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SYNOPSIS
Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs.

CURRENT VERSION OF TEXT
As amended by the General Assembly on June 8, 2017.
AN ACT concerning the necessary care and tethering of certain animals, and supplementing Title 4 of the Revised Statutes, and amending P.L.1941, c.151.

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

1. (New section) As used in this act:
   “Adverse environmental conditions” means (1) when the ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of a dog, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, or hail [such] that a person should reasonably know would pose an adverse risk to the health or safety of a dog, domestic companion animal, or service animal, based on the animal’s size, age, physical condition, or thickness of the animal’s hair or fur; or (2) when the ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement [or any other hot surfaces] that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the animal’s size, age, physical condition, or thickness of the animal’s hair or fur.

“Animal rescue organization” means an animal rescue organization as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

“Animal rescue organization facility” means an animal rescue organization facility as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

“Domestic companion animal” means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal" shall not include "domestic livestock" as defined and designated pursuant to rules and regulations adopted by the Department of Agriculture in subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).

“Kennel” means a kennel as defined in section 1 of P.L.1941,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
1 Senate SBA committee amendments adopted January 30, 2017.
2 Senate floor amendments adopted February 13, 2017.
3 Assembly floor amendments adopted May 22, 2017.
4 Assembly floor amendments adopted June 8, 2017.
“Pet shop” means a pet shop as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

“Pound” means a pound as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

“Proper shelter” means a structure or other type of protection that conforms to the standards and requirements set forth in section 5 of this act, but shall not mean a shelter or a device that is mobile including, but not limited to, a trolley or pulley, in order to restrict the dog’s movement. “Tether” also means the cable, chain, rope, or other similar object used to fasten a dog, as applicable.

“Unattended” means a person is not outdoors in the immediate presence of the dog, domestic companion animal, or service animal that is outdoors, or that and a person is not indoors with the animal.

2. (New section) a. Except as provided in subsections b. and c. of this section, it is unlawful to expose any dog, domestic companion animal, or service animal to adverse environmental conditions for more than 30 minutes, unless the animal has continuous access to proper shelter, as set forth in section 5 of this act.

b. When State or local officials issue an order of evacuation due to weather or other emergency conditions, an owner or other person with custody or control of a dog, domestic companion animal, or service animal shall make every effort to evacuate with the animal, and shall not leave the animal indoors or outdoors while unattended and tethered. If evacuation with the owner or other person with custody or control of the dog, domestic companion animal, or service animal is not an option, the owner or other person with custody or control of the animal shall make every effort to:

(1) deliver the animal to a safe haven not impacted by the emergency, which may include, but is not limited to, a licensed
kennel, shelter, or pound, temporary animal shelter established for
the purposes of the emergency, the residence of a friend, relative, or
other caregiver, or other suitable facility capable of ensuring the
animal’s safety; or
(2) secure the animal in an indoor area that is clear of hazards
and is as protective of the dog, domestic companion animal, or
service animal as possible under the circumstances, and alert local
emergency responders to the animal’s location.
c. The requirements of subsection a. of this section shall not
apply to a dog, domestic companion animal, or service animal if
any person, including the animal’s owner or person with custody
or control of the animal:
(1) is in the presence of the animal and exposed to the same
adverse environmental conditions as the animal at all times that the
animal is exposed to these adverse environmental conditions; and
(2) can see the animal at all times while the animal is exposed to
the adverse environmental conditions, unless the animal’s owner
or person with custody or control of the animal is blind or
visually impaired so that the person cannot see the animal due to the
blindness or visual impairment, in which case the owner or other
person with custody or control of the animal shall remain
immediately adjacent to the animal at all times while the animal and
the animal’s owner or person with custody or control of the
animal are exposed to the adverse environmental conditions.
As used in this subsection, “blind” means a person whose vision
in the person’s better eye with proper correction does not exceed
20/200 or who has a field defect in the person’s better eye with
proper correction which contracts the peripheral field so that the
diameter of the visual field subtends an angle no greater than 20
degrees; and “visually impaired” means having a condition in which
a person has a corrected visual acuity not exceeding 20/70, but not
less than 20/200, in the person's better eye, or in which the
peripheral field of the person's vision has contracted so that the
diameter of the visual field subtends an angle no greater than 40
degrees but no less than 20 degrees.
d. The requirements of subsections a. and b. of this section
shall not apply to any cat living outside with no apparent owner,
commonly referred to as, or considered to be, a feral cat.
e. (1) The owner of a dog, domestic companion animal, or
service animal shall be liable for a violation of subsection a. of this
section that occurs on any property belonging to the owner or on
which the owner resides at the time of the violation, regardless of
whether the owner is present when the violation occurs.
(2) The person with custody or control of a dog, domestic
companion animal, or service animal who is not the owner of the
animal shall be liable for a violation of subsection a. of this section
that occurs on any property belonging to the person with custody or
control of the animal or on which the person with custody or control
of the animal resides at the time of the violation, regardless of
whether the person is present when the violation occurs.

