

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2338

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED NOVEMBER 14, 2016

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Caride, Jasey, Assemblymen Wisniewski and Caputo**

SYNOPSIS

Revises "Pet Purchase Protection Act" to establish new requirements for pet dealers and pet shops.

CURRENT VERSION OF TEXT

As amended by the General Assembly on February 15, 2017.

(Sponsorship Updated As Of: 1/31/2017)

1 AN ACT concerning the sale of cats and dogs, amending and
2 supplementing P.L.1999, c.336, and amending P.L.1941, c.151,
3 P.L.2011, c.142, and P.L.2015, c.7.
4

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

8 1. (New section) The Legislature finds and declares that the
9 “Pet Purchase Protection Act” was first enacted to attack the
10 problem of pet shops in the State selling sick puppies supplied by
11 large-scale, commercial breeding facilities; that, since its
12 enactment, a significant number of cats and dogs are still sold at pet
13 shops, over the Internet, and through brokers from large-scale,
14 commercial breeding facilities where the health and welfare of the
15 animals are not adequately provided for, commonly referred to as
16 “kitten mills” and “puppy mills”; that, according to the Humane
17 Society of the United States, an estimated 10,000 puppy mills
18 produce more than 2,400,000 puppies each year in the United
19 States; that the documented abuses endemic to kitten mills and
20 puppy mills include overbreeding, inbreeding, minimal to non-
21 existent veterinary care, and lack of adequate, nutritious food,
22 water, shelter, socialization, space, and exercise; that the inhumane
23 conditions in kitten mill and puppy mill facilities often lead to
24 health and behavioral issues in the animals bred in those facilities;
25 that, due to a lack of education about the kitten mill and puppy mill
26 issue and, in some cases, misleading tactics of the seller, many
27 consumers are unaware of these health and behavioral issues when
28 purchasing a cat or dog; that the problem is exacerbated by
29 consumers buying cats and dogs they have never seen, otherwise
30 known as “sight-unseen purchases”; that, often, a consumer has not
31 seen the conditions in which the cat or dog was born and raised, and
32 the health and behavioral issues caused by these conditions may not
33 present themselves until sometime after the purchase of the cat or
34 dog; and that these health and behavioral issues can impose
35 exorbitant financial and emotional costs on the consumer
36 purchasing the cat or dog.

37 In addition, the Legislature finds and declares that sight-unseen
38 dog sales have increased dramatically in recent years due, in
39 particular, to the Internet providing a new platform through which
40 to sell dogs; that the United States Department of Agriculture
41 (USDA) recently estimated that there are between 8,400 and 15,000
42 breeders selling dogs over the Internet; that breeders selling dogs
43 over the Internet have largely been unregulated and, according to a
44 2010 USDA study, 81 percent of them are unlicensed; that when the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted January 30, 2017.

²Assembly floor amendments adopted February 27, 2017.

1 USDA began regulating Internet sellers and other sight-unseen sales
2 in 2013, it noted that there was a parallel increase in consumer
3 complaints related to the inhumane treatment of animals and the
4 dramatic rise in sight-unseen sales; that, despite the recently
5 established requirement that people engaging in sight-unseen sales
6 of cats and dogs obtain a USDA license, the majority of these
7 people remain unlicensed and unregulated and only a few hundred
8 new licenses have been issued since the rule took effect in 2013;
9 that, even if all breeders selling cats or dogs sight-unseen were
10 licensed and regulated by the USDA, this alone would not ensure
11 the humane treatment and health of the animals because of under-
12 enforcement of USDA requirements and lax federal regulatory
13 standards of care; that a 2010 audit by the USDA Office of the
14 Inspector General found that the agency’s enforcement of the
15 federal Animal Welfare Act was ineffective in ensuring compliance
16 with the minimal standards of care governing the humane treatment
17 of animals in these facilities; and that pet shops remain unregulated
18 by the USDA and current federal and State regulations do not
19 properly address the sale of kitten mill cats or puppy mill dogs in
20 New Jersey pet shops.

21 The Legislature further finds and declares that New Jersey
22 consumers routinely report purchasing sick dogs from pet dealers
23 and pet shops; that hundreds of the dogs sold annually in New
24 Jersey pet shops come from large-scale commercial breeders with
25 significant and multiple USDA violations; that current federal
26 Animal Welfare Act regulations promulgated by the USDA are
27 inadequate to protect the health and welfare of breeding cats and
28 their kittens or breeding dogs and their puppies; that, due in large
29 part to overpopulation, every year approximately 21,000 cats and
30 dogs are euthanized in New Jersey; that restructuring the regulation
31 of the retail sale of kittens and puppies in the State would have a
32 potentially large positive impact on the reduction of sales of sick
33 animals and unnecessary euthanasia of animals; that this reduction
34 would be achieved by extending to all pet dealers the requirements
35 connected to USDA inspection violations and the sourcing of
36 animals currently applied to pet shops under the “Pet Purchase
37 Protection Act”; that the regulation of cat and dog sales as
38 prescribed in P.L.1999, c.336 (C.56:8-92 et al.) would not affect a
39 consumer’s ability to obtain the consumer’s choice of a cat or dog
40 directly from a breed-specific animal rescue organization or a
41 shelter or pound, or from a breeder that meets basic standards of
42 animal welfare.

43 The Legislature therefore determines that it is in the best
44 interests of the State and its citizens to reduce costs to the State,
45 local government, and taxpayers, including the financial and
46 emotional costs inflicted on the people who own and care for cats
47 and dogs from kitten mills or puppy mills; promote community
48 awareness of animal welfare; and foster a more humane

1 environment in the State by adopting reasonable laws, policies, and
2 regulations to better monitor and restrict the sources of cats and
3 dogs sold by ¹**["all"]** pet dealers doing business with New Jersey
4 consumers, including pet shops.

