

ASSEMBLY, No. 2746

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 10, 2012

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

SYNOPSIS

The “Healthy Puppies and Kittens Assurance Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning cats and dogs, amending and supplementing
2 P.L.1941, c.151 and P.L.1999, c.336, and amending various parts
3 of statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) This act shall be known and may be cited as
9 the “Healthy Puppies and Kittens Assurance Act.”

10
11 2. (New section) The Legislature finds and declares that since
12 the enactment of the “Pet Purchase Protection Act” in 1999, there
13 has been significant progress in identifying and closing pet shops
14 that habitually purchased and sold sick puppies and kittens; that this
15 success needs to be built upon by expanding the “Pet Purchase
16 Protection Act” to cover all pet dealers because puppy mills and
17 kitten mills continue to exist; that far too many of the puppies and
18 kittens from these disreputable breeding places continue to be sold
19 with seriously impaired health due to the manner in which the
20 puppies or kittens were bred and raised in the first months of life;
21 that many breeders of dogs and cats are reputable, conscientious
22 business people and do not deserve to be lumped together with
23 other breeders who engage in poor breeding practices or run puppy
24 mills or kitten mills; and that providing more information to the
25 consumer pursuant to the “Pet Purchase Protection Act” and
26 establishing the registration of breeders so that the reputable
27 breeders can be recognized apart from disreputable ones, would
28 further enhance protection under the law of puppies, kittens, and the
29 people who seek to own and care for them.

30 The Legislature therefore determines that it is in the public
31 interest to provide additional protection of the health of puppies and
32 kittens by establishing additional requirements for the breeding,
33 raising, and selling of puppies and kittens, and to establish a State
34 registration of dog and cat breeders so that pet dealers and pet
35 purchasers can be treated fairly under the laws of the State.

36
37 3. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to
38 read as follows:

39 1. As used in P.L.1941, c.151 (C.4:19-15.1 et seq.):

40 "Animal rescue organization" means an individual or group of
41 individuals who, with or without salary or compensation, house and
42 care for homeless animals in the home of an individual or in other
43 facilities, with the intent of placing the animals in responsible, more
44 permanent homes as soon as possible.

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 "Animal rescue organization facility" means the home or other
2 facility in which an animal rescue organization houses and cares for
3 an animal.

4 "Animal shelter" means any establishment that receives, houses
5 and distributes animals that have been abandoned or lost or are in
6 physical danger and are in need of temporary care and housing until
7 the animal is relocated to permanent care and housing or is
8 euthanized. The term "animal shelter" shall include, but need not
9 be limited to, a shelter and a facility that is contracted by a
10 municipality as an animal control facility to which the animal
11 control officer of the municipality may deliver animals that are
12 found abandoned, lost or in physical danger.

13 "Board" means the Canine and Feline Health Board established
14 pursuant to section 13 of P.L. , c. (C.) (pending before the
15 Legislature as this bill).

16 "Breeder" means any person who owns or operates a breeding
17 facility and sells or offers for sale more than five cats or dogs per
18 year, regardless of whether the person is not required to have a
19 license issued by the United States Department of Agriculture
20 pursuant to the "Animal Welfare Act," 7 U.S.C. §2131 et seq., or
21 any rule or regulation adopted pursuant thereto, or does not have a
22 valid United States Department of Agriculture breeder license for
23 any reason.

24 "Breeding facility" means any building or other structure, or area
25 whether indoor or outdoor, in which more than two cats or dogs are
26 housed and bred for the purposes of selling the resulting kittens or
27 puppies for any purpose. The term "breeding facility" shall include
28 a kennel as defined in this section except if the kennel is used
29 exclusively for the boarding of cats or dogs.

30 "Cat dealer" means any person, including an out-of-State pet
31 dealer, engaged in the ordinary course of business in the sale of cats
32 to the public for profit, or who sells or offers for sale more than one
33 litter of cats in one year, and whose business is not operated or
34 licensed as a kennel, pet shop, shelter, or pound.

35 "Certified animal control officer" means a person 18 years of age
36 or older who has satisfactorily completed the course of study
37 approved by the Commissioner of Health and Senior Services and
38 the Police Training Commission as prescribed by paragraphs (1)
39 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
40 15.16a); or who has been employed in the State of New Jersey in
41 the capacity of, and with similar responsibilities to those required
42 of, a certified animal control officer pursuant to the provisions of
43 P.L.1983, c.525 for a period of three years before January 17, 1987.

44 "Commissioner" means the Commissioner of the Department of
45 Health and Senior Services.

46 "Department" means the Department of Health and Senior
47 Services.

1 "Division" means the Division of Consumer Affairs in the
2 Department of Law and Public Safety.

3 "Dog" means any dog, bitch or spayed bitch.

4 "Dog dealer" means any person, including an out-of-State pet
5 dealer, engaged in the ordinary course of business in the sale of
6 dogs to the public for profit, or who sells or offers for sale more
7 than one litter of dogs in one year, and whose business is not
8 operated or licensed as a kennel, pet shop, shelter, or pound.

9 "Dog of licensing age" means any dog which has attained the age
10 of seven months or which possesses a set of permanent teeth.

11 "Foster home" means placement of a cat or dog with an
12 individual or group that is not an animal rescue organization for the
13 purpose of temporarily caring for the cat or dog, without the
14 individual or group assuming ownership and with the intent of the
15 individual or group relinquishing the cat or dog to a suitable owner
16 when one is located.

17 "Kennel" means any establishment wherein or whereon the
18 business of boarding or selling dogs or breeding dogs for sale is
19 carried on, except a pet shop.

20 "Out-of-State pet dealer" means any cat dealer or dog dealer
21 whose primary residence or primary place of business is not in this
22 State.

23 "Owner" when applied to the proprietorship of a dog shall
24 include every person having a right of property in that dog and
25 every person who has that dog in his keeping, and when applied to
26 the proprietorship of any other animal, including, but not limited to,
27 a cat, shall include every person having a right of property in that
28 animal and every person who has that animal in **[his]** the person's
29 keeping.

30 "Pet" means a domestic companion animal, as defined in section
31 1 of P.L.1995, c.145 (C.4:19A-16).

32 "Pet dealer" means any person who sells or offers for sale cats or
33 dogs at retail in the State for use as pets, or at wholesale to persons
34 or businesses that sell cats or dogs at retail for use as pets. The
35 term "pet dealer" shall include, but need not be limited to, a
36 breeder, or a Class A or Class B breeder licensed by the United
37 States Department of Agriculture pursuant to the "Animal Welfare
38 Act," 7 U.S.C. §2131 et seq., who sell cats or dogs to individuals or
39 to kennels or pet shops. "Pet dealer" includes any cat dealer or dog
40 dealer. "Pet dealer" shall also include, but need not be limited to, a
41 kennel or a pet shop, persons selling more than five cats or dogs per
42 year who are otherwise exempted from the federal license
43 requirements established pursuant to the "Animal Welfare Act," 7
44 U.S.C. §2131 et seq., and the rules or regulations adopted pursuant
45 thereto, and all pet dealers regulated pursuant to subchapter 12 of
46 chapter 45A of Title 13 of the New Jersey Administrative Code.
47 Individuals that sell five or fewer animals per year and animal
48 shelters shall not be considered pet dealers under this act.

1 "Pet shop" means any place of business which is not part of a
2 kennel, wherein animals, including, but not limited to, [dogs, cats,]
3 birds, cats, dogs, fish, [reptiles, rabbits, hamsters or] , gerbils,
4 hamsters, rabbits, or reptiles, are kept or displayed chiefly for the
5 purpose of sale to individuals for personal appreciation and
6 companionship rather than for business or research purposes.

7 "Pound" means an establishment for the confinement of dogs or
8 other animals seized either under the provisions of this act or
9 otherwise.

10 "Shelter" means any establishment where dogs or other animals
11 are received, housed and distributed or an animal shelter.

12 "Sterilize" means to render an animal incapable of reproducing
13 by either spaying or neutering.

14 (cf: P.L.2011, c.142, s.1)

15
16 4. (New section) a. The Department of Health and Senior
17 Services shall inspect each pet shop and kennel at least twice per
18 calendar year to enforce the provisions of P.L.1941, c.151 (C.4:19-
19 15.1 et seq.) and P.L.1999, c.336 (C.56:8-92 et al.) and the rules
20 and regulations adopted pursuant thereto.

21 b. A pet shop or kennel that refuses entrance to an authorized
22 representative of the department shall be deemed to be in violation
23 of this act.

24 c. When an authorized representative of the department
25 attempts a pet shop or kennel inspection in a building and no person
26 is present to grant access, the authorized representative may post an
27 order on an entrance to the building demanding access to the
28 building within 36 hours. Failure to permit an inspection within the
29 36-hour time period indicated in the posted order shall constitute a
30 refusal of entry for purposes of this section, unless there are no
31 animals at the pet shop or kennel, or the owner or operator of the
32 pet shop or kennel and the authorized representative of the
33 department who posted the order agree within the 36-hour time
34 period indicated in the posted order to permit an inspection at a time
35 agreed to by both parties. It shall be an affirmative defense to this
36 subsection that there were no animals in the pet shop or kennel at
37 the time the order was posted.

38 d. As used in this section, "refuses entrance" or "refusal of
39 entry" means preventing an authorized representative from entering
40 the establishment, preventing an authorized representative from
41 inspecting an animal, hiding an animal from an authorized
42 representative, or an act or omission that prevents an authorized
43 representative from gaining entry to the establishment.

44
45 5. (New section) a. In addition to the rules and regulations
46 adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14),
47 each pet shop and kennel in the State shall:

1 (1) house animals with adequate food that is clean and free of
2 contaminants and with sufficient heating, cooling, and ventilation
3 systems;

4 (2) equip the pet shop or kennel with a smoke alarm and shall
5 have proper equipment for fire suppression, including a fire
6 extinguisher and sprinkler system;

7 (3) keep the premises of, and surrounding, the pet shop or kennel
8 clean and in good repair;

9 (4) establish an insect control program and an appropriate plan to
10 provide cats or dogs with the opportunity to exercise; and

11 (5) comply with any other requirements established by the
12 Canine and Feline Health Board, created pursuant to section 13 of
13 P.L. , c. (C.) (pending before the Legislature as this bill).

14 b. The exercise plan established pursuant to paragraph (4) of
15 subsection a. of this section shall be approved by a veterinarian and
16 shall be within the exercise guidelines, established by the
17 Department of Health and Senior Services, in consultation with the
18 Canine and Feline Health Board, pursuant to section 14 of
19 P.L.1941, c.151 (C.4:19-15.14).

20 c. Every pet shop or kennel selling cats or dogs shall provide
21 with each cat or dog sold the health certificate required pursuant to
22 sections 9 and 33 of P.L. , c. (C.) (pending before the
23 Legislature as this bill). Every pet shop or kennel selling cats or
24 dogs shall post in a conspicuous location a sign stating: "UPON
25 REQUEST, YOU HAVE A RIGHT TO A COPY OF THE
26 HEALTH HISTORY AND BREEDER INFORMATION FOR ANY
27 ANIMAL OFFERED FOR SALE IN THIS ESTABLISHMENT,
28 REGARDLESS OF WHETHER YOU ARE BUYING THE
29 ANIMAL."
30

31 6. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to
32 read as follows:

33 14. a. The [State] Department of Health and Senior Services
34 shall, within six months of the approval of [this act] P.L.1941,
35 c.151 (C.4:19-15.1 et seq.) and with the co-operation and assistance
36 of the [State] Department of Agriculture, prepare and promulgate
37 rules and regulations governing the sanitary conduct and operation
38 of kennels, pet shops, shelters and pounds, to preserve sanitation
39 therein and prevent the spread of rabies and other diseases of dogs
40 and cats within and from such establishments.

41 Such rules and regulations shall be enforced by the [State]
42 Department of Health and Senior Services and by local boards of
43 health.

44 b. The Department of Health and Senior Services shall consult
45 with the Canine and Feline Health Board, established pursuant to
46 section 13 of P.L. , c. (C.) (pending before the Legislature as
47 this bill), within six months after the date of enactment of P.L. , c.
48 (C.) (pending before the Legislature as this bill), prior to (1)

1 modifying any rules and regulations concerning cages or other
2 primary enclosures to ensure the clean, sanitary, and safe care of
3 cats and dogs, and (2) establishing general exercise guidelines or an
4 exercise plan for cats and dogs, to be followed by kennels and pet
5 shops.

6 After consulting with the Canine and Feline Health Board, the
7 department shall modify rules and regulations and establish
8 guidelines consistent with the board's standards, as appropriate and
9 necessary.

10 (cf: P.L.1941, c.151, s.14)

11
12 7. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
13 read as follows:

14 8. a. Any person who keeps or operates or proposes to
15 establish a kennel, a pet shop, a shelter or a pound shall apply to the
16 clerk or other official designated to license dogs in the municipality
17 where such establishment is located, for a license entitling **【him】**
18 the applicant to keep or operate such establishment, except that no
19 person convicted of, or found civilly liable for, violating any State
20 animal cruelty law or regulation, or convicted of, or found civilly
21 liable for, substantially similar conduct pursuant to an animal
22 cruelty law of another state, may apply for such a license or the
23 renewal of such a license. The Department of Health and Senior
24 Services shall provide a list of persons known to be ineligible for
25 such licenses on the website and database established and
26 maintained pursuant to section 11 of P.L. , c. (C.) (now
27 pending before the Legislature as this bill).