3. (News section) a. It is unlawful for any person to cruelly
restrain a dog.
   b. A person cruelly restrains a dog if the person tethers a dog:
      (1) which is a nursing female, or which is less than four months
      old;
      (2) outdoors between the hours of 11 p.m. and 5 a.m., but this
      paragraph shall not take effect until 18 months after the date on
      which this act takes effect;
      (3) in an unoccupied building or upon vacant property;
      (4) in a manner that does not permit the dog continuous access to
      water in a sanitary and liquid state whenever the dog is tethered for
      more than 30 minutes;
      (5) in a manner that exposes the dog to adverse environmental
      conditions for more than 30 minutes;
      (6) by means of a choke collar, prong collar, head harness, or any
      other type of collar, harness, or similar device other than a properly
      fitted body harness or buckle-type collar;
      (7) by using a chain with metal links that are more than one-
      quarter of an inch thick, or a tether, collar, or harness to which a
      weight is attached;
      (8) with a tether on which more than one dog is restrained;
      (9) with a tether that is less than 15 feet in length or which does
      not permit the dog to walk at least 15 feet in any one direction; or
      (10) with a tether that permits the dog to reach another dog or an
      object or location that poses a risk of entanglement, strangulation,
      drowning, or other harm to the health or safety of the dog,
      including, but not limited to, another dog’s tether or a window silt,
      fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public
      road or highway.
   c. Paragraphs (2), (9), and (10) of subsection b. of this section
   shall not apply if any person, including the dog’s owner or the
   person with custody or control of the dog:
      (1) is in the presence of the dog at all times while the dog is
      tethered, whether indoors or outdoors; and
      (2) can see the dog at all times while the dog is tethered, unless
      the person is blind or visually impaired so that the person cannot see
      the dog due to the blindness or visual impairment, in which case the
      person shall remain immediately adjacent to the dog at all times while the
      dog is tethered.
   As used in this subsection, “blind” means a person whose vision
in the person’s better eye with proper correction does not exceed
20/200 or who has a field defect in the person’s better eye with
proper correction which contracts the peripheral field so that the
diameter of the visual field subtends an angle no greater than 20
degrees; and “visually impaired” means having a condition in which
a person has a corrected visual acuity not exceeding 20/70, but not
less than 20/200, in the person’s better eye, or in which the
peripheral field of the person’s vision has contracted so that the
diameter of the visual field subtends an angle no greater than 40
degrees but no less than 20 degrees.

d. (1) The owner of a dog, domestic companion animal, or
service animal shall be liable for a violation of subsections a. and
b. of this section that occurs on any property belonging to the owner
or on which the owner resides at the time of the violation,
regardless of whether the owner is present when the violation
occurs.

(2) The person with custody or control of a dog who is not the owner of
the animal shall be liable for a violation of subsections a. and
b. of this section that occurs on any property belonging to the
person with custody or control of the animal or on which
the person with custody or control of the animal resides at the time of the violation, regardless of whether the person is present
when the violation occurs.