5

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

8 2. As used in P.L.1999, c.336 (C.56:8-92 et al.):

9 "Animal" means a cat or dog.

10 "Animal rescue organization" means an animal rescue
11 organization, as defined in section 1 of P.L.1941, c.151 (C.4:19-
12 15.1), which is involved in the placement of abandoned, unwanted,
13 neglected, or abused animals, and that is also a tax exempt
14 organization under paragraph (3) of subsection (c) of section 501 of
15 the federal Internal Revenue Code (26 U.S.C. s.501), or any
16 subsequent corresponding sections of the federal Internal Revenue
17 Code, as from time to time amended.

18 "Animal rescue organization facility" means the home or other
19 facility in which an animal rescue organization houses and cares for
20 an animal.

21 "Breeder" means any person, business, firm, corporation, or
22 organization in the business of breeding cats or dogs.

23 "Broker" means a person, business, firm, corporation, or
24 organization who **["sells"]** transfers a cat or dog **["to a pet shop,**
25 **whether or not the broker is also the breeder of the cat or dog"]** for
26 the purpose of resale by another person, business, firm,
27 corporation, or organization.

28 "Consumer" means a person purchasing a cat or dog not for the
29 purposes of resale.

30 "Director" means the Director of the Division of Consumer
31 Affairs in the Department of Law and Public Safety.

32 "Division" means the Division of Consumer Affairs in the
33 Department of Law and Public Safety.

34 ¹**["Non-face-to-face sale" means a sale, transfer of ownership, or**
35 **brokering of a sale or transfer of ownership of a cat or dog, at which**
36 **the breeder and the cat or dog are not physically present in the same**
37 **location as the consumer at the time of the sale or transfer. A "non-**
38 **face-to-face sale" shall include any transaction conducted by mail**
39 **order, the Internet, telephone, at a pet shop, through a broker, or any**
40 **other anonymous transaction method in which the consumer is not**
41 **in the physical presence of the breeder and the cat or dog at the time**
42 **of the transaction, sale, or transfer.]**

43 "Kennel" means a kennel as defined in section 1 of P.L.1941,
44 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
45 c.151 (C.4:19-15.8).¹

1 “Obtain an animal” means to come into possession or control of
2 a cat or dog, including through birth, purchase, or other transfer of
3 ownership.

4 “Pet dealer” means any person, located within or outside of the
5 State, who is engaged in the ordinary course of business in the sale
6 of cats or dogs to [the public] consumers in the State for profit , or
7 [any person] who sells [or offers for sale] more than ²[five] 10²
8 cats or dogs in one year to consumers in the State ¹[in non-face-to-
9 face sales]¹ . “Pet dealer” shall include a ¹kennel or¹ pet shop

10 ¹that is engaged in the ordinary course of business in the sale of cats
11 or dogs to consumers in the State for profit, or that sells more than
12 ²[five] 10² cats or dogs in one year to consumers in the State¹.

13 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,
14 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
15 c.151 (C.4:19-15.8) .

16 “Pound” means a pound, as defined in section 1 of P.L.1941,
17 c.151 (C.4:19-15.1), that is maintained by or under contract with
18 any state, county, or municipality.

19 “Quarantine” means to hold in segregation from the general
20 population any cat or dog because of the presence or suspected
21 presence of a contagious or infectious disease.

22 “Shelter” means a shelter, as defined in section 1 of P.L.1941,
23 c.151 (C.4:19-15.1), whose primary mission and practice is the
24 placement of abandoned, unwanted, neglected, or abused animals,
25 and that is also a tax exempt organization under paragraph (3) of
26 subsection (c) of section 501 of the federal Internal Revenue Code
27 (26 U.S.C. s.501), or any subsequent corresponding sections of the
28 federal Internal Revenue Code, as from time to time amended.

29 “Unfit for purchase” means any disease, deformity, injury,
30 physical condition, illness, or defect which is congenital or
31 hereditary and severely affects the health of the animal, or which
32 was manifest, capable of diagnosis, or likely contracted on or before
33 the sale and delivery of the animal to the consumer. The death of
34 an animal within 14 days **[of]** after its delivery to the consumer,
35 except by death by accident or as a result of injuries sustained
36 during that period, shall mean the animal was unfit for purchase.

37 “USDA” means the United States Department of Agriculture.

38 “USDA license number” means the license number issued to a
39 breeder or broker by the United States Department of Agriculture
40 pursuant to the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et
41 seq., or any rules or regulations adopted pursuant thereto.

42 “Veterinarian” means a veterinarian licensed to practice in the
43 ¹**[State of New Jersey]** state where the pet shop or other pet dealer
44 is located¹.

45 (cf: P.L.2015, c.7, s.1)

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

3 3. No provision of this act shall be construed in any way to
4 alter, diminish, replace, or revoke **the requirements for pet dealers**
5 that are not pet shops or the rights of a consumer purchasing an
6 animal from a pet dealer that is not a pet shop, as may be provided
7 elsewhere in law or any rule or regulation adopted pursuant thereto.
8 Except as provided in section 4 and section 5 of P.L.1999, c.336
9 (C.56:8-95 and C.56:8-96), any provision of law pertaining to pet
10 shops, or rule or regulation adopted pursuant thereto, shall continue
11 to apply to pet shops. No provision of this act shall be construed in
12 any way to alter, diminish, replace, or revoke **any recourse or**
13 **remedy that is otherwise available to a consumer purchasing a cat or**
14 **a dog from a pet dealer or pet shop or any other pet dealer**¹
15 under any other law.