28 The application shall describe the premises where the
29 establishment is located or is proposed to be located, the purpose or
30 purposes for which it is to be maintained, and shall be accompanied
31 by the written approval of the local municipal and health authorities
32 showing compliance with the local and State rules and regulations
33 governing location of and sanitation at such establishments.

34 b. All licenses issued for a kennel, pet shop, shelter or pound
35 shall state the purpose for which the establishment is maintained,
36 and all such licenses shall expire on the last day of June of each
37 year, and be subject to revocation by the municipality on
38 recommendation of the **【State】** Department of Health and Senior
39 Services or the local board of health for failure to comply with the
40 rules and regulations of the **【State】** department or local board
41 governing the same, after the owner has been afforded a hearing by
42 either the **【State】** department or local board, except as provided in
43 **【subsection】** subsections c. , f. and g. of this section.

44 Any person holding such license shall not be required to secure
45 individual licenses for dogs owned by such licensee and kept at
46 such establishments; such licenses shall not be transferable to
47 another owner or different premises.

1 c. The license for a pet shop or a kennel that sells cats or dogs,
2 or breeds them for sale shall be subject to review by the
3 municipality, upon recommendation by the **【State】** Department of
4 Health and Senior Services **【or】**, the local health authority , or the
5 Division of Consumer Affairs in the Department of Law and Public
6 Safety, for failure by the pet shop or kennel to comply with the
7 rules and regulations of the **【State】** department or local health
8 authority governing pet shops and kennels or if the pet shop or
9 kennel meets the criteria for recommended suspension or revocation
10 provided under this section and section 37 of P.L. , c. (C.)
11 (pending before the Legislature as this bill), or as provided under
12 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96) **【,】**
13 after the owner of the pet shop or kennel has been afforded a
14 hearing pursuant to subsection e. of section 5 of P.L.1999, c.336
15 (C.56:8-96).

16 The municipality, based on the criteria for the recommendation
17 of the local health authority provided under subsections c. and d. of
18 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license
19 for 90 days or may revoke the license if it is determined at the
20 hearing that the owner or operator of the pet shop or kennel that
21 sells dogs or breeds them for sale : (1) failed to maintain proper
22 hygiene and exercise reasonable care in safeguarding the health of
23 animals in its custody **【or】**, (2) sold a substantial number of animals
24 that the pet shop or kennel knew, or reasonably should have known,
25 to be unfit for purchase , or (3) was convicted of, or found civilly
26 liable for, violating any State animal cruelty law or regulation, or
27 convicted of, or found civilly liable for, substantially similar
28 conduct pursuant to an animal cruelty law of another state .

29 d. The municipality may issue a license for a pet shop or
30 kennel that permits the pet shop or kennel to sell pet supplies for all
31 types of animals, including cats and dogs, and sell animals other
32 than cats and dogs but restricts the pet shop or kennel from selling
33 cats or dogs, or both.

34 e. Every pet shop or kennel licensed in the State shall submit
35 annually and no later than May 1 of each year records of the total
36 number of cats and dogs, respectively, sold by the pet shop each
37 year to the municipality in which it is located, and the municipality
38 shall provide this information to the local health authority.

39 f. A municipality may revoke or suspend the license of a
40 shelter or pound, after the owner or operator is afforded a hearing,
41 when: (1) it is determined that the owner or operator of the shelter
42 or pound was convicted of, or found civilly liable for, violating any
43 State animal cruelty law or regulation, or convicted of, or found
44 civilly liable for, substantially similar conduct pursuant to an
45 animal cruelty law of another state; or (2) the owner or operator of
46 the shelter or pound is arrested pursuant to the provisions of article

1 2 of chapter 22 of Title 4 of the Revised Statutes or a warrant is
2 issued for such an arrest.

3 g. The municipality shall provide written notice of a kennel,
4 pet shop, shelter or pound license revocation, suspension or denial
5 to the person whose license is revoked, suspended or denied. The
6 notice shall set forth the general factual and legal basis for the
7 action and shall advise the affected person that within 10 days of
8 receipt of the notice the person may file with the municipality a
9 written request for an administrative hearing. Written notice of
10 revocation, suspension, or denial shall be served by personal service
11 or by registered or certified mail, return receipt requested, to the
12 person whose license is revoked, suspended or denied or to a
13 responsible employee of that person. Revocation, suspension, or
14 denial shall be effective upon the expiration of a 10-day period for
15 requesting an administrative hearing, unless a timely request for a
16 hearing has been filed with the municipality.

17 (cf: P.L.1999, c.336, s.6)

18
19 8. (New section) a. No person may:

20 (1) breed a cat or a dog from a litter with another cat or dog from
21 the same litter;

22 (2) breed a cat or a dog more than once per calendar year;

23 (3) sell more than 25 cats or dogs per year for use as pets to
24 individuals, kennels or pet shops in the State; or

25 (4) deliver to a pet shop for sale at the pet shop any cat or dog
26 that is less than 10 weeks old.

27 b. Any person breeding cats or dogs in the State shall comply
28 with the Canine and Feline Health Board standards of care for cats
29 and dogs established pursuant to section 13 of this act.

30 c. The Department of Health may adopt, pursuant to the
31 provisions of the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), such rules and regulations as may be
33 necessary to implement the provisions of this section.

34
35 9. (New section) a. Upon the effective date of this act and
36 every year thereafter, each breeder doing business in the State as a
37 pet dealer shall register with the Department of Health and Senior
38 Services. At that time, the breeder shall sign a document that
39 attests to the breeder's knowledge of State law, rules and regulations
40 concerning the care, treatment, and sale of animals in the State, and
41 to the breeder's compliance with the requirements of subsections c.
42 and d. of this section. The department may charge the breeder a
43 reasonable fee for the administrative and processing costs of the
44 registration.

45 b. The Department of Health and Senior Services, in
46 consultation with the Canine and Feline Health Board established
47 pursuant to section 13 of this act, professional veterinarian
48 associations, the Humane Society of the United States, the New

1 Jersey Society for the Prevention of Cruelty to Animals, and other
2 groups, associations and organizations involved in the proper care
3 and treatment of animals, shall adopt, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), rules and regulations establishing a standardized program of
6 responsible veterinary care to be implemented by breeding
7 facilities. The program shall include, but need not be limited to,
8 provisions for vaccinations, internal and external parasite control,
9 disease prevention and control, grooming, spaying, neutering and
10 care of pregnant animals, first aid and emergency care protocols,
11 housing considerations associated with illness and injury, and
12 humane euthanasia methods.

13 c. Each breeder doing business in the State as a pet dealer shall
14 be required to comply with the federal requirements established by
15 the "Animal Welfare Act," 7 U.S.C. §2131 et seq., and any rules
16 and regulations adopted pursuant thereto, section 14 of P.L.1941,
17 c.151 (C.4:19-15.14), and the rules and regulations adopted
18 pursuant thereto, and the following:

19 (1) Indoor temperatures of breeding facilities shall be maintained
20 at a minimum of 50 degrees and a maximum of 80 degrees
21 Fahrenheit for cats or dogs older than eight weeks, and a minimum
22 of 65 degrees and a maximum of 80 degrees Fahrenheit for cats or
23 dogs eight weeks old or younger;

24 (2) Air shall be constantly circulated at a rate of at least eight to
25 12 times per hour;

26 (3) Flooring in animal cages or other types of enclosures used to
27 house animals shall be made of substances that are nonporous and
28 can be sanitized;

29 (4) Wire flooring shall be used only if it is plastic-coated and is
30 spaced at intervals that prevent the possibility of foot or leg injury
31 and allow for waste to fall through the flooring onto a surface or
32 into an area where no animals are held or housed;

33 (5) Each enclosure for a dog shall have a height of not less than
34 six inches above the head of the dog when the dog is standing on its
35 hind legs, and shall provide access to an outdoor run. Enclosures
36 for dogs shall have, for a large-sized breed weighing 50 pounds or
37 more, a minimum size of four feet by eight feet, or 32 square feet,
38 and an outdoor run of four feet by 15 feet; for a medium-sized breed
39 weighing 21 to 50 pounds, a minimum of four feet by six feet, or 24
40 square feet, and an outdoor run of four feet by 10 feet; and for a
41 small-sized breed weighing less than 21 pounds, a minimum of
42 three feet by five feet and an outdoor run of three feet by 10 feet;

43 (6) Individual enclosures for cats shall provide a space of no less
44 than nine cubic feet with a ground area of three feet by three feet
45 and a height of three feet, and no more than one cat shall be housed
46 per cage, except a cat with nursing offspring shall share the
47 enclosure with its offspring;

- 1 (7) Ground areas shall be cleaned daily and dry bedding shall be
2 provided, such as straw or hay, but newspaper is prohibited;
- 3 (8) Constant access to potable water shall be provided, in
4 mounted feeders whenever possible, and food shall be nutritionally
5 balanced and kept dry at all times;
- 6 (9) Cages, enclosures, mounted feeders and other containers
7 providing food and water shall be cleaned and sanitized daily;
- 8 (10) All dogs shall be allowed the opportunity for exercise daily
9 and be allowed to run unleashed for at least 20 minutes daily in an
10 area no smaller than four feet by 10 feet;
- 11 (11) A standardized program of veterinarian care consistent with
12 the program established pursuant to subsection b. of this section
13 shall be implemented in breeding facilities; and
- 14 (12) Any requirements established by the Canine and Feline
15 Health Board after its establishment and organization pursuant to
16 section 13 of this act.
- 17 d. In addition to the requirements set forth in subsection c. of
18 this section, every breeder shall provide with each cat or dog a
19 single document created pursuant to this subsection as the health
20 certificate of the animal. This health certificate shall remain with
21 the animal for the duration of its life and shall be updated annually
22 by the licensed veterinarian caring for the animal. Every breeder
23 shall provide the health certificate to the purchaser of each cat or
24 dog at the time of sale.
- 25 The health certificate shall be in a standardized form prescribed
26 by the Department of Health and Senior Services, and contain the
27 following information:
- 28 (1) The name and street address of the breeder and, if the person
29 is a dealer licensed by the United States Department of Agriculture,
30 the person's federal dealer identification number;
- 31 (2) The date of birth of the cat or dog, the cat's or dog's age, or
32 an approximation provided by a licensed veterinarian;
- 33 (3) The cat's or dog's origin, including contact information for
34 the breeder of the cat or dog, that the cat or dog did not originate
35 within an area under quarantine for rabies, and, as ascertained by
36 the veterinarian, that the cat or dog has not been exposed to rabies
37 within 100 days of importation;
- 38 (4) A record of the immunizations administered to the cat or dog
39 as of the time of sale, including the dates of administration and the
40 type of vaccine, and for a dog, the rabies tag number;
- 41 (5) the cat's or dog's health, including whether the cat or dog
42 shows no signs or symptoms of infectious or communicable disease;
- 43 (6) If purebred or registerable with a cat or dog registry, the
44 sire's and the dam's registration, if any, from the registry
45 organization; and
- 46 (7) A record of any veterinarian treatment or medication received
47 by a cat or dog while in the possession of a pet dealer to treat any

1 disease, illness, or condition that required hospitalization or surgical
2 procedures, and one of the following –

3 (a) A statement that the cat or dog has no known disease, illness,
4 or condition that requires hospitalization, surgical procedures or
5 ongoing treatment at the time of sale, dated and signed by a
6 licensed veterinarian no more than 14 days prior to the sale, that
7 also authorizes the sale of the cat or dog; or

8 (b) A record of any known disease, illness, or condition that
9 requires hospitalization, surgical procedures or ongoing treatment
10 with which the cat or dog is afflicted at the time of sale, and a
11 statement, dated and signed by a licensed veterinarian no more than
12 14 days prior to the sale, that recommends a course of treatment,
13 authorizes the sale of the cat or dog afflicted with the disease,
14 illness or condition, and states that the recommended course of
15 treatment is necessary for the good health and survival of the cat or
16 dog being sold.

17 e. The department shall annually compile, publish and make
18 available to the public a list of the breeders doing business as pet
19 dealers who are registered in the State. The department shall also
20 provide, upon request, a summary of the requirements established
21 under subsection b. of this section and information on how a
22 complaint may be filed against a pet dealer who appears to be
23 violating State law, rules or regulations. The information required
24 pursuant to this section shall be provided on the website established
25 pursuant to section 11 of P.L. , c. (C.) (pending before the
26 Legislature as this bill).

27
28 10. (New section) No pet dealer may purchase any cats or dogs
29 from any person who is not a registered breeder named on the list
30 compiled and published by the Department of Health pursuant to
31 subsection e. of section 9 of this act, except if that person has
32 documentation that each of the cats or dogs being sold were bred by
33 a registered breeder named on the list compiled and published by
34 the department pursuant to subsection e. of section 9 of this act, or
35 if the person signs a notarized affidavit attesting to the fact that the
36 individual is not a breeder or a pet dealer regulated by this act.