(3) Paragraph (9) of subsection b. of this section shall not apply
if the dog is indoors and a person is indoors with the dog.

4. (New section) a. It is unlawful to confine a dog, domestic
companion animal, or service animal in any structure, room, area,
or container that does not comply with the standards and
requirements of proper shelter as set forth in section 5 of this act,
except as provided in subsections b. and c. of this section.

b. (1) Notwithstanding the requirements of paragraph (1) of
subsection a. of section 5 of this act, a person may confine a dog,
domestic companion animal, or service animal temporarily in an
animal carrier or crate for the purposes enumerated in paragraph (2)
of this subsection, provided that (a) during transport, the animal is
at all times inside the vehicle being used for transport; and (b)
during confinement in the animal carrier or crate, the animal cannot touch the ceiling of the animal carrier or crate when the
animal is in a normal sitting standing or standing position
in the animal carrier or crate, and the dog, domestic companion
animal, or service animal can easily turn around in a full circle and
lie down on its side with limbs outstretched in the animal
carrier or crate.

(2) A person may confine a dog, domestic companion animal, or
service animal temporarily in an animal carrier or crate for the
purpose of (a) transport; (b) any exhibition, show, contest, or other
temporary event at which the skill, breeding, or stamina of the
animal is judged or examined; or (c) in the case of a dog, any
exhibition, class, training session, or other temporary event at which
the dog is used, or is being trained, to hunt wildlife in a lawful
manner.

(3) Notwithstanding the requirements of paragraph (1) of
subsection a. of section 5 of this act with regard to access to water,
a person may confine a dog, domestic companion animal, or service
animal without providing access to water at all times if the animal is
confined indoors and in the primary living space of the residence of
the owner or other person with custody or control of the
animal.

c. (1) The owner of a dog, domestic companion animal, or
service animal shall be liable for a violation of subsection a. or b. of
this section, as the case may be, that occurs on or in any property
belonging to the owner or on which the owner resides or in any
vehicle belonging to the owner at the time of the violation,
regardless of whether the owner is present when the violation
occurs.

(2) The person with custody or control of a dog, domestic
companion animal, or service animal who is not the owner of the
animal shall be liable for a violation of subsection a. or b. of this
section, as the case may be, that occurs on or in any property
belonging to the person with custody or control of the animal or on
which the person with custody or control of the animal resides or in
any vehicle belonging to the person with custody or control of the
animal at the time of the violation, regardless of whether the person
is present when the violation occurs.

d. Subsection a. of this section shall not apply to:

(1) a facility maintained and used in connection with the
practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or
(2) a licensed kennel, pet shop, shelter, or pound subject to the
rules and regulations adopted pursuant to section 14 of P.L.1941,
c.151 (C.4:19-15.14) pertaining to the sanitary conduct and
operation of kennels, pet shops, shelters, and pounds, which is
operating in compliance with those rules and regulations.

5. (New section) a. Proper shelter for a dog, domestic
companion animal, or service animal shall be a structure or other
type of protection that meets, at a minimum, the following
standards and requirements:

(1) It provides at all times (a) adequate ventilation to allow the
dog, domestic companion animal, or service animal to remain dry
and maintain a normal body temperature, (b) access to water in a
sanitary and liquid state, (c) exposure to natural or artificial light
according to a regular cycle of day and night, (d) sufficient space so
that the dog, domestic companion animal, or service animal can
easily turn around in a full circle and lie down on the animal’s side
with limbs outstretched, and (e) at least three inches of empty
space above the head of the dog, domestic companion animal, or service animal; when the animal is in a normal sitting or standing position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter;

(2) It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding;

(3) It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in good repair with no exposed sharp points or edges;

(4) It remains in an upright position at all times;