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

17

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

20 4. a. Notwithstanding the provisions of any rule or regulation
21 adopted pursuant to **Title 56 of the Revised Statutes as such**
22 **provisions are applied to pet shops,** P.L.1960, c.39 (C.56:8-1 et
23 seq.) or any other law, and without limiting the prosecution of any
24 other practices which may be unlawful pursuant to **Title 56 of the**
25 **Revised Statutes, it shall be a deceptive** P.L.1960, c.39 (C.56:8-1
26 et seq.) or any other law, it shall be an unlawful practice and a
27 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any owner or
28 operator of a pet shop, or employee thereof, to sell **animals**
29 **within** an animal to a consumer in the State without complying
30 with the provisions and requirements of this section **and** , section
31 3 of P.L.2015, c.7 (C.56:8-95.1) , and any other applicable
32 provisions, requirements, and prohibitions of P.L.1999, c.336
33 (C.56:8-92 et al.) .

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

- 1 c. Every pet shop offering animals for sale shall post, in a
2 conspicuous location on the cage or enclosure for each animal in the
3 cage or enclosure, a sign declaring:
- 4 (1) The date and place of birth of each animal, and the actual
5 age, or approximate age as established by a veterinarian, of the
6 animal;
- 7 (2) The sex, color markings, and other identifying information
8 of the animal, including any tag, tattoo, collar number, or microchip
9 information;
- 10 (3) The name and address of the veterinarian attending to the
11 animal while the animal is in the custody of the pet shop, and the
12 date of the initial examination of the animal;
- 13 (4) The first and last name of the breeder of the animal, the full
14 street address of where the breeder is doing business, an email
15 address, if available, by which to contact the breeder, the breeder's
16 USDA license number, and, if the breeder is required to be licensed
17 in the state in which the breeder is located, the breeder's state
18 license number;
- 19 (5) If the broker is different from the breeder, the first and last
20 name of the broker of the animal, the full street address of where
21 the broker is doing business, an email address, if available, by
22 which to contact the broker, the USDA license number of the
23 broker, and, if the broker is required to be licensed in the state in
24 which the broker is located, the broker's state license number; and
- 25 (6) The statement "Know Your Rights" in bold type face and no
26 less than 12 point type, followed by the statement in no less than 10
27 point type, "State law requires that every pet shop offering cats or
28 dogs for sale post in a conspicuous location on **【or near】** each cat or
29 dog's cage or enclosure the USDA inspection reports for the breeder
30 and broker of each cat or dog for the ²**【two】** three² years prior to
31 the first day that the cat or dog is offered for sale. If you do not see
32 a required inspection report, please request the report from the pet
33 shop. If you have any concerns, please contact the New Jersey
34 Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102,
35 (973) 504-6200. You may also view these and other USDA
36 inspection reports for the breeder and broker of each cat or dog on
37 the USDA Animal and Plant Health Inspection Service (APHIS)
38 website. You are entitled to receive additional information from
39 APHIS about the breeder's or broker's history through the federal
40 Freedom of Information Act."
- 41 Every pet shop offering animals for sale shall also post, in a
42 conspicuous location on **【or near】** the cage or enclosure for each
43 animal in the cage or enclosure, the USDA inspection reports for
44 the breeder and the broker of the animal for the ²**【two】** three² years
45 prior to the first day that the animal is offered for sale by the pet
46 shop.
- 47 The owner or operator of the pet shop shall regularly update the
48 information required to be posted pursuant to this subsection and

1 make changes as necessary to all signage required by this
2 subsection so that the public has access to the correct information at
3 all times.

4 It is a violation of this section for the pet shop to fail to post the
5 required information, to post the required information at any
6 location other than on the cage or enclosure for each animal, or to
7 deny such information to any person upon request.

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

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

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

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

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

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

1 (4) The full text of the rights and responsibilities of the owner or
2 operator of the pet shop, and the employees thereof, and the
3 consumer provided in subsection l. of this section;

4 (5) The notification, reporting and enforcement provisions
5 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
6 name and address of the local health authority with jurisdiction over
7 the pet shop;

8 (6) The name, full street address, email address, if available, and
9 USDA license number of the breeder of the animal and the broker
10 of the animal, if the broker is different from the breeder;

11 (7) The breeder's state license number, if the breeder is required
12 to be licensed in the state in which the breeder is located, and, if the
13 broker is different from the breeder and the broker is required to be
14 licensed in the state in which the broker is located, the broker's state
15 license number; and

16 (8) An attestation by the owner or operator of the pet shop that,
17 as of the date of purchase of the animal by the pet shop, which shall
18 be specified in the attestation, the breeder and the broker of the
19 animal were in compliance with the requirements concerning the
20 maintenance and care of animals and the sanitary operation of
21 kennels, pet shops, shelters and pounds established in rules and
22 regulations adopted pursuant to section 14 of P.L.1941, c.151
23 (C.4:19-15.14), as required pursuant to section 3 of P.L.2015, c.7
24 (C.56:8-95.1).

25 The owner or operator of the pet shop, or an employee thereof,
26 shall obtain the signature of the consumer on the form and shall also
27 sign and date the form at the time of purchase of an animal by the
28 consumer, and shall provide the consumer with a signed copy of the
29 form and retain a copy of the form on the pet shop premises.
30 Copies of all such notices shall be readily available for inspection
31 by an authorized representative of the Division of Consumer
32 Affairs, upon request. No pet shop owner or operator, or employee
33 thereof, may construe or use the signed notification form required
34 pursuant to this subsection as an abdication of the right to recourse
35 provided for in subsection i. of this section, or as a selection of
36 recourse pursuant to subsection k. of this section.

37 g. The owner or operator of a pet shop, or an employee thereof,
38 shall have any animal that has been examined more than 14 days
39 prior to the date of purchase, reexamined by a veterinarian for the
40 purpose of disclosing its condition, within 72 hours of the delivery
41 of the animal to the consumer, unless the consumer has waived the
42 right to the reexamination in writing. The owner or operator of a pet
43 shop, or an employee thereof, shall provide a copy of the written
44 waiver to the consumer prior to the signing of any contract or
45 agreement to purchase the animal and the written waiver shall be in
46 the form established by the director by regulation.