37
38 11. (New section) a. For the purposes of enforcing this act, the
39 Department of Health and Senior Services shall establish and
40 maintain a website and database providing the following
41 information:

42 (1) the name and contact information of every breeder and pet
43 dealer registered in the State, and whether the breeder or pet dealer
44 is in good standing, under license suspension, or license
45 revocation;

46 (2) the name of every violator of P.L. , c. (C.) (pending
47 before the Legislature as this bill), P.L.1941, c.151, P.L.1999,

1 c.336, chapter 22 of Title 4 of the Revised Statutes, and any other
2 animal cruelty statute in the State; and

3 (3) the names of violators of animal cruelty laws in other states,
4 as the identity of such persons becomes known to the department.

5 b. The department may incorporate into the website and
6 database established pursuant to subsection a. of this section, the
7 list established and maintained pursuant to subsection c. of section
8 3 of P.L.1983, c.525 (C.4:19-15.16a).

9
10 12. (New section) There is established in the Department of
11 Health and Senior Services an special and separate account to be
12 known as the “Good Breeders Accountability Fund, ” for the
13 purposes of establishing and maintaining the website and database
14 established pursuant to section 11 of this act. The Department of
15 Health and Senior Services shall administer the fund established by
16 this section.

17 The monies collected for the “Good Breeders Accountability
18 Fund,” pursuant to section 1 of P.L.1983, c.172 (C.4:19-15.36) and
19 section 1 of P.L.1983, c.181 (C.4:19-15.3c), shall be deposited in
20 the fund. The funds provided for the website and database pursuant
21 to this section may also be used to incorporate and maintain the
22 information required pursuant to subsection c. of section 3 of
23 P.L.1983, c.525 (C.4:19-15.16a).

24
25 13. (New section) a. There is established in the Department of
26 Health and Senior Services the Canine and Feline Health Board.
27 The purpose of the board shall be to determine the standards of care
28 for cats and dogs kept by kennels, pet shops, and pet dealers, based
29 on recognized, sound animal husbandry and breeding practices, and
30 to review and make recommendations to the Department of Health
31 and Senior Services and the Division of Consumer Affairs on rules
32 and regulations adopted pursuant to P.L.1941, c.151 (C.4:19-15.1 et
33 seq.) and P.L.1999, c.336 (C.56:8-92 et al.).

34 b. The Canine and Feline Health Board shall be composed of
35 veterinarians with expertise in small animal medicine and in the
36 caring for and treating of canines and felines, and others involved
37 with the care of animals. The board shall consist of seven members,
38 as follows:

39 (1) the State Veterinarian, or the veterinarian’s designee,
40 (2) the Commissioner of Health and Senior Services, or the
41 commissioner’s designee;

42 (3) the Director of the Division of Consumer Affairs, in the
43 Department of Law and Public Safety, or the director’s designee;

44 (4) the President of the New Jersey Veterinary Medical
45 Association, or the president’s designee; and

46 (5) three members of the public who are members of a
47 recognized organization that advocates for and participates in the
48 care and welfare of cats or dogs and are licensed as a kennel, pet

1 dealer, or pet shop in this State, to be appointed by the Governor for
2 four-year terms. The public members shall be appointed within three
3 months after the date of enactment of P.L. , c. (C.) (pending
4 before the Legislature as this bill).

5 The board shall organize as soon as possible, but no later than the
6 60th day after the appointment of its members, and shall select a
7 chairperson from among its members and a secretary who need not
8 be a member of the board.

9 c. Vacancies in the membership of the board shall be filled in
10 the same manner as the original appointments are made and a
11 member may be eligible for reappointment.

12 d. A majority of the entire board shall constitute a quorum for
13 the transaction of business. Action may be taken and motions and
14 resolutions adopted by the board at any meeting thereof by the
15 affirmative vote of a majority of the full membership of the board.

16 e. The members of the board shall serve without compensation,
17 but may be reimbursed for necessary expenses incurred in the
18 performance of their duties, within the limits of funds appropriated
19 or otherwise made available to the board for its purposes.

20 f. If requested by the board, the Department of Health and
21 Senior Services shall provide primary staff support to the board.

22
23 14. (New section) a. Whenever the commissioner finds that a
24 person has violated any provision of this act, or any rule or
25 regulation adopted pursuant to this act, the commissioner may:

26 (1) Issue an order requiring the person found to be in violation to
27 comply in accordance with subsection b. of this section;

28 (2) Bring a civil action in accordance with subsection c. of this
29 section;

30 (3) Levy a civil administrative penalty in accordance with
31 subsection d. of this section; or

32 (4) Bring an action for a civil penalty in accordance with
33 subsection e. of this section.

34 b. Whenever the commissioner finds that a person has violated
35 any provision of this act, or any rule or regulation adopted pursuant
36 to this act, the commissioner may issue an order specifying the
37 provision or provisions of this act or of any rule or regulation of
38 which the person is in violation, citing the action which constituted
39 the violation, and ordering abatement of the violation. Whenever a
40 breeder has violated any provision of this act, or any rule or
41 regulation adopted pursuant thereto, the commissioner shall include
42 in the order the following prohibitions on the retail or wholesale
43 sale of cats or dogs:

44 (1) For a first offense, a prohibition from selling or offering for
45 sale cats or dogs for five years;

46 (2) For a second and subsequent offenses, a prohibition from
47 selling or offering for sale cats or dogs at retail or wholesale for an
48 additional five years for each offense.

1 The order shall give notice to the person of the person's right to a
2 hearing on the matters contained in the order. The ordered party
3 shall have 20 calendar days from receipt of the order within which
4 to deliver to the commissioner a written request for a hearing. Such
5 order shall be effective upon receipt and any person to whom such
6 order is directed shall comply with the order immediately. A
7 request for hearing shall not automatically stay the effect of the
8 order.

9 c. The commissioner, a local board of health or county health
10 department may institute an action or proceeding in the Superior
11 Court for injunctive and other relief, including the appointment of a
12 receiver for any violation of this act, or of any rule or regulation
13 adopted thereto, or order issued pursuant to this act, and the court
14 may proceed in the action in a summary manner. In any such
15 proceeding the court may grant temporary or interlocutory relief.

16 Such relief may include, singly or in combination:

17 (1) A temporary or permanent injunction, including for any
18 breeder in violation of this act an injunction from selling or offering
19 for sale at retail or wholesale cats or dogs for five years for a first
20 offense, and for a second offense and subsequent offenses, a
21 prohibition from selling or offering for sale cats or dogs at retail or
22 wholesale for five years for each offense; and

23 (2) Assessment of the violator for the costs of any investigation
24 or inspection which led to the establishment of the violation, and for
25 the reasonable costs of preparing and litigating the case under this
26 subsection. Assessments under this subsection shall be paid to the
27 State Treasurer, or to the local board of health, or to the county
28 health department, as the case may be.

29 If a proceeding is instituted by a local board of health or county
30 health department, notice thereof shall be served upon the
31 commissioner in the same manner as if the commissioner were a
32 named party to the action or proceeding. The department may
33 intervene as a matter of right in any proceeding brought by a local
34 board of health or county health department.

35 d. The commissioner is authorized to assess civil
36 administrative penalties as follows:

37 (1) For a first offense by a breeder, a penalty of \$5,000.

38 (2) For a second or subsequent offense by a breeder, a penalty of
39 \$10,000 for each offense.

40 (3) For a first offense by any person other than a breeder, a
41 penalty of \$1,000, except that a pet dealer who knowingly
42 purchases cats or dogs from a breeder whose registration has been
43 revoked or who is not properly registered with the Department of
44 Health shall be subject to a penalty of \$5,000 per animal purchased
45 for the first offense.

46 (4) For a second offense by any person other than a breeder, a
47 penalty of \$2,500, except that a pet dealer who knowingly
48 purchases cats or dogs from a breeder whose registration has been

1 revoked or who is not properly registered with the Department of
2 Health shall be subject to a penalty of \$10,000 per animal
3 purchased under a second or subsequent offense.

4 (5) For a third offense by any person other than a breeder, a
5 penalty of \$5,000, except that a pet dealer who knowingly
6 purchases cats or dogs from a breeder whose registration has been
7 revoked or who is not properly registered with the Department of
8 Health shall be subject to a penalty of \$10,000 per animal
9 purchased under a third or subsequent offense.

10 (6) For a fourth offense or subsequent offenses by any person
11 other than a breeder, a penalty of not less than \$5,000 nor more than
12 \$10,000, except that a pet dealer who knowingly purchases cats or
13 dogs from a breeder whose registration has been revoked or who is
14 not properly registered with the Department of Health shall be
15 subject to a penalty of \$10,000 per animal purchased under a fourth
16 or subsequent offense.

17 No assessment shall be levied pursuant to this section until after
18 the violator has been notified by certified mail or personal service.
19 The notice shall include a reference to the section of the statute,
20 rule, regulation, or order violated, a concise statement of the facts
21 alleged to constitute a violation, a statement of the amount of the
22 civil administrative penalties to be imposed, and a statement of the
23 party's right to a hearing. The ordered party shall have 20 calendar
24 days from receipt of the notice within which to deliver to the
25 commissioner a written request for a hearing. After the hearing and
26 upon finding that a violation has occurred, the commissioner may
27 issue a final order after assessing the amount of the fine specified in
28 the notice. If no hearing is requested, the notice shall become a
29 final order after the expiration of the 20-day period. Payment of the
30 assessment is due when a final order is issued or the notice becomes
31 a final order. The authority to levy a civil administrative penalty is
32 in addition to all other enforcement provisions in this act, and the
33 payment of any assessment shall not be deemed to affect the
34 availability of any other enforcement provisions in connection with
35 the violation for which the assessment is levied. The department
36 may compromise any civil administrative penalty assessed under
37 this section in to any amount the department determines
38 appropriate.

39 e. Any person who violates the provisions of this act or any
40 rule or regulation adopted pursuant thereto, shall be liable to the
41 following penalties, to be collected in a civil action commenced by
42 a local board of health, a county health department, or the
43 commissioner:

44 (1) For a first offense by a breeder, a penalty of \$5,000.

45 (2) For a second or subsequent offense by a breeder, a penalty of
46 \$10,000 for each offense.

47 (3) For a first offense by any person other than a breeder, a
48 penalty of \$1,000, except that a pet dealer who knowingly

1 purchases cats or dogs from a breeder whose registration has been
2 revoked or who is not properly registered with the Department of
3 Health shall be subject to a penalty of \$5,000 per animal purchased
4 for the first offense.

5 (4) For a second offense by any person other than a breeder, a
6 penalty of \$2,500, except that a pet dealer who knowingly
7 purchases cats or dogs from a breeder whose registration has been
8 revoked or who is not properly registered with the Department of
9 Health shall be subject to a penalty of \$10,000 per animal
10 purchased under a second or subsequent offense.

11 (5) For a third offense by any person other than a breeder, a
12 penalty of \$5,000, except that a pet dealer who knowingly
13 purchases cats or dogs from a breeder whose registration has been
14 revoked or who is not properly registered with the Department of
15 Health shall be subject to a penalty of \$10,000 per animal
16 purchased under a third or subsequent offense.

17 (6) For a fourth offense or subsequent offenses by any person
18 other than a breeder, a penalty of not less than \$5,000 nor more than
19 \$10,000, except that a pet dealer who knowingly purchases cats or
20 dogs from a breeder whose registration has been revoked or who is
21 not properly registered with the Department of Health shall be
22 subject to a penalty of \$10,000 per animal purchased under a fourth
23 or subsequent offense.

24 Any person who violates an administrative order issued pursuant
25 to subsection b. of this section, or a court order issued pursuant to
26 subsection c. of this section, or who fails to comply with an
27 administrative assessment in full pursuant to subsection d. of this
28 section is subject upon order of a court to a civil penalty not to
29 exceed \$10,000 per day of such violation.

30 Any penalty imposed pursuant to this subsection may be
31 collected with costs in a summary proceeding pursuant to the
32 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
33 et seq.). The Superior Court and the municipal court shall have
34 jurisdiction to enforce the provisions of the "Penalty Enforcement
35 Law of 1999" in connection with this act.

36

37 15. (New section) A member of the public who supplies
38 information to an enforcing authority which proximately results in
39 the imposition and collection of a civil penalty as the result of a
40 civil action brought pursuant to subsection e. of section 14 of this
41 act, or any rule or regulation adopted, administrative order issued,
42 or assessment imposed pursuant thereto, shall be entitled to a
43 reward of 10% of the civil penalty collected, or \$250, whichever
44 amount is greater. The reward shall be paid by the department from
45 any money received by the department pursuant to section 14 of this
46 act. The Attorney General shall adopt, pursuant to the
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
48 seq.), rules and regulations necessary to implement this section.

1 16. (New section) All fees and penalties collected pursuant to
2 this act shall be placed in a special dedicated fund to be known as
3 the "Puppy and Kitten Health Assurance Fund," which shall be
4 separate from the General Fund of the State. All moneys in the
5 "Puppy and Kitten Health Assurance Fund" shall be used by the
6 commissioner exclusively for the control of animal populations, and
7 the administration, enforcement and implementation of this act, and
8 shall be allocated in the following manner:

9 (1) 50 percent to the "Animal Population Control Fund,"
10 established pursuant to P.L.1983, c.172 (C.4:19A-5); and

11 (2) 50 percent to the Department of Health for the purposes of
12 administering, enforcing and implementing this act.