(5) In the event of adverse environmental conditions as set forth in paragraph (1) of the definition of that term in section 1 of this act, it is an enclosed structure that has (a) a solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground, and (b) insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the dog, domestic companion animal, or service animal dry and maintain the animal’s normal body temperature; and

(6) In the event of adverse environmental conditions as set forth in paragraph (2) of the definition of that term in section 1 of this act, it provides the dog, domestic companion animal, or service animal with adequate shade or other cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.

b. Any part of the residence of an owner, or other person with custody or control, of a dog, domestic companion animal, or service animal shall be proper shelter for a dog, domestic companion animal, or service animal, provided that the part of the residence, and the use thereof, are in compliance with the requirements for proper shelter set forth in this section.

c. Proper shelter for a dog, domestic companion animal, or service animal shall not include:

(1) a crawl space under a building or a part of a building, such as under steps, a deck, or a stoop;

(2) the space under a vehicle;

(3) the inside of a vehicle if the dog, domestic companion animal, or service animal is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal; or

(4) any structure or protection (a) made from pressure-treated wood which contains the chemicals arsenic or chromium, (b) with a floor consisting of wire or chain-link or having openings through which the paw, hoof, or foot of a dog, domestic companion animal, or service animal, as applicable, can pass, or (c) that is located
outdoors and is made from cardboard or other materials that are
easily degraded by the elements.

6. (New section) a. The Department of Health, in consultation
with the Attorney General, shall:

   (1) provide to each municipality in writing sufficient copies of
   (a) this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language
description of the provisions and requirements thereof; and (c) a
plain language description of how to comply with those provisions
and requirements; and

   (2) post on its website the materials enumerated in paragraph (1)
of this subsection.

   b. Each municipality shall:

      (1) provide the materials enumerated in and provided pursuant to
subsection a. of this section, along with any other information
deemed relevant by the municipality, to each person obtaining a
license for a dog at the time of licensing; and

      (2) post on its website the materials enumerated in and provided
pursuant to subsection a. of this section.

   The municipality may pay any cost incurred by complying with
the requirements of this subsection with fees forwarded to the
treasurer of the municipality pursuant to section 11 of P.L.1941,
c.151 (C.4:19-15.11).

7. (New section) a. Upon a showing of probable cause that
there has been a violation of this act and submission of proof of issuance of a summons,
a court of competent jurisdiction shall issue, upon request,
a written attestation that, pursuant to subsection f. of this section, a correction
warning was previously issued but not complied with or no
correction warning was required, an order to any humane law enforcement officer or
agent of the New Jersey Society for the Prevention of Cruelty to
Animals or county society for the prevention of cruelty to animals,
certified animal control officer, or other State or local law
enforcement officer to enter onto the private property where a dog,
domestic companion animal, or service animal is located and take
physical custody of the animal.

   b. Notwithstanding the provisions of subsection a. of this
section, or any other law, or any rule or regulation adopted pursuant
thereto, to the contrary, any humane law enforcement officer or
agent of the New Jersey Society for the Prevention of Cruelty to
Animals or county society for the prevention of cruelty to animals,
certified animal control officer, or other State or local law
enforcement officer may immediately enter onto private property
where a dog, domestic companion animal, or service animal is
located and take physical custody of the animal, if the officer or
agent has reasonable suspicion to believe that the animal is at risk
of imminent harm due to a violation of this act.
c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered mail, or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.

d. The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian’s written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.

e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.

f. No person shall be cited for a violation of this act unless that person has first been issued a correction warning. A correction warning shall provide notice to the person that the person has seven days to correct the violation and a description of the violation to be corrected. No correction warning shall be required when a humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the
A person shall be issued a correction warning prior to being cited for a violation of this act unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:

1. after the seven days have elapsed from the date a correction warning is issued, no correction has been made;
2. a correction warning for the violation was previously issued but has not been complied with; or
3. the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

If the alleged violator is not the owner of the dog, domestic companion animal, or service animal, the person issuing the correction warning or summons, as applicable, shall also notify the owner of the animal of the violation and provide the owner with a copy of the issued correction warning or summons, as applicable.