47 h. If at any time within 14 days after the sale and delivery of an
48 animal to a consumer, the animal becomes sick or dies and a

1 veterinarian certifies, within the 14 days after the date of purchase
2 of the animal by the consumer, that the animal is unfit for purchase
3 due to a non-congenital cause or condition, or that the animal died
4 from causes other than an accident, the consumer is entitled to the
5 recourse described in subsection i. of this section.

6 If the animal becomes sick or dies within 180 days after the date
7 of purchase and a veterinarian certifies, within the 180 days after
8 the date of purchase of the animal by the consumer, that the animal
9 is unfit for sale due to a congenital or hereditary cause or condition,
10 or a sickness brought on by a congenital or hereditary cause or
11 condition, or died from such a cause or condition or sickness, the
12 consumer shall be entitled to the recourse provided in subsection i.
13 of this section.

14 It shall be the responsibility of the consumer to obtain such
15 certification within the required amount of time provided by this
16 subsection, unless the owner or operator of the pet shop, or the
17 employee thereof selling the animal to the consumer, fails to
18 provide the notice required pursuant to subsection f. of this section.
19 If the owner or operator of the pet shop, or the employee thereof,
20 fails to provide the required notice, the consumer shall be entitled to
21 the recourse provided for in subsection i. of this section.

22 i. Only the consumer shall have the sole authority to determine
23 the recourse the consumer wishes to select and accept, provided that
24 the recourse selected is one of the following:

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

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

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

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

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

1 of veterinary fees shall exceed two times the purchase price,
2 including sales tax, of the sick or dead animal.

3 j. The veterinarian shall provide to the consumer in writing
4 and within the seven days after the consumer consults with the
5 veterinarian any certification that is appropriate pursuant to this
6 section upon the determination that such certification is appropriate.

7 The certification shall include:

8 (1) The name of the owner;

9 (2) The date or dates of examination;

10 (3) The breed, color, sex, and age of the animal;

11 (4) A statement of the findings of the veterinarian;

12 (5) A statement that the veterinarian certifies the animal to be
13 "unfit for purchase";

14 (6) An itemized statement of veterinary fees incurred as of the
15 date of certification;

16 (7) If the animal may be curable, an estimate of the possible cost
17 to cure, or attempt to cure, the animal;

18 (8) If the animal has died, a statement establishing the probable
19 cause of death; and

20 (9) The name and address of the certifying veterinarian and the
21 date of the certification.

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

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

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

14 m. Any owner or operator of a pet shop, or employee thereof,
15 shall be guilty of **【a deceptive】** an unlawful practice and a violation
16 of P.L.1960, c.39 (C.56:8-1 et seq.), if the owner or operator, or
17 employee thereof, secures or attempts to secure a waiver of any of
18 the provisions of this section except as specifically authorized under
19 subsection g. of this section.

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

26 o. Any pet shop in the State advertising for sale an animal bred
27 by a USDA licensed breeder through print or electronic means,
28 including those posted on the Internet or a website, shall
29 continuously display the name, state of residence, and USDA
30 license number of the breeder of the animal in the advertisement so
31 that this information is easily legible to the consumer.

32 (cf: P.L.2015, c.7, s.2)

33

34 5. Section 3 of P.L.2015, c.7 (C.56:8-95.1) is amended to read
35 as follows:

36 3. a. No pet **【shop】** dealer shall sell **【or offer for sale,】** or
37 purchase for resale **【whether or not actually offered for sale by the**
38 **pet shop,】** any animal **【purchased from any breeder or broker】**
39 bred, raised, transferred, or brokered by any person, including the
40 pet dealer if the pet dealer bred or raised the animal, who:

41 (1) is not in compliance with the requirements concerning the
42 maintenance and care of animals and the sanitary operation of
43 kennels, pet shops, shelters, and pounds established in rules and
44 regulations adopted pursuant to section 14 of P.L.1941, c.151
45 (C.4:19-15.14) **【at the time of purchase of the animal by the pet**
46 **shop】** ², unless the pet dealer bred or raised the animal, sells the
47 animal directly to the consumer without the use of a broker or other

1 intermediary, and is not required to be licensed by the USDA² on
2 the date upon which the pet dealer obtains the animal or sells the
3 animal, whichever date is earlier;

4 (2) is not in possession of a current license issued by the USDA
5 pursuant to 9 C.F.R. s.1.1 et seq. ¹, unless the pet dealer bred or
6 raised the animal, sells the animal directly to the consumer without
7 the use of a broker or other intermediary, and is not required to be
8 licensed by the USDA¹;

9 (3) is not in possession of all other licenses required for a
10 breeder or broker by the state in which the breeder or broker is
11 located;

12 (4) has been cited on ¹**[a]** one or more¹ USDA inspection
13 ¹**[report]** reports¹ , issued during the ¹**[two-year]** three-year¹
14 period prior to the date upon which the pet dealer obtains the animal
15 or sells the animal, whichever date is earlier, for a ¹**[direct**
16 violation] total of three or more ²**[violations¹ of]** noncompliant
17 items on the inspection reports pursuant to² the federal "Animal
18 Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal
19 animal welfare regulations at 9 C.F.R. s.1.1 et seq. **[**, during the
20 two-year period prior to the purchase of the animal by the pet
21 shop];

22 ¹**[(5)]** has been cited on a USDA inspection report , issued during
23 the two-year period prior to the **[purchase of the animal by the pet**
24 shop] date upon which the pet dealer obtains the animal or sells the
25 animal, whichever date is earlier, for three or more indirect
26 violations of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et
27 seq., or the corresponding federal animal welfare regulations at
28 sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130
29 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9
30 of the Code of Federal Regulations;