13
14 17. Section 1 of P.L.1983, c.172 (C.4:19-15.3b) is amended to
15 read as follows:

16 1. a. In addition to the fee charged pursuant to section 3 of
17 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
18 Health and Senior Services pursuant to section 11 of P.L.1941,
19 c.151 (C.4:19-15.11), any person applying for the license and
20 registration tag pursuant to section 2 of P.L.1941, c.151 (C.4:19-
21 15.2) shall pay a fee of ~~[\$3.00]~~ \$10 for any dog of reproductive
22 age which has not had its reproductive capacity permanently altered
23 through sterilization.

24 b. ~~【All fees】~~ From each \$10 fee collected pursuant to the
25 provisions of subsection a. of this section, \$3 shall be deposited in
26 the "Good Breeders Accountability Fund," established pursuant to
27 section 12 of P.L. , c. (C.) (pending before the Legislature as
28 this bill), and \$7 of the fee and all of the fees collected pursuant to
29 section 5 of 【this amendatory and supplementary act】 P.L.1983,
30 c.172 (C.4:19A-4) shall be forwarded to the State Treasurer, for
31 deposit in the "Animal Population Control Fund" created pursuant
32 to section 7 of 【this act】 P.L.1983, c.172 (C.4:19A-5).

33 (cf: P.L.1983, c. 172, s. 1)

34
35 18. Section 1 of P.L.1983, c.181 (C.4:19-15.3c) is amended to
36 read as follows:

37 1. a. In addition to the fee charged pursuant to section 3 of
38 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
39 Health pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11),
40 any person applying for the license and registration tag pursuant to
41 section 2 of P.L.1941, c.151 (C.4:19-15.2) shall pay an additional
42 fee of ~~[\$0.20]~~ \$3 for any dog, \$2 of which shall be deposited in the
43 "Good Breeders Accountability Fund," established pursuant to
44 section 12 of P.L. , c. (C.) (pending before the Legislature as
45 this bill).

46 b. Any municipality that requires cats to be licensed and
47 charges a fee therefor, shall charge an additional \$3 per cat license

1 and any additional amount necessary to cover the administrative
2 expense of establishing, collecting and forwarding the additional
3 fee established pursuant to this section. The proceeds from
4 collection of the additional \$3 fee shall be forwarded to the
5 Department of Health and Senior Services and deposited in the
6 “Good Breeders Accountability Fund,” established pursuant to
7 section 12 of P.L. , c. (C.) (pending before the Legislature as
8 this bill), for the exclusive purpose of funding the operation and
9 maintenance of the website and database established pursuant to
10 section 11 of P.L. , c. (C.) (pending before the Legislature
11 as this bill).

12 (cf: P.L.1983, c.181, s.1)

13

14 19. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
15 read as follows:

16 3. a. The Commissioner of Health and Senior Services shall,
17 within 120 days after the effective date of P.L.1983, c.525, and
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), adopt rules and regulations concerning the
20 training and educational qualifications for the certification of
21 animal control officers, including, but not limited to, a course of
22 study approved by the commissioner and the Police Training
23 Commission, in consultation with the New Jersey Certified Animal
24 Control Officers Association, which acquaints a person with:

25 (1) The law as it affects animal control, animal welfare, and
26 animal cruelty;

27 (2) Animal behavior and the handling of stray or diseased
28 animals;

29 (3) Community safety as it relates to animal control; and

30 (4) The law enforcement methods and techniques required for
31 an animal control officer to properly exercise the authority to
32 investigate and sign complaints and arrest without warrant pursuant
33 to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not
34 limited to, those methods and techniques which relate to search,
35 seizure and arrest. The training in law enforcement methods and
36 techniques described pursuant to this paragraph shall be part of the
37 course of study for an animal control officer only when required by
38 the governing body of a municipality pursuant to section 4 of
39 P.L.1983, c.525 (C.4:19-15.16b).

40 Any person 18 years of age or older may satisfy the courses of
41 study established pursuant to this subsection at that person's own
42 time and expense; however, nothing in this section shall be
43 construed as authorizing a person to exercise the powers and duties
44 of an animal control officer absent municipal appointment or
45 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
46 15.16b).

47 b. (1) The commissioner shall provide for the issuance of a
48 certificate to a person who possesses, or acquires, the training and

1 education required to qualify as a certified animal control officer
2 pursuant to paragraphs (1) through (3) of subsection a. of this
3 section and to a person who has been employed in the State of New
4 Jersey in the capacity of, and with similar responsibilities to those
5 required of, a certified animal control officer pursuant to the
6 provisions of P.L.1983, c.525, for a period of three years before
7 January 17, 1987. The commissioner shall not issue a certificate to
8 any person convicted of, or found civilly liable for, a violation of
9 any provision of chapter 22 of Title 4 of the Revised Statutes.

10 (2) The commissioner shall revoke the certificate of any person
11 convicted of, or found civilly liable for, a violation of any provision
12 of chapter 22 of Title 4 of the Revised Statutes, and shall place the
13 name of the person on the list established pursuant to subsection c.
14 of this section.

15 c. (1) The commissioner shall establish a list of all persons
16 issued a certificate pursuant to subsection b. of this section (a) for
17 whom that certificate has been revoked, or (b) who have been
18 convicted of, or found civilly liable for, a violation of any provision
19 of chapter 22 of Title 4 of the Revised Statutes. ~~【The】~~ Until
20 establishment of the website and database pursuant to section 11 of
21 P.L. , c. (C.) (pending before the Legislature as this bill), the
22 commissioner shall provide each municipality in the State with a
23 copy of this list within 30 days after the list is established and not
24 less often than annually thereafter if no revised list required
25 pursuant to paragraph (2) of this subsection has been issued in the
26 interim. Within 30 days after establishment of the website and
27 database pursuant to section 11 of P.L. , c. (C.) (pending
28 before the Legislature as this bill), the commissioner shall notify
29 each municipality in the State of the website and database, how they
30 may be accessed, and how updates of the list required pursuant to
31 this section may be found on the website and database.

32 (2) Upon receipt of a notice required pursuant to section 3 or 4
33 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person
34 who has been issued a certificate pursuant to subsection b. of this
35 section, the commissioner shall add to the list required pursuant to
36 this section the name of the person convicted of, or found civilly
37 liable for, a violation of any provision of chapter 22 of Title 4 of the
38 Revised Statutes according to the notice, and, until establishment of
39 the website and database pursuant to section 11 of P.L. , c.
40 (C.) (pending before the Legislature as this bill), the
41 commissioner shall issue a copy of the revised list to each
42 municipality within 30 days after receipt of any such notice. After
43 establishment of the website and database pursuant to section 11 of
44 P.L. , c. (C.) (pending before the Legislature as this bill) and
45 provision of the notice required pursuant to paragraph (1) of this
46 subsection, the commissioner need not issue a copy of the revised
47 list to each municipality after each revision of the list.

48 (cf: P.L.2003, c.67, s.1)

1 20. Section 18 of P.L.1941, c.151 (C.4:19-15.18) is amended to
2 read as follows:

3 18. No person shall hinder, **【molest】** harass or interfere with
4 anyone authorized or empowered to perform any duty under **【this**
5 **act】** P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L.1999, c.336
6 (C.56:8-92 et al.) .
7 (cf: P.L.1941, c.151, s.18)

8
9 21. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read
10 as follows:

11 1. When the license of a shelter or pound is revoked or
12 suspended, pursuant to subsection f. of section 8 of P.L.1941, c.151
13 (C.4:19-15.8), or the owner or operator of an animal pound or
14 shelter is arrested pursuant to the provisions of article 2 of chapter
15 22 of Title 4 of the Revised Statutes by an agent of the New Jersey
16 Society for the Prevention of Cruelty to Animals or any other
17 person authorized to make the arrest under that article, or when the
18 warrant is issued for the arrest, the municipality revoking or
19 suspending the license or the person making the arrest or any other
20 officer or agent of the New Jersey Society for the Prevention of
21 Cruelty to Animals may petition the Chancery Division of Superior
22 Court to remove the owner or operator as custodian of the animals
23 and appoint a receiver to operate the pound or shelter. The
24 petitioner shall serve a copy of the petition on the Department of
25 Health and Senior Services, the local board of health, and the owner
26 or operator.
27 (cf: P.L.1986, c.89, s.1)

28
29 22. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
30 as follows:

31 3. a. For the purposes of establishing the list of persons not
32 eligible to be certified animal control officers as required pursuant
33 to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-
34 15.16a) and establishing, updating and maintaining the website and
35 database pursuant to section 11 of P.L. , c. (C.) (pending
36 before the Legislature as this bill), notice shall be provided, within
37 90 days after the effective date of this section, to the Commissioner
38 of Health and Senior Services of any person who has been
39 convicted of, or found civilly liable for, a violation of any provision
40 of chapter 22 of Title 4 of the Revised Statutes, by any court or
41 other official administrative entity maintaining records of such
42 violations adjudged on or before the effective date of this section.

43 b. For the purposes of maintaining the list of persons not
44 eligible to be certified animal control officers as established
45 pursuant to subsections b. and c. of section 3 of P.L.1983, c.525
46 (C.4:19-15.16a) and establishing, updating and maintaining the
47 website and database required pursuant to section 11 of P.L. ,
48 c. (C.) (pending before the Legislature as this bill), the

1 court or other official adjudging the guilt or liability for a violation
2 of any provision of chapter 22 of Title 4 of the Revised Statutes,
3 shall charge the prosecutor, officer of the New Jersey Society for
4 the Prevention of Cruelty to Animals or the county society for the
5 prevention of cruelty to animals, or other appropriate person, other
6 than a certified animal control officer, with the responsibility to
7 notify within 30 days the commissioner, in writing, of the full name
8 of the person found guilty of, or liable for, an applicable violation,
9 and the violation for which or of which that person was found guilty
10 or liable, and the person charged with the responsibility shall
11 provide such notice.

12 (cf: P.L.2005, c.372, s.21)

13
14 23. Section 2 of P.L.1999, c.336 (C.56:8-93) is amended to read
15 as follows:

16 2. **【As used in sections 1 through 5 of this act】** For the
17 purposes of P.L.1999, c.336 (C.56:8-92 et al.):

18 "Animal" means a cat or dog**【;】**.

19 "Consumer" means a person purchasing a cat or dog**【;】**.

20 "Director" means the Director of the Division of Consumer
21 Affairs in the Department of Law and Public Safety**【;】**.

22 "Division" means the Division of Consumer Affairs in the
23 Department of Law and Public Safety**【;】**.

24 "Kennel" means a kennel as defined pursuant to section 1 of
25 P.L.1941, c.151 (C.4:19-15.1), but, for the purposes of P.L.1999,
26 c.336 (C.56:8-92 et al.), shall include only kennels that sell cats or
27 dogs, or breed them for sale.

28 "Pet dealer" means any **【person engaged in the ordinary course**
29 **of business in the sale of cats or dogs to the public for profit or any**
30 **person who sells or offers for sale more than five cats or dogs in**
31 **one year】** pet dealer and out-of-State pet dealer, as defined in
32 section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to
33 section 28 of P.L. , c. (C.) (pending before the Legislature as
34 this bill). "Pet dealer" shall include a pet shop or a kennel.

35 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,
36 c.151 (C.4:19-15.1)**【;】**.

37 "Quarantine" means to hold in segregation from the general
38 population any cat or dog because of the presence or suspected
39 presence of a contagious or infectious disease**【;】**.

40 "Unfit for purchase" means any disease, deformity, injury,
41 physical condition, illness or defect which is congenital or
42 hereditary and severely affects the health of the animal, or which
43 was manifest, capable of diagnosis or likely contracted on or before
44 the sale and delivery of the animal to the consumer. The death of
45 an animal within 14 days of its delivery to the consumer, except by
46 death by accident or as a result of injuries sustained during that
47 period, shall mean the animal was unfit for purchase**【; and】**.

1 "Veterinarian" means a veterinarian licensed to practice in the
2 State of New Jersey.

3 (cf: P.L.1999, c.336, s.2)

4
5 24. Section 3 of P.L.1999, c.336 (C.56:8-94) is amended to read
6 as follows:

7 3. No provision of this act shall be construed in any way to
8 alter, diminish, replace, or revoke the requirements for pet dealers
9 that are not pet shops or kennels, or the rights of a consumer
10 purchasing an animal from a pet dealer that is not a pet shop or
11 kennel , as may be provided elsewhere in law or any rule or
12 regulation adopted pursuant thereto. Except as provided in section
13 4 and section 5 of P.L.1999, c.336 (C.56:8-95 and C.56:8-96), any
14 provision of law pertaining to pet shops or kennels , or rule or
15 regulation adopted pursuant thereto, shall continue to apply to pet
16 shops or kennels, as appropriate . No provision of **【this act】**
17 P.L.1999, c.336 (C.56:8-92 et al.) or P.L. , c. (C.) (pending
18 before the Legislature as this bill) shall be construed in any way to
19 alter, diminish, replace, or revoke any recourse or remedy that is
20 otherwise available to a consumer purchasing a cat or a dog from a
21 pet dealer, pet shop, or kennel under any other law.

22 (cf: P.L.1999, c.336, s.3)

23
24 25. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
25 as follows:

26 4. a. Notwithstanding the provisions of any rule or regulation
27 adopted pursuant to Title 56 of the Revised Statutes as such
28 provisions are applied to pet shops, kennels, and pet dealers, and
29 without limiting the prosecution of any other practices which may
30 be unlawful pursuant to Title 56 of the Revised Statutes, it shall be
31 a deceptive practice for any owner or operator of a pet shop or
32 kennel, or a pet dealer, or employee thereof, to sell animals within
33 the State without complying with the provisions and requirements
34 of this section.

