease surveillance and opportunity for owners to reclaim.

2. Unowned or surrendered dogs, cats or ferrets which have bitten a human shall be either held for rabies observation for 10 days following the bite or euthanized for laboratory examination for rabies, provided that this shall not affect compliance with N.J.S.A. 4:19-15.16.

3. Other biting animals should be euthanized for rabies examination; if unowned, they shall be euthanized upon recommendations of the State or local health department.

4. The specimen to be submitted for laboratory examination is the head of a small animal such as a dog or cat, the brain of a large animal such as a horse, cow or sheep, or an entire bat. The specimen shall be carefully packaged so as to maintain refrigeration temperatures during delivery and to prevent the leakage of any body fluids to the exterior of the package. The specimen should be delivered by messenger to the State Department of Health and Senior Services Laboratory.

5. Shelters and pounds shall not euthanize animals brought in for elective euthanasia unless the person in charge of the facility has determined the animal is not a stray, and that the person requesting the animal's euthanasia is the owner of the animal or a representative of the owner, and the animal has not bitten a human within 10 days or evidenced other aggressive tendencies compatible with symptoms suspicious of rabies.

i. The facility shall require the owner or owner's representative to present a valid form of identification including the following: driver's license, passport, voter registration, green card, school identification, county identification, State identification, or government-issued photo identification.

ii. The facility shall require an owner's representative to present a written authorization of the owner for the surrender and euthanization of the animal, which document the facility shall retain in accordance with the procedure, and for the period, established at N.J.A.C. 8:23A-1.13.

iii. If a surrendered animal has bitten a human being within the 10 days preceding the surrender and the facility euthanizes the animal, the facility shall notify the local health agency and shall deliver the appropriate specimen to the laboratory.

iv. If a surrendered animal has bitten a human being within the 10 days preceding the surrender and the facility does not euthanize the animal, the facility shall notify the local health agency and shall confine the animal for rabies observation for 10 days from the date of the bite in accordance with (a)2 above.

v. Shelters and pounds are not required to accept animals for elective euthanasia.

6. The person in charge of the facility shall keep a record of evidence submitted in support of (a)6 above for a period of one year.

(b) Each shelter or pound shall post a sign, which shall be clearly visible from the outside, establishing specific hours during which persons will be permitted to enter the facility to look at animals and intake records for the purpose of seeking animals that are missing.

1. The hours for public access shall be at least two hours each business day Monday through Friday and two hours Saturday or Sunday, excluding legal holidays.

i. Shelters and pounds shall make available to contracting municipalities a telephone number that residents may call to report lost animals or to receive information on found animals, and this telephone number shall be listed on the posted facility sign.

2. The facility shall require a person entering the facility to look at animals or to examine intake records pursuant to (b) above to identify himself or herself by the presentation of a valid form of identification including the following: driver's license, passport, voter registration, green card, school identification, county identification, state identification, or government-issued photo identification.

3. A person who is searching for his or her missing animal shall furnish to the shelter or pound a written description of his or her animal and a license or other proof of ownership, such as a photograph.

4. Persons entering a facility shall abide by all reasonable security measures required by the shelter or pound to prevent the spread of disease.

5. Shelters and pounds shall establish a procedure for the viewing of confined animals during posted hours in a manner that would prevent the transmission of disease.

6. In the case of claimed dogs that are unlicensed, the facility from which the dog is reclaimed shall forward the name and address of the owner, and a description of the dog, within 30 days to the person or agency designated to enforce the licensing of dogs in the municipality of the dog owner's residence.

7. A pound accepting a stray animal found in a municipality not under contract with that facility shall notify, within 48 hours, the animal control officer of the municipality where the animal was found, as to the species, sex, color, breed, and other identifying features of the animal and shall relinquish the animal to the pound of jurisdiction, if so requested by that pound's manager.

Amended by R.1995 d.24, effective January 17, 1995.

See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

Amended by R.2007 d.98, effective April 16, 2007.

See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

Rewrote the introductory paragraph of (a), (a)5 and (b).

### 8:23A-1.11 Euthanasia

(a) No animal being euthanized shall be allowed to make physical contact with another animal unless pretranquilized to the extent that they are not capable of aggressive actions dangerous to humans or animals.

(b) Where standard methods of restraint are impractical or impossible (such as zoo animals, animals in severe pain from trauma, or animals that are intractable for other reasons) or where manual capture and restraint may cause pain and injury

through struggling and anxiety, the use of immobilizing drugs are acceptable, except neuromuscular blocking agents as determined by N.J.S.A. 4:22-1 et seq.