31 (6) is cited on the two most recent USDA inspection reports ,
32 issued prior to the **[purchase of the animal by the pet shop]** date
33 upon which the pet dealer obtains the animal or sells the animal,
34 whichever date is earlier, for no-access violations pursuant to
35 enforcement of the federal "Animal Welfare Act," 7 U.S.C. s.2131
36 et seq., or the corresponding federal animal welfare regulations at 9
37 C.F.R. s.1.1 et seq.]^{1 2}; or]²

38 ¹**[(7)]** (5)^{1 2} is required to be licensed by the USDA and is not in
39 compliance with section 10 of P.L. , c. (C.) (pending before
40 the Legislature as this bill; or

41 (6)² directly or indirectly obtained the animal from a breeder,
42 broker, or other person, firm, corporation, or organization to whom
43 **[paragraph]** the number and type of violations described in
44 paragraphs (1), (2), (3), ¹or¹ (4) ¹**[**, (5), or (6)]¹ of this subsection
45 **[applies]** apply.

1 b. Nothing in this **subsection** section shall be construed as
2 prohibiting or otherwise preventing a pet **shop** dealer from:
3 (1) purchasing for resale or adoption, selling, or offering for
4 adoption, an animal purchased or otherwise obtained from -
5 (a) a publicly operated animal control facility,
6 (b) an animal rescue organization or pound as defined in
7 **section 1 of P.L.1941, c.151 (C.4:19-15.1)** section 2 of P.L.1999,
8 c.336 (C.56:8-93), or
9 (c) a shelter as defined in **section 1 of P.L.1941, c.151 (C.4:19-**
10 **15.1)** whose primary mission and practice is the placement of
11 abandoned, unwanted, neglected, or abused animals and that is also
12 a tax exempt organization under paragraph (3) of subsection (c) of
13 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
14 or any subsequent corresponding sections of the federal Internal
15 Revenue Code, as from time to time amended **section 2 of**
16 P.L.1999, c.336 (C.56:8-93); or
17 (2) transferring adopted animals to or from any entity
18 enumerated in paragraph (1) of this subsection or to or from any pet
19 dealer or pet shop.
20 c. **Every pet shop shall submit, annually and no later than**
21 **May 1 of each year, a report to the municipality in which it is**
22 **located and licensed, providing:**
23 (1) the name, full street address, email address, if available, and
24 USDA license number of --
25 (a) any breeder from which the pet shop purchased an animal,
26 whether or not the pet shop offered the animal for sale,
27 (b) any breeder that bred an animal that the pet shop purchased
28 from a broker, whether or not the pet shop offered the animal for
29 sale, and
30 (c) any broker from which the pet shop purchased an animal,
31 whether or not the pet shop offered the animal for sale;
32 (2) if a breeder whose identity the pet shop is required to report
33 pursuant to subparagraph (a) or (b) of paragraph (1) of this
34 subsection is required to be licensed in the state in which the
35 breeder is located, the breeder's state license number;
36 (3) if a broker whose identity the pet shop is required to report
37 pursuant to subparagraph (c) of paragraph (1) of this subsection is
38 different from any breeder whose identity the pet shop is required to
39 report pursuant to subparagraph (a) or (b) of paragraph (1) of this
40 subsection, and the broker is required to be licensed in the state in
41 which the broker is located, the broker's state license number; and
42 (4) the total number of animals for each breeder and broker for
43 which the pet shop has reporting requirements pursuant to
44 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection **]**
45 Every pet dealer shall maintain a record of each cat or dog bred and
46 raised by the pet dealer and the source of every cat or dog sold by
47 the pet dealer, including the information required pursuant to

1 subsection b. of section 9 of P.L. , c. (C.) (pending before
2 the Legislature as this bill). The pet dealer shall retain the record
3 for at least ²two² three² years after the birth or acquisition of the
4 cat or dog, as applicable. The record shall be: (1) made available,
5 immediately upon request, to the Division of Consumer Affairs in
6 the Department of Law and Public Safety, the Department of
7 Health, or the local health authority; and (2) shall be part of the
8 report submitted annually pursuant to subsection d. of this section.

9 d. Every pet dealer shall submit annually and no later than May
10 1 of each year, a report to the Director of the Division of Consumer
11 Affairs in the Department of Law and Public Safety providing the
12 following information regarding animals sold to consumers in the
13 State:

14 (1) the name, full street address, email address, if available, and
15 USDA license number of the breeder or broker from which the pet
16 dealer obtained or arranged transfer of the animal, and any breeder
17 that bred an animal that the pet dealer purchased from a broker;

18 (2) state license numbers of the breeder or broker from which the
19 pet dealer obtained the animal or arranged transfer of the animal,
20 and any breeder that bred an animal that the pet dealer purchased
21 from a broker, if the breeder or broker is required to have a state
22 license;

23 (3) identification of each cat or dog bred and raised by the pet
24 dealer with the pet dealer's name and address;

25 (4) the total number of animals sold to consumers in the State
26 ¹and the date of each purchase¹ for each breeder and broker for
27 which the pet dealer has reporting requirements pursuant to this
28 subsection; and

29 (5) the USDA inspection reports for each breeder and broker
30 reported pursuant to paragraphs (1) and (2) of this subsection.

31 If the pet dealer is a pet shop, the pet shop shall also submit the
32 report required pursuant to this subsection to the municipality in
33 which it is located and licensed.

34 e. Any pet dealer that, after a contested case hearing heard by
35 the Division of Consumer Affairs pursuant to the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), is found
37 liable for a third violation of subsection a. of this section, shall be
38 permanently prohibited from selling cats or dogs to any consumer in
39 the State. If the violator ¹is a pet shop, the pet shop license shall
40 also be revoked pursuant to the license revocation provisions in
41 section 8 of P.L.1941, c.151 (C.4:19-15.8) possesses a license
42 authorizing the violator to sell cats or dogs in the State, the license
43 providing that authority shall also be revoked pursuant to any
44 applicable law¹.