35 b. Within five days prior to the offering for sale of any animal,
36 the owner or operator of a pet shop or kennel, or the pet dealer, or
37 employee thereof, shall have the animal examined by a veterinarian
38 licensed to practice in the State. The name and address of the
39 examining veterinarian, together with the findings made and
40 treatment, if any, ordered as a result of the examination, shall be
41 noted on the animal history and health certificate for each animal as
42 required by regulations adopted pursuant to Title 56 of the Revised
43 Statutes. If **【fourteen】** 14 days have passed since the last
44 veterinarian examination of the animal, the owner or operator of the
45 pet shop or kennel, or the pet dealer, or employee thereof, shall
46 have the animal reexamined by a veterinarian licensed to practice in
47 the State as provided for in subsection g. of this section, except as
48 otherwise provided in that subsection.

1 c. Each cage in a pet shop, kennel, or pet dealer premises shall
2 have a label identifying the sex and breed of each animal kept in the
3 cage, the date and place of birth of each animal, and the name and
4 address of the veterinarian attending to the animal and the date of
5 the initial examination of the animal. Any cage, or other primary
6 enclosure for an animal, shall be cleaned and sanitized in
7 accordance with any rules or regulations adopted pursuant to
8 section 14 of P.L.1941, c.151 (C.4:19-15.14).

9 d. The owner or operator of a pet shop or kennel, or the pet
10 dealer, or employee thereof, shall quarantine any animal diagnosed
11 as suffering from a contagious or infectious disease, illness, or
12 condition and may not sell such an animal until such time as a
13 veterinarian licensed to practice in the State treats the animal and
14 determines that such animal is free of clinical signs of infectious
15 disease or that the animal is fit for sale. All animals required to be
16 quarantined pursuant to this subsection shall be placed in a
17 quarantine area, separated from the general animal population of the
18 pet shop, kennel, or pet dealer premises.

19 e. The owner or operator of a pet shop or kennel, or the pet
20 dealer, or designated employee thereof, may inoculate and vaccinate
21 animals prior to purchase only upon the order of a veterinarian. No
22 owner or operator of a pet shop or kennel, or pet dealer, or
23 employee thereof, may represent, directly or indirectly, that the
24 owner or operator of the pet shop or kennel, or the pet dealer, or any
25 employee thereof, other than a veterinarian, is qualified to, directly
26 or indirectly, diagnose, **[prognose]** give a prognosis, treat, or
27 administer for, prescribe any treatment for, operate concerning,
28 manipulate or apply any apparatus or appliance for addressing, any
29 disease, pain, deformity, defect, injury, wound or physical condition
30 of any animal after purchase of the animal, for the prevention of, or
31 to test for, the presence of any disease, pain, deformity, defect,
32 injury, wound or physical condition in an animal after its purchase.
33 These prohibitions include, but are not limited to, the giving of
34 inoculations or vaccinations after purchase, the diagnosing,
35 prescribing and dispensing of medication to animals and the
36 prescribing of any diet or dietary supplement as treatment for any
37 disease, pain, deformity, defect, injury, wound or physical
38 condition.

39 f. The Director of the Division of Consumer Affairs in the
40 Department of Law and Public Safety shall provide each owner or
41 operator of a pet shop or kennel, and each pet dealer with
42 notification forms, to be signed by the owner or operator of the pet
43 shop or kennel, or a pet dealer, or employee thereof, and the
44 consumer at the time of purchase of an animal. The notification
45 form shall provide the following:

46 (1) The full text of the rights and responsibilities provided for in
47 subsection h. of this section;

1 (2) The full text and description of the recourse to which the
2 consumer is entitled pursuant to subsection i. of this section;

3 (3) The statement that it is the responsibility of the consumer to
4 obtain such certification within the required amount of time
5 provided by subsection h. of this section;

6 (4) The full text of the rights and responsibilities of the owner or
7 operator of the pet shop or kennel, or the pet dealer, and the
8 employees thereof, and the consumer provided in subsection l. of
9 this section; and

10 (5) The notification, reporting and enforcement provisions
11 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
12 name and address of the local health authority with jurisdiction over
13 the pet shop, kennel, or the pet dealer.

14 The owner or operator of the pet shop or kennel, or the pet
15 dealer, or an employee thereof, shall obtain the signature of the
16 consumer on the form and shall also sign the form at the time of
17 purchase of an animal, and shall provide the consumer with a signed
18 copy of the form and retain a copy of the form on the pet shop,
19 kennel, or pet dealer premises. Copies of all such notices shall be
20 readily available for inspection by an authorized representative of
21 the Division of Consumer Affairs, upon request. No **[pet shop]**
22 owner or operator of a pet shop or kennel, or pet dealer, or
23 employee thereof, may construe or use the signed notification form
24 required pursuant to this subsection as an abdication of the right to
25 recourse provided for in subsection i., or as a selection of recourse
26 pursuant to subsection k. of this section.

27 g. The owner or operator of a pet shop or kennel, or the pet
28 dealer, or an employee thereof, shall have any animal that has been
29 examined more than 14 days prior to the date of purchase,
30 reexamined by a veterinarian for the purpose of disclosing its
31 condition, within 72 hours of the delivery of the animal to the
32 consumer, unless the consumer has waived the right to the
33 reexamination in writing. The owner or operator of a pet shop or
34 kennel, or the pet dealer, or an employee thereof, shall provide a
35 copy of the written waiver to the consumer prior to the signing of
36 any contact or agreement to purchase the animal and the written
37 waiver shall be in the form established by the director by regulation.

38 h. If at any time within 14 days after the sale and delivery of an
39 animal to a consumer, the animal becomes sick or dies and a
40 veterinarian certifies, within the 14 days after the date of purchase
41 of the animal by the consumer, that the animal is unfit for purchase
42 due to a non-congenital cause or condition, or that the animal died
43 from causes other than an accident, the consumer is entitled to the
44 recourse described in subsection i. of this section.

45 If the animal becomes sick or dies within 180 days after the date
46 of purchase and a veterinarian certifies, within the 180 days after
47 the date of purchase of the animal by the consumer, that the animal
48 is unfit for sale due to a congenital or hereditary cause or condition,

1 or a sickness brought on by a congenital or hereditary cause or
2 condition, or died from such a cause or condition or sickness, the
3 consumer shall be entitled to the recourse provided in subsection i.
4 of this section. If the animal is sold as a pedigree and congenital or
5 genetic defects are discovered, and the defects are certified by a
6 licensed veterinarian within 26 months after the sale, the consumer
7 shall be entitled to the recourse provided in subsection i. of this
8 section.

9 It shall be the responsibility of the consumer to obtain such
10 certification within the required amount of time provided by this
11 subsection, unless the owner or operator of the pet shop or kennel,
12 or a pet dealer, or the employee thereof selling the animal to the
13 consumer, fails to provide the notice required pursuant to
14 subsection f. of this section. If the owner or operator of the pet
15 shop or kennel, or a pet dealer, or the employee thereof, fails to
16 provide the required notice, the consumer shall be entitled to the
17 recourse provided for in subsection i. of this section.

18 i. **【Only】** The consumer shall have the sole authority to
19 determine the recourse the consumer wishes to select and accept,
20 provided that the recourse selected is one of the following:

21 (1) The right to return the animal and receive a full refund of the
22 purchase price, including sales tax, plus the reimbursement of the
23 veterinary fees, including the cost of the veterinarian certification,
24 incurred prior to the receipt by the consumer of the veterinarian
25 certification;

26 (2) The right to retain the animal and to receive reimbursement
27 for veterinary fees incurred prior to the consumer's receipt of the
28 veterinarian certification, plus the future cost of veterinary fees to
29 be incurred in curing or attempting to cure the animal, including the
30 cost of the veterinarian certification;

31 (3) The right to return the animal and to receive in exchange an
32 animal of the consumer's choice, of equivalent value, plus
33 reimbursement of veterinary fees, including the cost of the
34 veterinarian certification, incurred prior to the consumer's receipt of
35 the veterinarian certification; or

36 (4) In the event of the death of the animal from causes other
37 than an accident, the right to a full refund of the purchase price of
38 the animal, including sales tax, or another animal of the consumer's
39 choice of equivalent value, plus reimbursement of veterinary fees,
40 including the cost of the veterinarian certification, incurred prior to
41 the death of the animal.

42 The consumer shall be entitled to be reimbursed an amount for
43 veterinary fees up to and including two times the purchase price,
44 including sales tax, of the sick or dead animal. No reimbursement
45 of veterinary fees shall exceed two times the purchase price,
46 including sales tax, of the sick or dead animal.

47 j. The veterinarian shall provide to the consumer in writing
48 and within the seven days after the consumer consults with the

1 veterinarian any certification that is appropriate pursuant to this
2 section upon the determination that such certification is appropriate.

3 The certification shall include:

- 4 (1) The name of the owner;
- 5 (2) The date or dates of examination;
- 6 (3) The breed, color, sex and age of the animal;
- 7 (4) A statement of the findings of the veterinarian;
- 8 (5) A statement that the veterinarian certifies the animal to be
9 "unfit for purchase";
- 10 (6) An itemized statement of veterinary fees incurred as of the
11 date of certification;
- 12 (7) If the animal may be curable, an estimate of the possible cost
13 to cure, or attempt to cure, the animal;
- 14 (8) If the animal has died, a statement establishing the probable
15 cause of death; **[and]**
- 16 (9) The name and address of the certifying veterinarian and the
17 date of the certification ; and

18 (10) Any additional information required pursuant to section 10
19 of P.L. , c. (C) (pending before the Legislature as this bill) .

20 k. Upon the presentation of the veterinarian certification
21 required in subsection j. of this section to the pet shop, kennel, or
22 pet dealer, the consumer shall select the recourse to be provided and
23 the owner or operator of the pet shop or kennel, or the pet dealer, or
24 the employee thereof, shall confirm the selection of recourse in
25 writing. The confirmation of the selection shall be signed by the
26 owner or operator of the pet shop or kennel, or the pet dealer, or an
27 employee thereof, and the consumer and a copy of the signed
28 confirmation shall be given to the consumer and retained by the
29 owner or operator of the pet shop or kennel, or the pet dealer, or
30 employee thereof, on the pet shop, kennel, or pet dealer premises.
31 The confirmation of the selection shall be in the form established by
32 the director by regulation.

33 l. The owner or operator of the pet shop or kennel, or the pet
34 dealer, or an employee thereof, shall comply with the selection of
35 recourse by the consumer no later than 10 days after the receipt of
36 the veterinarian certification and the signed confirmation of
37 selection of recourse form. In the event the owner or operator of
38 the pet shop or kennel, or the pet dealer, or an employee thereof,
39 wishes to contest the selection of recourse of the consumer, the
40 owner or operator of the pet shop or kennel, or the pet dealer, or an
41 employee thereof, shall notify the consumer and the director in
42 writing within the five days after the receipt of the veterinarian
43 certification and the signed confirmation of selection of recourse
44 form. After notification to the consumer and the director of the
45 division, the owner or operator of the pet shop or kennel, or the pet
46 dealer, or an employee thereof, may require the consumer to
47 produce the animal for examination by a veterinarian chosen by the
48 owner or operator of the pet shop or kennel, or the pet dealer, or

1 employee thereof, at a mutually convenient time and place, except
2 if the animal has died and was required to be cremated for public
3 health reasons. The director shall set, upon receipt of such notice of
4 contest on the part of the owner or operator of the pet shop or
5 kennel, or the pet dealer, or an employee thereof, a hearing date and
6 hold a hearing, pursuant to the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.) and the Uniform
8 Administrative Procedure Rules adopted pursuant thereto, to
9 determine whether the recourse selected by the consumer should be
10 allowed. The consumer and the owner or operator of the pet shop
11 or kennel, or employee thereof, shall be entitled to any appeal of the
12 decision resulting from the hearing as may be provided for under
13 the law, or any rule or regulation adopted pursuant thereto, but upon
14 the exhaustion of such remedies and recourse, the consumer and the
15 owner or operator of the pet shop or kennel, or the pet dealer shall
16 comply with the final decision rendered.

17 m. Any owner or operator of a pet shop or kennel, or any pet
18 dealer, or employee thereof, shall be guilty of a deceptive practice if
19 the owner or operator, or employee thereof, secures or attempts to
20 secure a waiver of any of the provisions of this section except as
21 specifically authorized under subsection g. of this section.

22 n. The owner of a pet shop or kennel, or the pet dealer shall be
23 responsible and liable for any recourse or reimbursement due to a
24 consumer because of violations of any provisions of this section by
25 the owner or operator of the pet shop or kennel, or the pet dealer, or
26 any employee thereof, or because of any document signed pursuant
27 to this section by the owner or operator of the pet shop or kennel, or
28 the pet dealer, or any employee thereof.

29 (cf: P.L.1999, c.336, s.4)

30

31 26. Section 5 of P.L.1999, c.336 (C.56:8-96) is amended to read
32 as follows:

33 5. a. Any consumer who purchases from a pet shop, kennel, or
34 pet dealer an animal that becomes sick or dies after the date of
35 purchase may take the sick or dead animal to a veterinarian within
36 the period of time required pursuant to the notification form
37 provided upon the date of purchase, receive certification from the
38 veterinarian of the health and condition of the animal, and pursue
39 the recourse provided for under the circumstances indicated by the
40 veterinarian certification, as required and provided for pursuant to
41 section 4 of P.L.1999, c.336 (C.56:8-95).