Any summons issued for a violation of this act shall contain:
1. a description of the violation and statutory authority; and
2. the penalty for the violation;
3. contact information identifying, at a minimum (a) the name of the investigating agency or office; and (b) the name of the officer or agent issuing the summons or investigating the alleged violation; and (c) a telephone number for the investigating agency or office and the investigating officer or agent;
4. the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;
5. the action or actions required for compliance; and
6. a written demand for immediate compliance.

Any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer issuing a summons for a violation of this act shall also serve on the alleged violator, with the summons, a written notice of:
1. the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;
2. the action or actions required for compliance; and
3. a written demand for immediate compliance.
4. a telephone number for the investigating agency or office and the investigating officer or agent.
control officer, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of this act. Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

A person found guilty of, or liable for, a violation of any provision of this act shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which physical custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited, returned, or euthanized, including, but not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.

8. (New section) a. A violation of section 2, 4, or 5 of this act shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.

b. A person who violates section 3 of this act shall be subject to:

(1) for a first offense, at the discretion of the court, a fine of $100; and

(2) for a second offense, at the discretion of the court, a fine of $200.

For a third or subsequent offense, the offense shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.

c. Beginning on the fourth day after the date of issuance of a summons for a violation pursuant to section 7 of this act, each 30-day period that the owner or other person with custody or control of the dog, domestic companion animal, or service animal is still in possession of the animal and fails to comply with the requirements of this act shall constitute a separate offense.

d. A court may, in its discretion, waive or reduce the amount of any fine imposed for any violation of this act upon the violator demonstrating compliance with this act in the manner as may be prescribed by the court.

9. (New section) No provision of this act, or any rule or regulation adopted pursuant thereto, shall be construed or applied to limit any protection afforded to any dog pursuant to Title 2C of the
New Jersey Statutes or any other provisions of Title 4 of the Revised Statutes, any other federal or State law, or rule or regulation adopted pursuant thereto, or any local ordinance, resolution, rule, or regulation.

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

11. License fees and other moneys collected or received under the provisions of sections 3, 8, 9 and 16 of [this act] P.L.1941, c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except registration tag fees, shall be forwarded to the treasurer of the municipality within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only [;]: for collecting, keeping and disposing of dogs liable to seizure under [this act] P.L.1941, c.151 (C.4:19-15.1 et seq.) or under local dog control ordinances; for local prevention and control of rabies; for providing antirabic treatment under the direction of the local board of health for any person known or suspected to have been exposed to rabies [;]; for payment of damage to or losses of poultry and domestic animals, except dogs and cats, caused by a dog or dogs; for compliance with the requirements of subsection b. of section 6 of P.L. , c. (C. ) (pending before the Legislature as this bill); and for administering the provisions of [this act] P.L.1941, c.151 (C.4:19-15.1 et seq.). Any unexpended balance remaining in [such] the special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the [said] third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from [such] the special account to the general funds of the municipality any amount then in [such] the account which is in excess of the total amount paid into [said] the special account during the last two fiscal years next preceding.

The registration tag fee for each dog shall be forwarded within 30 days after collection by the clerk or other official designated to license dogs to the State Department of Health which department shall forward [said] the sum to the State Treasurer who shall place all such moneys in a special account for use only by the State Department of Health in administering of [this act] P.L.1941, c.151 (C.4:19-15.1 et seq.) and for the prevention and control of rabies throughout the State, and such account is hereby declared to be a trust fund not subject to legislative appropriation. At the end of the third fiscal year following the adoption of [this act] P.L.1941, c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year thereafter, there shall be withdrawn from this trust fund and transferred to the general funds of the State any amount then in
such the trust fund which is in excess of the total amount paid into such the trust fund during the last two fiscal years next preceding. (cf: P.L.1981, c.235, s.3)

11. This act shall take effect immediately.