45 (cf: P.L.2015, c.7, s.3)

1 6. Section 4 of P.L.2015, c.7 (C.56:8-95.2) is amended to read as
2 follows:

3 4. No provision of **【P.L.2015, c.7 (C.56:8-95.1 et al.)】** P.L.1999,
4 c.336 (C.56:8-92 et al.) shall be construed to limit or restrict any
5 municipality, county, local health agency, or municipal or county
6 board of health from enacting or enforcing, or interfere with the
7 implementation of, or otherwise invalidate, any law, ordinance, rule, or
8 regulation that places additional obligations on pet shops or other pet
9 dealers or restrictions on pet shops , other pet dealers, or pet shop or
10 other pet dealer sales.

11 (cf: P.L.2015, c.7, s.4)

12

13 7. Section 5 of P.L.2015, c.7 (C.56:8-95.3) is amended to read
14 as follows:

15 5. **【Any】** In addition to any other penalties that may be
16 imposed pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) for an
17 unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et
18 seq.) as established in subsection a. of section 4 of P.L.1999, c.336
19 (C.56:8-95), any person who violates subsection c. of section 4 of
20 P.L.1999, c.336 (C.56:8-95) or section 3 of P.L.2015, c.7 (C.56:8-
21 95.1), any animal rescue organization that violates section 9 of
22 P.L. , c. (C.) (pending before the Legislature as this bill), and
23 any owner or operator of a pet shop who fails to provide
24 information or provides false information pursuant to the
25 requirements of subsection f. of section 4 of P.L.1999, c.336
26 (C.56:8-95) , shall be subject to a fine of \$500 for each violation, to
27 be collected by the division in a civil action by a summary
28 proceeding under the "Penalty Enforcement Law of 1999,"
29 P.L.1999, c.274 (C.2A:58-10 et seq.).

30 (cf: P.L.2015, c.7, s.5)

31

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

34 7. a. The Director of the Division of Consumer Affairs in the
35 Department of Law and Public Safety , with the cooperation and
36 assistance of the Department of Health, may adopt, pursuant to the
37 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et
38 seq.), any rules or regulations as the director deems necessary **【for the**
39 **implementation of this act】** to implement and enforce P.L.1999, c.336
40 (C.56:8-92 et al).

41 b. The Division of Consumer Affairs, the Department of Health,
42 or the local health authority may investigate and pursue enforcement
43 against any pet dealer for a violation of P.L.1999, c.336 (C.56:8-92 et
44 al.).

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

46

47 9. (New section) a. Notwithstanding the provisions of any rule
48 or regulation adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)

1 or any other law, and without limiting the prosecution of any other
2 practices which may be unlawful pursuant to P.L.1960, c.39
3 (C.56:8-1 et seq.) or any other law, it shall be an unlawful practice
4 and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any pet
5 dealer, or employee thereof, to sell an animal to a consumer in the
6 State without complying with the provisions and requirements of
7 this section, section 3 of P.L.2015, c.7 (C.56:8-95.1), and any other
8 applicable provisions, requirements, and prohibitions of P.L.1999,
9 c.336 (C.56:8-92 et al.).

10 b. Every pet dealer, including any pet shop, shall maintain
11 records containing the following information:

12 (1) The date and place of birth of each animal, and the actual
13 age, or approximate age as established by a veterinarian, of the
14 animal;

15 (2) The sex, color markings, and other identifying information of
16 the animal, including any tag, tattoo, collar number, or microchip
17 information;

18 (3) The name and address of the veterinarian attending to the
19 animal while the animal is in the custody of the pet dealer, breeder,
20 or broker, and the date of the initial examination of the animal;

21 (4) The first and last name of the breeder of the animal, the full
22 street address of where the breeder is doing business, an email
23 address, if available, by which to contact the breeder, the breeder's
24 USDA license number, and, if the breeder is required to be licensed
25 in the state in which the breeder is located, the breeder's state
26 license number;

27 (5) If the broker is different from the breeder, the first and last
28 name of the broker of the animal, the full street address of where
29 the broker is doing business, an email address, if available, by
30 which to contact the broker, the USDA license number of the
31 broker, and, if the broker is required to be licensed in the state in
32 which the broker is located, the broker's state license number; and

33 (6) The USDA inspection reports for the breeder and the broker
34 of the animal for the ²[two] three² years prior to the first day that
35 the animal is offered for sale by the pet dealer.

36 The information required pursuant to this subsection shall be
37 provided to any interested party upon request, and shall be provided
38 to the consumer at the time of sale. Pursuant to subsection c. of
39 section 4 of P.L.1999, c.336 (C.56:8-95), a pet dealer that is a pet
40 shop shall post the required information.

41

42 ²10. (New section) No breeder or broker who is required to be
43 licensed by the USDA shall sell or transfer any animal to a pet
44 dealer, and no pet dealer shall sell or purchase for resale any animal
45 obtained from a breeder or broker required to be licensed by the
46 USDA, unless the USDA inspection reports for the breeder or
47 broker are available to the public on the USDA website; except, if
48 the USDA website does not allow for public access to those reports,

1 then the breeder or broker shall submit the reports to the Division of
2 Consumer Affairs, which shall post them on its website for public
3 access.²
4

5 ²**[10.] 11.**² (New section) No animal rescue organization,
6 shelter, or pound may obtain cats or dogs from a breeder or broker
7 for payment or compensation.
8

9 ²**[11.] 12.**² (New section) a. No person shall sell, exchange,
10 trade, barter, lease, or display for commercial purposes any cat or dog
11 on any roadside, public right-of-way, parkway, median, park, other
12 recreation area, flea market or other outdoor market, or commercial or
13 retail parking lot regardless of whether access for such purposes is
14 authorized.