42 b. Upon receipt of the certification from the veterinarian, the
43 consumer may report the sickness or death of the animal and the pet
44 shop, kennel, or pet dealer where the animal was purchased to the
45 local health authority with jurisdiction over the municipality in
46 which the pet shop, kennel, or pet dealer where the animal was
47 purchased is located, and to the Director of the Division of
48 Consumer Affairs in the Department of Law and Public Safety. The

1 consumer shall provide a copy of the veterinarian certificate with
2 any such report. The director shall forward to the appropriate local
3 health authority a copy of any such report the division receives.
4 The local health authority shall record and retain the records of any
5 such report and documentation submitted by a consumer.

6 c. By the May 1 immediately following the effective date of
7 **[this act]** P.L.1999, c.336 (C.56:8-92 et al.) , and annually
8 thereafter, the local health authority with jurisdiction over pet shops
9 and kennels shall review any files it has concerning reports filed
10 pursuant to subsection b. of this section and shall recommend to the
11 municipality in which the pet shop or kennel is located the
12 revocation of the license of any pet shop or kennel with reports filed
13 as follows:

14 (1) 15% of the total number of animals sold in a year by the pet
15 shop or kennel were certified by a veterinarian to be unfit for
16 purchase due to congenital or hereditary cause or condition, or a
17 sickness brought on by a congenital or hereditary cause or
18 condition;

19 (2) 25% of the total number of animals sold in a year by the pet
20 shop or kennel were certified by a veterinarian to be unfit for
21 purchase due to a non-congenital cause or condition;

22 (3) 10% of the total number of animals sold in a year by the pet
23 shop or kennel died and were certified by a veterinarian to have
24 died from a non-congenital cause or condition; or

25 (4) 5% of the total number of animals sold in a year by the pet
26 shop or kennel died and were certified by a veterinarian to have
27 died from a congenital or hereditary cause or condition, or a
28 sickness brought on by a congenital or hereditary cause or
29 condition.

30 A local health authority with jurisdiction over pet shops and
31 kennels may recommend to the municipality in which the pet shop
32 or kennel is located the revocation of the license of any pet shop or
33 kennel based on criteria established pursuant to this section and
34 section 37 of P.L. , c. (C.) (pending before the Legislature as
35 this bill).

36 d. By the May 1 immediately following the effective date of
37 **[this act]** P.L.1999, c.336 , and annually thereafter, the local health
38 authority with jurisdiction over pet shops and kennels shall review
39 any files it has concerning reports filed pursuant to subsection b. of
40 this section and shall recommend to the municipality in which the
41 pet shop or kennel is located a 90-day suspension of the license of
42 any pet shop or kennel with reports filed as follows:

43 (1) 10% of the total number of animals sold in a year by the pet
44 shop or kennel were certified by a veterinarian to be unfit for
45 purchase due to congenital or hereditary cause or condition, or a
46 sickness brought on by a congenital or hereditary cause or
47 condition;

1 (2) 15% of the total number of animals sold in a year by the pet
2 shop or kennel were certified by a veterinarian to be unfit for
3 purchase due to a non-congenital cause or condition;

4 (3) 5% of the total number of animals sold in a year by the pet
5 shop or kennel died and were certified by a veterinarian to have
6 died from a non-congenital cause or condition; or

7 (4) 3% of the total number of animals sold in a year by the pet
8 shop or kennel died and were certified by a veterinarian to have
9 died from a congenital or hereditary cause or condition, or a
10 sickness brought on by a congenital or hereditary cause or
11 condition.

12 e. Pursuant to the authority and requirements provided in
13 section 8 of P.L.1941, c.151 (C.4:19-15.8), the owner of the pet
14 shop or kennel shall be afforded a hearing and, upon the
15 recommendation by the local health authority pursuant to subsection
16 c. or d. of this section, the local health authority, in consultation
17 with the **[State]** Department of Health and Senior Services, shall
18 set a date for the hearing to be held by the local health authority or
19 the **[State]** Department of Health and Senior Services and shall
20 notify the pet shop involved. The municipality may suspend or
21 revoke the license, or part thereof, that authorizes the pet shop or
22 kennel to sell cats or dogs after such hearing has been held and as
23 provided in section 8 of P.L.1941, c.151 (C.4:19-15.8). At the
24 hearing, the local health authority **[or]**, the **[State]** Department of
25 Health and Senior Services, or the Division of Consumer Affairs in
26 the Department of Law and Public Safety, whichever entity is
27 holding the hearing, shall receive testimony from the pet shop or
28 kennel and shall determine if the pet shop or kennel : (1) failed to
29 maintain proper hygiene and exercise reasonable care in
30 safeguarding the health of animals in its custody, **[or]** (2) sold a
31 substantial number of animals that the pet shop or kennel knew, or
32 reasonably should have known, to be unfit for purchase, (3) was
33 convicted of, or found civilly liable for, violating any State animal
34 cruelty law or regulation, or convicted of, or found civilly liable for,
35 substantially similar conduct pursuant to an animal cruelty law of
36 another state, or (4) met the criteria for license revocation or
37 suspension established pursuant to section 37 of P.L. , c. (C.)
38 (pending before the Legislature as this bill).

39 f. No provision of subsection c. shall be construed to restrict
40 the local health authority or the **[State]** Department of Health and
41 Senior Services from holding a hearing concerning any pet shop or
42 kennel in the State irrespective of the criteria for recommendation
43 of license suspension or revocation named in subsection c. or d., or
44 from recommending to a municipality the suspension or revocation
45 of the license of a pet shop or kennel within its jurisdiction for other
46 violations under other sections of law, or rules and regulations
47 adopted pursuant thereto.

1 g. No action taken by the local health authority or municipality
2 pursuant to this section or section 8 of P.L.1941, c.151 (C.4:19-
3 15.8) shall be construed to limit or replace any action, hearing or
4 review of complaints concerning the pet shop or kennel by the
5 Division of Consumer Affairs in the Department of Law and Public
6 Safety to enforce consumer fraud laws or other protections to which
7 the consumer is entitled.

8 h. The requirements of this section shall be posted in a
9 prominent place in each pet shop and kennel in the State along with
10 the name, address and telephone number of the local health
11 authority that has jurisdiction over the pet shop or kennel , and this
12 information shall be provided in writing at the time of purchase to
13 each consumer and to each licensed veterinarian contracted for
14 services by the pet shop or kennel upon contracting the veterinarian.

15 i. The Director of the Division of Consumer Affairs may
16 investigate and pursue enforcement against any pet shop or kennel
17 reported by a consumer pursuant to subsection b. of this section.

18 (cf: P.L.1999, c.336, s.5)

19
20 27. Section 7 of P.L.1999, c.336 (C.56:8-97) is amended to read
21 as follows:

22 7. The **【Director of the】** Division of Consumer Affairs in the
23 Department of Law and Public Safety, in consultation with the
24 Canine and Feline Health Board, established pursuant to section 13
25 of P.L. , c. (C.) (pending before the Legislature as this bill),
26 and the Department of Health and Senior Services, may adopt,
27 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
28 (C.52:14B-1 et seq.), any rules or regulations **【as the director**
29 **deems】** necessary for the implementation of this act and any
30 provision of P.L. , c. (C.) (pending before the Legislature as
31 this bill) .

32 (cf: P.L.1999, c.336, s.7)

33
34 28. (New section)a. Any pet dealer operating in the State shall
35 apply to the Division of Consumer Affairs in the Department of
36 Law and Public Safety, for a license to operate as a pet dealer in
37 this State.

38 No person convicted of or found civilly liable for violating any
39 State animal cruelty law or regulation, or convicted of or found
40 civilly liable for substantially similar conduct pursuant to an animal
41 cruelty law of another state, may apply for a license or a renewal of
42 a license to operate in this State as a pet dealer.

43 The application shall describe the premises where the pet dealer
44 is located or is proposed to be located, and the purpose or purposes
45 for which it is to be maintained, and shall be accompanied by the
46 written approval of a local municipal or health authority, showing
47 compliance with the federal, State, or local rules and regulations
48 governing sanitation. An out-of-State pet dealer shall provide

1 documentation of compliance with the requirements in its respective
2 state or local authority. The division may charge a reasonable fee
3 to cover the administrative costs of the pet dealer license.

4 b. All pet dealer licenses shall expire on the last day of June of
5 each year, and be subject to suspension or revocation by the
6 division for failure to comply with this section, P.L.1941, c.151
7 (C.4:19-15.1 et seq.), P.L.1999, c.336 (C.56:8-92 et al.), or the rules
8 and regulations adopted pursuant thereto.

9 c. A pet dealer license shall not be transferable to another
10 person or to a different premises.

11 d. The license for a pet dealer shall be subject to review by the
12 Division of Consumer Affairs, upon recommendation by the
13 Department of Health and Senior Services, a municipality, or a
14 local health authority, for failure by the pet dealer to comply with
15 the rules and regulations of the division, a municipality, or local
16 health authority, or because the pet dealer meets the criteria for
17 recommended suspension or revocation provided pursuant to
18 section 37 of P.L. , c. (C.) (pending before the Legislature as
19 this bill) and section 8 of P.L.1941, c.151 (C.4:19-15.8), as
20 applicable, after the pet dealer has been afforded a hearing pursuant
21 to this section.

22 The division, when applying the criteria provided under
23 subsections c. and d. of section 5 of P.L.1999, c.336 (C.56:8-96),
24 may suspend the license for 90 days or may revoke the license if it
25 is determined at the hearing that the pet dealer: (1) failed to
26 maintain proper hygiene and exercise reasonable care in
27 safeguarding the health of animals in its custody, (2) sold a
28 substantial number of animals that the pet dealer knew, or
29 reasonably should have known, to be unfit for purchase, or (3) was
30 convicted of violating any State animal cruelty law or regulation, or
31 convicted of substantially similar conduct pursuant to an animal
32 cruelty law of another state.

33 e. The division shall provide written notice of a pet dealer
34 license revocation, suspension or denial to the person whose license
35 is revoked, suspended or denied. The notice shall set forth the
36 general factual and legal basis for the action and shall advise the
37 affected person that within 10 days of receipt of the notice the
38 person may file with the division a written request for an
39 administrative hearing. The hearing before the division shall be
40 conducted in accordance with the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.). Written notice of revocation,
42 suspension or denial shall be served by personal service or by
43 registered or certified mail, return receipt requested, to the person
44 whose license is revoked, suspended or denied or to a responsible
45 employee of that person. Revocation, suspension, or denial shall be
46 effective upon the expiration of a 10-day period for requesting an
47 administrative hearing, unless a timely request for a hearing has
48 been filed with the division.

1 f. A licensed pet dealer shall submit to the division annually
2 and no later than May 1 of each year records of the total number of
3 cats or dogs sold by the dealer each year.

4 g. A licensed pet dealer who applies for renewal of a license
5 and is found to have violated any provision of P.L.1941, c.151
6 (C.4:19-15.1 et seq.) or P.L.1999, c.336 (C.56:8-92 et al.) may be
7 denied a license renewal by the division.

8
9 29. (New section) a. Any person who falsely attests to
10 compliance with any item attested to in the signed document
11 required pursuant to subsection a. of section 30 or in a license
12 application submitted pursuant to section 28 of this act is in
13 violation of this act.

14 b. The department shall deny registration to, or revoke the
15 registration of, any breeder doing business in the State as a pet
16 dealer or any pet dealer who is found in violation of this act, or who
17 has been found guilty of:

18 (1) Cruelty to animals in the State or another jurisdiction; or

19 (2) Any animal protection law in any state concerning the proper
20 breeding, care, housing, raising or treatment of animals.

21 c. Any breeder who sells or offers for sale a cat or dog without
22 valid registration is in violation of this act. Any pet dealer who
23 knowingly purchases a cat or dog from a breeder who is without
24 valid registration is in violation of this act.

25
26 30. (New section) No pet dealer may purchase any cats or dogs
27 from any person who is not a registered breeder named on the list
28 compiled and published by the Department of Health and Senior
29 Services pursuant to subsection e. of section 9 of this act, except if
30 that person has documentation that each of the cats or dogs being
31 sold were bred by a registered breeder named on the list compiled
32 and published by the department pursuant to subsection e. of section
33 9 of this act, or if the person signs a notarized affidavit attesting to
34 the fact that the individual is not a breeder or a pet dealer regulated
35 by this act.

36
37 31. (New section) a. No cat or dog may be sold in the State by a
38 kennel, pet shop, or other retail establishment that sells cat or dogs
39 unless the name, address and phone number of the person who
40 provided the cat or dog to the kennel, pet shop, or other retail
41 establishment that sells cats or dogs is provided at the time of sale
42 to the person purchasing the cat or dog. If the cat or dog was raised
43 by the kennel, pet shop or other retail establishment, the name,
44 address and phone number of the owner of the kennel, pet shop, or
45 other retail establishment shall be provided to the person purchasing
46 the cat or dog. No provision of this subsection shall be construed to
47 apply to a shelter, pound or other nonprofit organization that
48 provides cats or dogs to individuals, regardless of any fee or charge

1 that may be applied by the shelter, pound or nonprofit organization
2 at the time that the cat or dog is provided to an individual.