(c) The acceptable methods of euthanasia include the following:

1. The primary recommended method is an intravenous injection of a barbiturate; however, an intraperitoneal or intracardiac injection may be made where intravenous injection is impractical, as in the very small animal, or in the comatose animal with depressed vascular function. Intracardiac injection is acceptable only when performed on heavily sedated, anesthetized or comatose animals. The use of neuromuscular blocking agents, as determined by N.J.S.A. 4:22-19.3, is prohibited in the animal euthanasia process.

2. Administration of injectable solutions approved for use in dogs and cats.

3. Administration of inhalant anesthetics:

i. Ether, halothane, isoflurane, enflurane, or methoxyflurane may be used. Nitrous oxide shall only be used in conjunction with other inhalant anesthetics.

ii. Acceptable for small animals such as birds, rodents, and young cats and dogs. Not recommended for larger animals.

iii. Precautions shall be taken to protect personnel and other animals from inhalant anesthetic gases. Ether is flammable and explosive. Occupational exposure to inhalant anesthetics constitutes a human health hazard.

4. Intravenous injection of combinations of chloral hydrate, magnesium sulfate and pentobarbital is acceptable for large animals, such as horses.

(d) Methods not acceptable for euthanasia include the following:

1. Hydrogen cyanide gas;

2. Injection of chloral hydrate;

3. Injection of magnesium sulfate;

4. Strychnine in any form;

5. Injection of hydrocyanic acid;

6. Electrocution;

7. Shooting and captive bolt pistol;

8. Drowning;

9. Exsanguination;

10. Decompression chambers;

11. Nitrous oxide, when used as the sole euthanasia agent;

12. Chloroform;

13. Chambers using any gas that is not an anesthetic;  
or

14. Neuromuscular blocking agents.

(e) All persons administering animal euthanasia shall be a New Jersey licensed veterinarian or be certified by a licensed veterinarian in the acceptable euthanasia technique or techniques used at the facility, as delineated in (c) above, in compliance with N.J.A.C. 8:65. Such documentation shall state the euthanasia substances and techniques certified for use therewith, shall be signed by the certifying veterinarian, and shall be kept on file at the facility for inspection by State or local Health authorities.

(f) Facilities where euthanasia is performed shall:

1. Have and maintain the following equipment in working order:

i. A scale or scales sufficient to weigh all animals; and

ii. A stethoscope;

2. Post written instructions in the euthanasia area that include the dosages by weight in pounds of all euthanasia, immobilizing, and tranquilizing agents used at the facility;

3. Weigh all animals prior to administration of euthanasia, immobilizing, or tranquilizing agents.

i. Due to the aggressiveness and significant threat of bodily injury to staff by certain animals, individuals certified to perform euthanasia are allowed to estimate the weight of animals for administration of tranquilizing or immobilizing agents.

ii. Once tranquilized and/or immobilized, individuals certified to perform euthanasia must weigh the animal prior to euthanasia to calculate the proper dosage of euthanasia solution; and

4. Establish and maintain, in accordance with N.J.A.C. 8:23A-1.13, euthanasia records that contain the body weight and dosage of all euthanasia, immobilizing, and tranquilizing agents administered to each animal.

(g) After the administration of euthanasia agents to an animal, the person administering euthanasia shall assess each animal for the absence of a heartbeat by auscultation of the heart utilizing a stethoscope, establishment of the absence of a pulse and respiration, the absence of movement of the eyelid when the cornea is touched (corneal reflex) and checking for presence of maximum dilation of the pupils of the eyes.

1. The person administering euthanasia shall perform these assessments in combination at least five minutes apart until the person can definitively determine that the heart is no longer beating, to ensure that the animal is deceased prior to disposal.

Amended by R.1995 d.24, effective January 17, 1995.

See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

Amended by R.2007 d.98, effective April 16, 2007.

See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

Added (f) and (g).

### 8:23A-1.12 Transportation

(a) Vehicles used in transporting animals shall have a current inspection sticker and be equipped to prevent hazards to the health of the animals being transported and to the driver and all human passengers of the vehicle. The use of portable propane, gas, or oil auxiliary heaters is prohibited in an animal control vehicle. Vehicles shall have the name, address and telephone number of the agency picking up the animals clearly visible on both the driver and passenger sides of the vehicle.