15 b. This section shall not apply to the following:

16 (1) The transfer, regardless of payment or compensation, of a cat
17 or dog by, or to, a shelter, pound, or animal rescue organization; or

18 (2) The display of a cat or dog as part of a State or county fair
19 exhibition, 4-H program, or similar exhibition or educational program.

20 c. Any person who violates subsection a. of this section shall be
21 subject to a fine of \$500 for each violation, to be collected by the
22 division in a civil action by a summary proceeding under the "Penalty
23 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
24

25 ²**[12.] 13.**² (New section) The provisions of P.L.1999, c.336
26 (C.56:8-92 et al.) shall not apply to any guide dog or service dog as
27 defined in section 5 of P.L.1945, c.169 (C.10:5-5), search and
28 rescue dog as defined in section 1 of P.L. 1983, c.261 (C.2C:29–
29 3.1), or dog owned or used by a law enforcement agency or used for
30 law enforcement activities.
31

32 ²**[13.] 14.**² (New section) Except for sections ²**[10 and]**² 11
33 ²**and 12**² of P.L. , c. (C.) (pending before the
34 Legislature as this bill), as applicable, the provisions of P.L.1999,
35 c.336 (C.56:8-92 et al.) shall not apply to any sale, transfer,
36 exchange, or barter of a cat or dog for purposes related to the
37 conduct of biomedical research by a research facility registered with
38 the United States Department of Agriculture pursuant to the federal
39 "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility
40 conducting biomedical research in compliance with the "Public
41 Health Service Policy on Humane Care and Use of Laboratory
42 Animals" issued by the United States National Institutes of Health.
43

44 ²**[14.] 15.**² Section 8 of P.L.1941, c.151 (C.4:19-15.8) is
45 amended to read as follows:

46 8. a. Any person who keeps or operates or proposes to
47 establish **[a]** an animal rescue organization facility, kennel, a pet

1 shop, a shelter, or a pound shall apply to the clerk or other official
2 designated to license dogs in the municipality where such
3 establishment is located, for a license entitling **【him】** the applicant
4 to keep or operate such establishment.

5 The application shall describe the premises where the
6 establishment is located or is proposed to be located, the purpose or
7 purposes for which it is to be maintained, and shall be accompanied
8 by the written approval of the local municipal and health authorities
9 showing compliance with the local and State rules and regulations
10 governing location of and sanitation at such establishments.

11 b. All licenses issued for **【a】** an animal rescue organization
12 facility, kennel, pet shop, shelter, or pound shall state the purpose
13 for which the establishment is maintained, and all licenses shall
14 expire **【on the last day of June of each year】** one year after the date
15 that the license was issued , and be subject to revocation by the
16 municipality on recommendation of the Department of Health or the
17 local board of health for failure to comply with the rules and
18 regulations of the **【State department】** Department of Health or local
19 board governing the same, after the owner has been afforded a
20 hearing by either the **【State department】** Department of Health or
21 local board, except as provided in subsection c. of this section.

22 Any person holding a license shall not be required to secure
23 individual licenses for dogs owned by a licensee and kept at the
24 establishments **【; the licenses】** . The license for an animal rescue
25 organization facility, kennel, pet shop, shelter, or pound shall not be
26 transferable to another owner or different premises.

27 c. The license for a pet shop shall be subject to review by the
28 municipality, upon recommendation by the Department of Health or
29 the local health authority :

30 (1) for failure by the pet shop to comply with the provisions of
31 P.L.1999, c.336 (C.56:8-92 et al.), or the rules and regulations of
32 the **【State department】** Department of Health or local health
33 authority governing pet shops **【or】** ;

34 (2) if the pet shop meets the criteria for recommended suspension
35 or revocation provided under subsection c. or d. of section 5 of
36 P.L.1999, c.336 (C.56:8-96), after the owner of the pet shop has
37 been afforded a hearing pursuant to subsection e. of section 5 of
38 P.L.1999, c.336 (C.56:8-96) ; or

39 (3) for committing an unlawful practice and a violation of P.L.
40 1960, c.39 (C.56:8-1 et seq.) as established pursuant to section 4 of
41 P.L.1999, c.336 (C.56:8-95) .

42 **【The】** After affording the owner or operator of the pet shop a
43 hearing, the municipality, based on the criteria for the
44 recommendation of the Department of Health or local health
45 authority provided under subsections c. and d. of section 5 of
46 P.L.1999, c.336 (C.56:8-96), may suspend the license for 90 days or
47 may revoke the license if it is determined at the hearing that the pet

1 shop: (1) failed to maintain proper hygiene and exercise reasonable
2 care in safeguarding the health of animals in its custody **【or】** ; (2)
3 sold a substantial number of animals that the pet shop knew, or
4 reasonably should have known, to be unfit for purchase ; or (3)
5 committed an unlawful practice and a violation of P.L. 1960, c.39
6 (C.56:8-1 et seq.) as established pursuant to section 4 of P.L.1999,
7 c.336 (c.56:8-95) .

8 d. Renewal of any license issued pursuant to this section shall
9 be at the discretion of the municipality. The municipality may issue
10 a license for a pet shop that permits the pet shop to sell pet supplies
11 for all types of animals, including cats and dogs, and sell animals
12 other than cats and dogs but restricts the pet shop from selling cats
13 or dogs, or both.

14 e. Every pet shop licensed in the State shall submit annually
15 and no later than May 1 of each year records of the total number of
16 cats and dogs, respectively, sold by the pet shop each year to the
17 municipality in which it is located, and the municipality shall
18 provide this information to the local health authority.