3 b. Any person violating the provisions of subsection a. of this
4 section shall be subject to a fine of \$500 for each violation, to be
5 collected by the division in a civil action by a summary proceeding
6 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
7 (C.2A:58-10 et seq.).

8
9 32. (New section) A pet shop, kennel, or pet dealer shall have a
10 bill of sale or record for each animal purchased. A bill of sale or
11 record which is fraudulent or indicates the theft of an animal may
12 be used as evidence for license revocation by a municipality or by
13 the Division of Consumer Affairs, pursuant to section 37 of P.L. ,
14 c. (C.) (pending before the Legislature as this bill), and a pet
15 shop, kennel, or pet dealer may be required to pay to the division a
16 reasonable administrative penalty, as established by the division.

17 A bill of sale or record shall include the current and valid license
18 number of the pet shop, kennel, or pet dealer that sold, exchanged,
19 bartered, gave away, or transferred the animal and any other
20 information required by the division. The bill of sale or record shall
21 be kept for at least two years.

22
23 33. a. The information required pursuant to subsection c. of this
24 section shall be available in writing to any person who requests it.
25 Every pet dealer shall post in a conspicuous location a sign stating:
26 "UPON REQUEST, YOU HAVE A RIGHT TO A COPY OF THE
27 HEALTH HISTORY AND BREEDER INFORMATION FOR ANY
28 ANIMAL OFFERED FOR SALE IN THIS ESTABLISHMENT,
29 REGARDLESS OF WHETHER YOU ARE BUYING THE
30 ANIMAL."

31 b. The information required pursuant to paragraphs (1) through
32 (8) of subsection c. of this section shall be provided in a single
33 document created pursuant to this subsection as the health
34 certificate of the animal. This health certificate shall remain with
35 the animal for the duration of its life and shall be updated annually
36 by the licensed veterinarian caring for the animal.

37 c. Every pet dealer shall provide the purchaser of each cat or
38 cat or dog sold by the pet dealer at the time of sale a written
39 statement, in a standardized form prescribed by the Department of
40 Health and Senior Services, containing the following information:

41 (1) The name and street address of the person from whom the cat
42 or dog was obtained and, if the person is a dealer licensed by the
43 United States Department of Agriculture, the person's federal dealer
44 identification number;

45 (2) The breeder's and pet dealer's name, street address, if
46 different from the information required in paragraph (1) of this
47 subsection, and, if licensed by the United States Department of

- 1 Agriculture, the breeder's and pet dealer's federal dealer
2 identification number;
- 3 (3) The date of birth of the cat or dog, the cat's or dog's age, or
4 an approximation provided by a licensed veterinarian;
- 5 (4) The cat's or dog's origin, including contact information for
6 the breeder of the cat or dog, that the cat or dog did not originate
7 within an area under quarantine for rabies, and, as ascertained by
8 the veterinarian, that the cat or dog has not been exposed to rabies
9 within 100 days of importation;
- 10 (5) A record of the immunizations administered to the cat or dog
11 as of the time of sale, including the dates of administration and the
12 type of vaccine, and for a dog, the rabies tag number;
- 13 (6) the cat's or dog's health, including whether the cat or dog
14 shows no signs or symptoms of infectious or communicable disease;
- 15 (7) If purebred or registerable with a cat or dog registry, the
16 sire's and the dam's registration, if any, from the registry
17 organization;
- 18 (8) A record of any veterinarian treatment or medication received
19 by a cat or dog while in the possession of a pet dealer to treat any
20 disease, illness, or condition that required hospitalization or a
21 surgical procedure, and one of the following –
- 22 (a) A statement that the cat or dog has no known disease, illness,
23 or condition that requires hospitalization, a surgical procedure or
24 ongoing treatment at the time of sale, dated and signed by a
25 licensed veterinarian no more than 14 days prior to the sale, that
26 also authorizes the sale of the cat or dog; or
- 27 (b) A record of any known disease, illness, or condition that
28 requires hospitalization, surgical procedures or ongoing treatment
29 with which the cat or dog is afflicted at the time of sale, and a
30 statement, dated and signed by a licensed veterinarian no more than
31 14 days prior to the sale, that recommends a course of treatment,
32 authorizes the sale of the cat or dog afflicted with the disease,
33 illness or condition, and states that the recommended course of
34 treatment is necessary for the good health and survival of the cat or
35 dog being sold; and
- 36 (9) confirmation that the pet dealer or owner or operator of the
37 kennel or pet shop has not been convicted of, or found civilly liable
38 for, any State animal cruelty law or regulation, or convicted of, or
39 found civilly liable for, substantially similar conduct pursuant to an
40 animal cruelty law of another state.
- 41 The statement dated and signed by a licensed veterinarian
42 required pursuant to this section shall not be required to address the
43 presence of external parasites unless their presence makes the cat or
44 dog ill to the point of requiring hospitalization or a surgical
45 procedure, or is likely to make the cat or dog ill to the point of
46 requiring hospitalization or a surgical procedure within the
47 foreseeable future if left untreated. The statement shall include
48 confirmation from the licensed veterinarian that the veterinarian has

1 checked the cat or dog and its feces for internal parasites and has
2 found none, or if internal parasites are found, the statement shall
3 report the type of internal parasite and the recommended treatment,
4 and shall confirm that hospitalization or a surgical procedure is not
5 likely to be required as a result of the presence of the internal
6 parasites if the recommended treatment is followed.

7 The statement dated and signed by a licensed veterinarian
8 required pursuant to this section is invalid if the cat or dog is not
9 purchased within 14 days following the date of the statement. Any
10 cat or dog subject to the provisions of this section may not be sold
11 without a valid veterinarian statement as required pursuant to this
12 subsection. Any disclosure made pursuant to this section shall be
13 signed by both the pet dealer certifying the accuracy of the
14 statement, and the purchaser of the cat or dog acknowledging
15 receipt of the statement.

16 d. Any pet dealer selling a cat or dog to another pet dealer shall
17 provide the purchasing pet dealer with the documentation and
18 information required in subsection b. of this section. The
19 purchasing pet dealer shall retain the documentation and
20 information and shall update it during the period of time that the
21 purchasing pet dealer is in possession of the cat or dog.

22 e. All information required to be disclosed pursuant to this
23 section may be made orally to a person inquiring about the cat or
24 dog, but shall be provided in writing upon request regardless of
25 whether the cat or dog is being purchased at the time of the request.

26 f. Any pet dealer that fails to provide or misrepresents any
27 documentation or information required pursuant to subsection a. of
28 this section shall be guilty of fraud and violation of this act, and
29 shall be subject to the penalties provided pursuant to sections 37
30 through 41 of P.L. , c. (C.) (pending before the Legislature
31 as this bill) and P.L.1960, c.39 (C.56:8-1 et seq.) as well as any
32 other penalties applicable under State or federal law.

33
34 34. (New section) a. Each cat or dog transported into this State
35 for sale by a kennel, pet shop, or pet dealer shall have the health
36 certificate required pursuant to section 33 of P.L. , c. (C.)
37 (pending before the Legislature as this bill), except that an out-of-
38 State dealer may have a certificate prepared by a veterinarian
39 licensed in the out-of-State dealer's state. All other health
40 certificates shall be prepared by a State licensed veterinarian. The
41 health certificate, or a copy thereof, shall accompany the animal
42 while in this State.

43 b. A copy of the health certificate shall be retained by the pet
44 dealer, kennel, or pet shop for 14 days after the sale or transfer of
45 an animal.

46 c. A pet dealer, kennel, or pet shop that sells cats or dogs or
47 breeds them for sale shall have a bill of sale or record for each cat
48 or dog purchased, pursuant to section 32 of P.L. , c. (C.)

1 (pending before the Legislature as this bill), which shall be kept by
2 the pet dealer, kennel, or pet shop for at least two years.

3
4 35. (New section) a. Except as otherwise provided for in section
5 25 of this act, no pet dealer shall knowingly sell a cat or dog which
6 is diseased, ill, or has a condition that requires hospitalization or a
7 surgical procedure. Every pet dealer shall comply with, and every
8 purchaser of a pet shall be entitled to the protections provided
9 under, P.L.1960, c.39 (C.56:8-1 et seq.) and any rules or regulations
10 adopted pursuant thereto concerning the sale of animals.

11 b. No pet dealer shall keep a cat or dog in a pet shop for more
12 than eight consecutive weeks. Every pet dealer shall establish
13 procedures and methods for the return of cats or dogs for any reason
14 that shall include the humane transfer of cats or dogs to a pound,
15 shelter or other municipal animal control facility. Any cat or dog
16 that has not been sold after eight consecutive weeks in the pet shop
17 shall be delivered in a humane manner and at no cost to the pound,
18 shelter, or other municipal animal control facility with which the
19 municipality in which the pet shop is located has contracted for the
20 holding of animals.

21
22 36. (New section) a. Every pet dealer shall post conspicuously
23 on the cage of each cat or dog offered for sale a notice indicating
24 the name, license number, and address of the breeder of the cat or
25 dog in the cage.

26 b. Every pet dealer shall post conspicuously within close
27 proximity to the cage of a cat or a dog offered for sale, a notice
28 containing the following language in 100-point type:

29 "Information on the source of this cat or dog and the veterinary
30 treatments it has received is available for review upon request."

31
32 37. (New section) a. In addition to the provisions of section 8
33 of P.L.1941, c.151 (C.4:19-15.8), section 5 of P.L.1999, c.336
34 (C.56:8-96), and section 24 of P.L. , c. (C) (pending before
35 the Legislature as this bill), a municipality may revoke, suspend, or
36 deny to issue a pet shop or kennel license, and the division may
37 revoke, suspend, or deny to issue a pet dealer license, for any one or
38 more of the following reasons:

39 (1) the person holding or applying for a license is convicted of,
40 or found civilly liable for, violating any State animal cruelty law or
41 regulation, or convicted of, or found civilly liable for, substantially
42 similar conduct pursuant to an animal cruelty law of another state;

43 (2) the person holding or applying for a license has made a
44 material misstatement or misrepresentation in the license
45 application, or has made a material misstatement or
46 misrepresentation to the municipality, department, division, or any
47 personnel regarding a matter relevant to the license;

1 (3) the person holding or applying for a license has failed to
2 comply with P.L.1941, c.151 (C.4:19-15.1 et seq.) or P.L.1999,
3 c.336 (C.56:8-92 et al.), or any regulation adopted pursuant thereto;

4 (4) the person holding or applying for a license has been
5 convicted of any crime;

6 (5) the person holding or applying for a license has, within the
7 last 10 years, entered into an agreement with the Office of the
8 Attorney General or the Division of Consumer Affairs, in the
9 Department of Law and Public Safety, which requires the person to
10 cease and desist from operating a kennel, pet shop, shelter, or
11 pound, or owning, selling or caring for cats or dogs, or both;

12 (6) the location of the kennel or pet shop, for which the license
13 is sought, is subject to a final, binding order, which is not subject to
14 a pending legal challenge, declaring the kennel or pet shop is not a
15 permitted use under the applicable zoning ordinance;

16 (7) the person holding or applying for a license has had a
17 kennel, pet shop, shelter, pound, or pet dealer license revoked,
18 suspended or denied within the past 10 years; or

19 (8) the person holding or applying for a license is in business
20 with a person who does or will play a role in the ownership of the
21 pet shop or kennel, or caring for the cats or dogs, and such other
22 person would be denied a license if that person applied. A "role"
23 shall include ownership of a financial interest in the operation of,
24 caring for the dogs at, or participation in the management of the pet
25 shop or kennel.

26 b. In determining whether to revoke, suspend, or deny a pet
27 shop, kennel, or pet dealer license for a misstatement as set forth
28 under paragraphs (1) or (2) of subsection a. of this section, the
29 municipality or division, as applicable, shall consider the gravity of
30 the misstatement. In determining whether to revoke, suspend, or
31 deny an existing pet shop, kennel, or pet dealer license for a failure
32 to comply with a provision of P.L.1941, c.151, P.L.1999, c.336, or
33 any rules or regulations adopted pursuant thereto, the municipality
34 or division, as applicable, shall consider the following factors:

35 (1) the gravity of the violation;

36 (2) the number of current or past violations;

37 (3) the potential effect of the violation on the health or welfare
38 of a dog;

39 (4) whether the pet shop, kennel, or pet dealer has been warned
40 previously to correct the violation;

41 (5) whether the violation resulted in a criminal conviction or
42 civil liability; and

43 (6) the length of time that has elapsed between violations.
44

45 38. (New section) a. Upon revocation or denial of a license by a
46 municipality or the division, as applicable, pursuant to section 8 of
47 P.L.1941, c.151 (C.4:19-15.8), section 5 of P.L.1999, c.336
48 (C.56:8-96), or sections 28 or 37 of P.L. , c. (C.) (pending

1 before the Legislature as this bill), respectively, a pet shop, kennel,
2 or pet dealer shall:

3 (1) immediately cease and desist from operating a pet shop or
4 kennel or operating as a pet dealer in this State, including boarding,
5 buying, exchanging, selling, offering for sale, giving away or in any
6 way transferring cats or dogs;

7 (2) acquire no additional cats or dogs nor increase the number of
8 cats or dogs in the pet shop or kennel, by any means, including
9 breeding, except if the acquisition or increase is by birth of
10 offspring from a mother which, at the time of revocation or denial,
11 was: (a) on the property; (b) pregnant; and (c) owned by the pet
12 shop, kennel, or pet dealer;

13 (3) notify the division prior to the euthanization of any cat or
14 dog, except as provided in subsection c. of this section;

15 (4) permit an authorized representative of the municipality or
16 the division, as applicable, to inspect a pet shop or kennel without a
17 warrant in order to determine compliance with a municipal order,
18 any relevant court order and any provision of P.L.1941, c.151 or
19 P.L.1999, c.336; and

20 (5) divest itself of any cats or dogs numbering more than 25,
21 unless directed otherwise by the municipality, division, or court
22 order, within a reasonable time period as determined by the
23 municipality or division, but not to exceed 10 days, pursuant to
24 subsection b. of this section.

