

ADOPTIONS SECTION

HEALTH

PUBLIC HEALTH SERVICES BRANCH

**DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH
INFECTIOUS AND ZOO NOTIC DISEASE PROGRAM**

Notice of Readoption

**Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator
Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation**

Readoption: N.J.A.C. 8:23A

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

Authorized By: Judith M. Persichilli, RN, BSN, MA, Commissioner, Department of
Health.

Effective Date: October 28, 2021.

New Expiration Date: October 28, 2028.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner
(Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C.
8:23A, Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator
Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation.

In accordance with N.J.S.A. 52:14B-5.1.b, the rules at N.J.A.C. 8:23A, Animal
Facility Operation; Animal Control Officer and Animal Cruelty Investigator Certification;
Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation, were scheduled to
expire on February 11, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244

(2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

N.J.A.C. 8:23A establishes standards for animal facility operations, spaying and neutering of domestic animals, certifying animal control officers, rabies inoculation in domestic animals, and assessing penalties for violation of this chapter. Subchapter 1, Sanitary Operation of Kennels, Pet Shops, Shelters, and Pounds, governs the sanitary requirements of those animal facilities. Subchapter 2, Animal Control Officer and Animal Cruelty Investigator Certification, establishes the qualifications and certification process of animal control officers. Subchapter 3, Pilot Low-Cost Spaying and Neutering Clinic Surgery Fees, sets forth the fees to be charged by the Pilot Low-Cost Sterilization Clinic. Subchapter 4, Rabies Inoculation, provides the inoculation requirements for dog licensure. Subchapter 5, Penalty for Violation, sets forth monetary penalties for violation of this chapter.

The Department is developing a rulemaking to extensively revise and update existing N.J.A.C. 8:23A and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, the COVID-19 pandemic necessitated the reallocation of many Department personnel and resources to pandemic response activities, hindering the Department's efforts to finalize the anticipated rulemaking prior to chapter expiration. Therefore, the Department will not be

able to finalize the anticipated rulemaking prior to the expiration of existing N.J.A.C. 8:23A.

The Commissioner has reviewed N.J.A.C. 8:23A and has determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and should be readopted.

Therefore, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:23A is readopted and shall continue in effect for seven years.