(b) The animal cargo space of all vehicles shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) Primary enclosures used to transport animals, such as compartments or transport cages, cartons or crates, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

1. Each animal in the vehicle has access to sufficient fresh air for normal breathing and ventilation is sufficient to prevent the onset of heat prostration. The temperature within such enclosures shall not be allowed to exceed 85 degrees Fahrenheit or fall below 45 degrees for a period of more than two hours, provided, however, that at no time may an animal be transported for longer than one hour at a temperature of more than 95 degrees Fahrenheit or less than 35 degrees Fahrenheit. Vehicles which are purchased after March 20, 2000 shall be equipped with supplementary air conditioning and heating to maintain the temperature within the enclosures between 85 degrees Fahrenheit and 45 degrees Fahrenheit at all times when animals are in the enclosures. (Four years from the effective date of these rules, all vehicles shall be equipped with supplementary air conditioning and heating to maintain the temperature within the enclosures between 85 degrees Fahrenheit and 45 degrees Fahrenheit at all times when animals are in the enclosures.

2. The opening of such enclosures are easily accessible at all times for emergency removal of the animals.

3. The animals are afforded adequate protection from the elements.

(d) Animals transported in the same primary enclosure shall be maintained in compatible groups, and any animal exhibiting a vicious disposition shall be transported individually in a primary enclosure. Further, any female shall not be transported in the same primary enclosure with any male unless otherwise requested by the owner.

(e) Primary enclosures used to transport animals shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect and to lie in a natural position.

(f) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(g) Primary enclosures used to transport animals shall be maintained in a clean and sanitary condition.

(h) It shall be the responsibility of the attendant or driver to inspect the animals to determine whether they need emergency veterinary care, and if so, to immediately obtain such care from a licensed veterinarian.

(i) Primary enclosures used to house animals temporarily during the transport process (that is, holding facilities) shall meet the standards set forth in N.J.A.C. 8:23A-1.3, 1.5 and 1.7. No animal shall be held for more than 24 hours during transport.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

#### 8:23A-1.13 Records and administration

(a) There shall be kept at each kennel, pet shop, shelter or pound a record of all animals received and/or disposed of. Such record shall state the date each animal was received, description of animal, license number, breed, age and sex; name and address of person from whom acquired; date euthanized and method, or name and address of person to whom sold or otherwise transferred.

(b) These records shall be kept at the premises for 12 months after the date the animal is euthanized or removed from the establishment and shall be available to any agent of the municipal government, the local health department or the State Department of Health and Senior Services.

(c) Except as otherwise provided in this section, no kennel, pet shop, shelter or pound shall, within one year from the making thereof, destroy or dispose of any books, records, documents or other papers required to be maintained under these rules.

(d) The records required to be maintained under these rules shall be held for such period in excess of the one year period specified in (b) above as may be required to comply with any Federal, State or local law. When the local health department or State Department of Health and Senior Services notifies a kennel, pet shop, shelter or pound in writing that specified records shall be retained pending completion of an investigation or proceeding, such facility shall hold such records until their disposition is authorized by the local health department or the State Department of Health and Senior Services.

(e) A licensee shall promptly notify the licensing agency of any change in his or her name and address, or any change in his operations which may affect his or her status.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

## SUBCHAPTER 2. ANIMAL CONTROL OFFICER AND ANIMAL CRUELTY INVESTIGATOR CERTIFICATION

### 8:23A-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Animal Cruelty Investigator” means a person 18 years of age or older who is a Certified Animal Control Officer and has satisfactorily completed a course of study on animal cruelty investigation approved by the Commissioner of Health and Senior Services and the Police Training Commission, in consultation with the New Jersey Animal Control Officers Association.

“Certified Animal Control Officer” means a person 18 years of age or older who has satisfactorily completed a course of study on the control of animals approved by the Commissioner of Health and Senior Services or who has satisfactorily completed the National Animal Control Association Level I and Level II curriculum and has received a minimum passing score of 75 percent on a written examination of New Jersey animal and rabies control laws and rules.

“Certification” means the process whereby an individual who has successfully completed a New Jersey Animal Control Officer or Animal Cruelty Investigator course of study and/or the National Animal Control Association Level I and Level II curriculum and has received a minimum passing score of 75 percent on a written examination of New Jersey animal and rabies control laws and rules, shall be certified by the Commissioner of Health and Senior Services as meeting the training standards as prescribed and is authorized to perform the functions and duties of an animal control officer.