25 b. The notice of revocation or denial, from the municipality or
26 the division, as applicable, shall set forth the manner by which the
27 pet shop or kennel owner may divest of the cats or dogs, as required
28 pursuant to paragraph (5) of subsection a. of this section. If there
29 are more cats or dogs on the premises than permitted in the
30 municipal or court order after the expiration of the time period set
31 forth in the order, the pet shop or kennel may select the cats or dogs
32 to be kept, up to the number allowed under this subsection. The cats
33 or dogs not selected shall be forfeited to the entity set forth in the
34 municipal or court order, or to an entity approved by the
35 municipality or the division, as appropriate, without compensation
36 to the owner.

37 c. No cat or dog may be euthanized unless it is determined by a
38 licensed veterinarian that the euthanasia will prevent the cat or dog
39 from suffering caused by a medical condition. If a veterinarian
40 determines a cat or dog should be euthanized, a copy of the
41 veterinarian's findings, signed by the veterinarian, shall be provided
42 to the division. If, in an emergency situation, it is deemed by the
43 licensed veterinarian that immediate euthanasia is necessary to
44 relieve the suffering of the cat or dog, the cat or dog may be
45 euthanized immediately following that determination. Following
46 euthanasia in an emergency situation, a copy of the veterinarian's
47 findings shall be signed by the licensed veterinarian and provided to
48 the division.

1 39. (New section) a. A person whose license is denied or
2 revoked under section 8 or P.L.1941, c.151 (C.4:19-15.8) or
3 sections 28 or 37 of P.L. , c. (C.) (pending before the
4 Legislature as this bill), and who timely files a request for an
5 administrative hearing, pursuant to section 8 of P.L.1941, c.151
6 (C.4:19-15.8) or section 28 of P.L. , c. (C.) (pending before
7 the Legislature as this bill), and would continue to require a license
8 under P.L. , c. (C.) (pending before the Legislature as this
9 bill), pending the exhaustion of all appeals, shall:

10 (1) be considered to be operating under suspension;

11 (2) receive notice from the municipality or division of the
12 license being suspended; and

13 (3) during the duration of all appeals, and thereafter if the
14 municipal or division action is upheld, be subject to the
15 requirements set forth in paragraphs (2) through (5) of subsection
16 a., and subsections b. through c. of section 38 of P.L. , c. (C.)
17 (pending before the Legislature as this bill).

18 b. Within 10 days after the exhaustion of an administrative
19 appeal under subsection a. of this section, in which the municipal or
20 division action is upheld, the pet shop or kennel shall reduce the
21 number of cats or dogs as required pursuant to paragraph (5) of
22 subsection a., and subsection b. of section 38 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24
25 40. (New section) a. After service of an order or during the
26 duration of an appeal and administrative hearing pursuant to
27 sections 28, 37, 38, or 39 of P.L. , c. (C.) (pending before the
28 Legislature as this bill), a municipality may order the seizure of any
29 cat or dog from a pet shop or kennel, or the division may order the
30 seizure of any cat or dog from a pet dealer, if it is determined by the
31 municipality or the division, based on the conditions found at the
32 pet shop or kennel, or at the pet dealer's primary place of business,
33 as applicable, that there are reasonable grounds to believe the cat's
34 or dog's health, safety or welfare is endangered because of neglect;
35 lack of care; deprivation of necessary sustenance, water, shelter or
36 veterinary care; lack of access to clean and sanitary shelter which
37 will protect the cat or dog against inclement weather and preserve
38 the cat's or dog's body heat and keep it dry; or other conditions
39 which a licensed veterinarian determines are a serious health risk to
40 the cat or dog. The seizure may occur immediately upon notice,
41 whether personal or otherwise, and shall be followed by service of
42 the order.

43 b. The order of seizure, issued pursuant to subsection a. of this
44 section, shall set forth the general factual and legal basis for the
45 action taken and shall advise the pet shop, kennel, or pet dealer that,
46 within 10 days of receipt, the owner or dealer may file with the
47 municipality or division, as appropriate, a written request for an
48 administrative hearing subject to bonding requirements of

1 subsections e. and f. of this section. The order shall be served by
2 personal service or by registered or certified mail, return receipt
3 requested, to the pet shop, kennel owner, or pet dealer affected, or
4 to a responsible employee of such owner or dealer. The municipal
5 or division order, as appropriate, shall become final upon the
6 expiration of the 10-day period for requesting an administrative
7 hearing, unless a timely request for a hearing has been filed with the
8 municipality or division.

9 c. A written request for a hearing must be filed by the affected
10 pet shop or kennel owner with the municipality, or by the affected
11 pet dealer with the division, within 10 days of receipt of the order
12 of seizure or such order shall become final. The request for a
13 hearing shall set forth the factual and legal grounds upon which the
14 request is based. A hearing on the matter may be held in accordance
15 with the “Administrative Procedure Act,” P.L.1968, c.410
16 (C.52:14B-1 et seq.), if applicable. The issue on appeal shall be
17 limited to whether the municipal or division order was justified
18 under this subsection.

19 d. If the order from the municipality or division, as appropriate,
20 has become final or after the exhaustion of any appeals, in cases
21 where the action of the municipality or division, as applicable, is
22 upheld, the cats or dogs seized under the order shall be forfeited to
23 the entity set forth in the order or to an entity approved by the
24 municipality or division, as appropriate, without compensation to
25 the kennel or pet shop owner or pet dealer.

26 e. If cats or dogs are seized from a kennel, pet shop, or pet
27 dealer under this section and an administrative appeal is filed,
28 within 10 days of filing the appeal, the owner of the licensed or
29 unlicensed kennel or pet shop or the licensed or unlicensed pet
30 dealer shall either: (1) post a surety bond in the amount determined
31 by the division applying the criteria set forth in subsection c. of this
32 section; or (2) deposit a sum of money not to exceed 10% of the
33 amount of the surety bond determined by the division applying the
34 criteria set forth in subsection f. of this section.

35 f. (1) The amount of the surety bond shall be based on the
36 number of cats or dogs seized and shall be equal to the estimated
37 cost of transportation and 30 days of care and feeding resulting
38 from the removal and impoundment.

39 (2) Any surety bond posted pursuant to this section on behalf of
40 a pet dealer shall be payable to the Division of Consumer Affairs, in
41 the Department of Law and Public Safety. Any surety bond posted
42 pursuant to this section on behalf of a pet shop or kennel shall be
43 payable to the Department of Health and Senior Services. The
44 division or department, as applicable, shall remit such funds to the
45 entity holding the cats or dogs.

46 (3) Any deposit made pursuant to this section shall be held by
47 the Division of Consumer Affairs or Department of Health and
48 Senior Services, as appropriate, until after the appeal. If, after the

1 appeal, the cats or dogs are not placed under the care of the kennel
2 or pet shop owner or pet dealer from which they were seized, the
3 division or department, as applicable, shall be entitled to keep the
4 deposit and collect from the owner the remainder of the amount
5 determined by the division or the department applying the criteria
6 set forth in paragraph (1) of this subsection.

7 (4) If, after appeal, the cats or dogs are placed under the care of
8 the owner from which they were seized, the division shall reimburse
9 the owner for the deposit or the reasonable costs of the bond
10 incurred under this subsection.

11 (5) The division or department, as applicable, shall guarantee
12 payment of any difference in the amount paid to the holding entity
13 and the amount owed. The division or department, as appropriate,
14 may refer the matter to the Attorney General who may initiate an
15 action in the appropriate court to recover the amount paid under this
16 section.

17 g. No cat or dog removed under this section may be:

18 (1) sold or given freely, or conveyed in any manner, for the
19 purpose of vivisection, auction or research;

20 (2) conveyed to a pet dealer;

21 (3) sold to pay the costs of its transportation, care and feeding
22 under this section before the issuance of a final order and the
23 exhaustion of all appeals; or

24 (4) spayed or neutered before the issuance of a final order and
25 the exhaustion of all appeals.

26
27 41. (New section) In addition to any other penalties allowed
28 under P.L.1941, c.151 (C.4:19-15.1 et seq.), failure to take action or
29 to meet the conditions imposed under sections 24 through 28 of
30 P.L. , c. (C.) (pending before the Legislature as this bill) may
31 result in imposition by the Division of Consumer Affairs, in the
32 Department of Law and Public Safety, or the Department of Health
33 and Senior Services, of an administrative penalty of not less than
34 \$100 nor more than \$500 per day for each violation. Each cat or dog
35 in excess of the number of cats or dogs permitted under sections 26
36 and 27 of P.L. , c. (C.) (pending before the Legislature as
37 this bill) shall count as a separate violation.

38
39 42. This act shall take effect on the 180th day after the date of
40 enactment, but the Commissioner of Health and Senior Services
41 may take such anticipatory administrative action in advance thereof,
42 as shall be necessary for the implementation of the act.

43 44 STATEMENT

45
46 This bill, entitled the “Healthy Puppies and Kittens Assurance
47 Act,” establishes a State registry of breeders and in-State and out-
48 of-State pet dealers, and requirements for providing information on

1 the health and breeding history of a cat or dog being sold, including
2 the creation of a health certificate to be updated annually and to
3 remain with the animal throughout its life.

4 This bill prohibits certain breeding practices, limits the selling of
5 cats or dogs as pets to 25 animals per year per breeder, and
6 establishes numerous requirements for proper trade in animals.
7 "Breeder" is defined in the bill as any person who owns or operates
8 a breeding facility and sells more than five cats or dogs per year,
9 regardless of whether or not the person holds a valid breeder license
10 issued by the United States Department of Agriculture.

11 This bill also expands and revises the "Pet Purchase Protection
12 Act" to extend consumer protections under that act to purchasers of
13 cats and dogs for pets. It amends the "Pet Purchase Protection Act"
14 to make it consistent with the provisions of this bill, and authorizes
15 the Department of Health and Senior Services and the Division of
16 Consumer Affairs in the Department of Law and Public Safety to
17 adopt regulations necessary to implement the act.

18 Under current law, pet shops, kennels, shelters, and pounds are
19 licensed by municipalities, but other sellers of cats or dogs are not
20 licensed. The bill establishes a pet dealer license to be issued by the
21 Division of Consumer Affairs, without changing the current licensing
22 of pet shops, kennels, shelters, and pounds by municipalities or the
23 Department of Health and Senior Services. A person convicted of an
24 animal cruelty violation is not prohibited from operating a licensed
25 pet shop, kennel, shelter, or pound. This bill would prohibit anyone
26 convicted of, or found civilly liable for, an animal cruelty violation
27 from obtaining or renewing the newly established pet dealer license, or
28 a license for a pet shop, kennel, shelter or pound.

29 The bill also establishes a Canine and Feline Health Board as an
30 advisory body to the Department of Health and Senior Services and
31 the Division of Consumer Affairs to establish standards for care and
32 housing of cats and dogs. The Canine and Feline Health Board
33 would be composed of seven members: the State Veterinarian, or
34 the veterinarian's designee; the Commissioner of Health and Senior
35 Services, or the commissioner's designee; the Director of the
36 Division of Consumer Affairs in the Department of Law and Public
37 Safety, or the director's designee; the President of the New Jersey
38 Veterinary Medical Association, or the president's designee; and
39 three members of the public who are members of a recognized
40 organization that advocates for and participates in the care and
41 welfare of dogs and cats or are licensed at or as a kennel, pet dealer,
42 or pet shop in this State, to be appointed by the Governor for four-
43 year terms.

44 Currently, many diseased or abused dogs sold in the State as pets
45 come from breeding facilities nicknamed "puppy mills," and there is
46 evidence that similar mills to breed cats exist as well. Puppy mills
47 are mass breeding dog farms which engage in widespread abuse of
48 the dogs they breed. Because many of these operations are located

1 outside the State and may not have valid United States Department
2 of Agriculture breeder licenses, it is difficult to discern which
3 breeders are puppy mill operations and to detect abuse and its
4 effects at the time of sale of the cat or dog. Therefore, the bill
5 broadly defines breeder, restricts the number of animals to be sold
6 by a breeder in the State, and requires disclosure of essential
7 information about a cat's or dog's origins and health at the time of
8 sale.

9 It is the sponsor's intent that, by requiring registration of
10 breeders, providing the retail purchaser with information about the
11 cats and dogs, and imposing heavy penalties on violators,
12 individuals and pet shops would be encouraged to purchase cats or
13 dogs from reputable breeders, thus eliminating the market for cats
14 or dogs from mass breeding establishments with poor and unhealthy
15 conditions.