“Police Instructor” means an individual who is employed as a police officer and who is certified by the Police Training Commission to teach at a school approved by the Police Training Commission, as defined by N.J.A.C. 13:1-1.1.

“Special Instructor” means an individual who is not employed as a police officer and who is certified by the Police Training Commission to teach at a school approved by the Police Training Commission, as defined by N.J.A.C. 13:1-1.1.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

**8:23A-2.2 Animal Control Officer course of study**

(a) An Animal Control Officer course of study shall provide a minimum of 45 hours or the equivalent to three credit hours offered by an accredited New Jersey college or university which includes, at a minimum, the following subject areas:

1. New Jersey Statutes and Rules governing rabies and the control of domestic animals, wildlife control, wildlife protection, and enforcement;
2. Animal disease recognition and prevention;
3. First aid for injured animals;
4. Principles and procedures for the capture and handling of stray domestic animals and wildlife;
5. Cruelty documentation, evidence and courtroom procedures;
6. Shelter operations, adoption, and humane euthanasia procedures; and
7. A minimum of 20 hours of infield training under the direction of two Certified Animal Control Officers currently working in that capacity.

**8:23A-2.3 Course approval**

(a) An accredited New Jersey college or university may submit a course outline and description covering the subject areas mentioned in N.J.A.C. 8:23A-2.2 to the IZDP.

(b) Upon review and acceptance of the course outline and description, the Department will issue written approval to the college or university.

Amended by R.1995 d.24, effective January 17, 1995.

See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

Amended by R.2007 d.98, effective April 16, 2007.

See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

In (a), substituted "IZDP" for "Department of Health, Biological Services Trenton, N.J. 08625".

**8:23A-2.4 Animal Control Officer certification**

(a) An individual who successfully completes an Animal Control Officer course of study may apply to the IZDP for certification as an Animal Control Officer.

(b) An individual who satisfactorily completes the National Animal Control Association Level I and Level II curriculum and has received a minimum passing score of 75 percent on a written examination of New Jersey animal and rabies control statutes and rules developed by the Department may apply to the IZDP for certification as an Animal Control Officer.

Amended by R.2007 d.98, effective April 16, 2007.

See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

In (a), substituted "apply" for "make application" and "IZDP" for "State Department of Health and Senior Services, Infectious and Zoonotic Diseases Program, PO Box 369, Trenton, New Jersey 08625-

0369"; in (b), substituted "Control" for "control", "apply" for "make application", and "IZDP" for "New Jersey Department of Health and Senior Services, Infectious and Zoonotic Diseases Program, PO Box 369, Trenton, New Jersey 08625-0369", and deleted "of Health and Senior Services," following "Department".

**8:23A-2.5 Mandatory compliance**

(a) Municipalities shall hire only Certified Animal Control Officers and the only method of certification shall be either through the satisfactory completion of an Animal Control Officer course of study or satisfactory completion of the National Animal Control Association Level I and Level II curriculum and a minimum passing score of 75 percent on a written examination of New Jersey animal and rabies control statutes and rules. Municipalities shall meet this requirement by requiring contracting facilities to provide Certified Animal Control Officers to perform the animal control duties mandated by N.J.S.A. 4:19-15.16.

(b) Only Certified Animal Control Officers who have completed an Animal Cruelty Investigator course of study can be authorized by the municipal governing body to investigate and sign complaints, arrest violators and otherwise act as an officer for detection, apprehension and arrest of offenders against the animal cruelty laws of the State and ordinances of the municipality. An Animal Cruelty Investigator who has completed the training shall not have the authority to act unless authorized by the governing body which is employing the officer or contracting for the officer's services.

**8:23A-2.6 Animal Cruelty Investigator course of study; admission preferences**

(a) An Animal Cruelty Investigator course of study shall provide a minimum of 45 hours or the equivalent of three credit hours offered by an accredited New Jersey college or university, or a school approved by the Police Training Commission pursuant to N.J.A.C. 13:1-3. The curriculum developed by the Department as set forth in (b) below shall be the curriculum for the Animal Cruelty Investigator course of study. A detailed description of the Animal Cruelty Investigator course of study is available from the IZDP.

(b) The course curriculum shall include, at a minimum, the following subject areas:

1. Professional development:
  - i. The role and authority of an Animal Cruelty Investigator; and
  - ii. The primary responsibilities of an Animal Cruelty Investigator.
2. Community relations:
  - i. Understanding minority subcultures;
  - ii. Understanding youth;
  - iii. Crisis intervention; and