19 f. (1) The license for an animal rescue organization facility shall
20 be subject to review by the municipality that issued the license,
21 upon recommendation by the Department of Health or the local
22 health authority, if the animal rescue organization that owns and
23 operates the animal rescue organization facility or the animal rescue
24 organization facility:

25 (a) fails to comply with the provisions of P.L.1999, c.336
26 (C.56:8-92 et al.) pertaining to animal rescue organizations or
27 animal rescue organization facilities;

28 (b) fails to comply with the Department of Health rules and
29 regulations governing animal rescue organizations or animal rescue
30 organization facilities; or

31 (c) commits an unlawful practice and a violation of P.L.1960,
32 c.39 (C.56:8-1) et seq.

33 (2) After affording the animal rescue organization that owns and
34 operates the animal rescue organization facility a hearing, the
35 municipality may suspend the animal rescue organization license
36 for 90 days or may revoke the license if it is determined at the
37 hearing that the animal rescue organization or animal rescue
38 organization facility: (1) failed to comply with the provisions of
39 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue
40 organizations or animal rescue organization facilities;

41 (2) failed to comply with the Department of Health rules and
42 regulations governing animal rescue organizations or animal rescue
43 organization facilities; or

44 (3) committed an unlawful practice and a violation of P.L.1960,
45 c.39 (C.56:8-1) et seq.

46 g. Any animal rescue organization or animal rescue organization
47 facility that is found liable for a third violation of the provisions of
48 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue

1 organizations or animal rescue organization facilities shall have its
2 license for any animal rescue organization facility permanently
3 revoked and the animal rescue organization shall be permanently
4 prohibited from operating in the State, after a hearing establishing
5 the animal rescue organization or animal rescue organization
6 facility has been found liable for the third violation.

7 h. Any ¹kennel or¹ pet shop found liable for a third violation of
8 subsection a. of section 3 of P.L.2015, c.7 (C.56:8-95.1) shall have
9 its license permanently revoked and shall be permanently prohibited
10 from operating in the State, after a hearing establishing¹that¹ the
11 ¹kennel or¹ pet shop has been found liable for the third violation.

12 (cf: P.L.2012, c.17, s.5)

13

14 ²**[15.] 16.**² Section 9 of P.L.1941, c.151 (C.4:19-15.9) is
15 amended to read as follows:

16 9. The annual license fee for a kennel providing
17 accommodations for **[ten]** 10 or less dogs shall be **[ten dollars**
18 **(\$10.00)]** \$10 and for more than **[ten]** 10 dogs **[twenty-five dollars**
19 **(\$25.00)]** \$25 . The annual license fee for a pet shop shall be **[ten**
20 **dollars (\$10.00)]** \$10 . The annual license fee for an animal rescue
21 organization facility shall be \$5. No fee shall be charged for a
22 shelter or pound.

23 (cf: P.L.1941, c.151, s. 9)

24

25 ²**[16.] 17.**² Section 10 of P.L.1941, c.151 (C.4:19-15.10) is
26 amended to read as follows:

27 10. No dog kept in **[a]** an animal rescue organization facility,
28 kennel, pet shop, shelter, or pound shall be permitted off such
29 premises, except on leash or in a crate or other safe control.

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

31

32 ²**[17.] 18.**² Section 13 of P.L.1941, c.151 (C.4:19-15.13) is
33 amended to read as follows:

34 13. The clerk or other official designated to license dogs in the
35 municipality shall forward to the **[State]** Department of Health a
36 list of all animal rescue organization facilities, kennels, pet shops,
37 shelters , and pounds licensed within thirty days after the licenses
38 therefor are issued, which list shall include the name and address of
39 the licensee and the kind of license issued.

40 (cf: P.L.1941, c.151, s.13)

41

42 ²**[18.] 19.**² Section 14 of P.L.1941, c.151 (C.4:19-15.14) is
43 amended to read as follows:

44 14. The **[State]** Department of Health shall, within six months
45 **[of the]** after approval of [this act] P.L.1941, c.151 (C.4:19-15.1 et
46 seq.), and with the **[co-operation]** cooperation and assistance of the

1 **【State】** Department of Agriculture, prepare and promulgate rules
2 and regulations governing the sanitary conduct and operation of
3 kennels, pet shops, shelters and pounds, to preserve sanitation
4 therein and prevent the spread of rabies and other diseases of dogs
5 within and from such establishments.

6 The Department of Health, with the cooperation and assistance
7 of the Division of Consumer Affairs in the Department of Law and
8 Public Safety, may adopt rules and regulations necessary to
9 implement the responsibilities of the Department of Health and
10 local boards of health under P.L. , c. (C.) (pending before
11 the Legislature as this bill), including, but not limited to, rules and
12 regulations governing the sanitary conduct and operation of animal
13 rescue organization facilities.

14 **【Such】** The rules and regulations adopted pursuant to this
15 section shall be enforced by the **【State】** Department of Health and
16 **【by】** local boards of health.

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

18

19 ²**【19.】** 20.² Section 16 of P.L.1941, c.151 (C.4:19-15.16) is
20 amended to read as follows:

21 16. a. The certified animal control officer appointed by the
22 governing body of the municipality shall take into custody and
23 impound any animal, to thereafter be euthanized , transferred, or
24 offered for adoption, as provided in this section:

25 (1) Any dog off the premises of the owner or of the person charged
26 with the care of the dog, which is reasonably believed to be a stray
27 dog;

28 (2) Any dog off the premises of the owner or the person charged
29 with the care of the dog without a current registration tag on its collar
30 or elsewhere;

31 (3) Any female dog in season off the premises of the owner or the
32 person charged with the care of the dog;

33 (4) Any dog or other animal which is suspected to be rabid; or

34 (5) Any dog or other animal off the premises of the owner or the
35 person charged with its care that is reported to, or observed by, a
36 certified animal control officer to be ill, injured, or creating a threat to
37 public health, safety, or welfare, or otherwise interfering with the
38 enjoyment of property.

39 b. If an animal taken into custody and impounded pursuant to
40 subsection a. of this section has a collar or harness with identification
41 of the name and address of any person, or has a registration tag, or has
42 a microchip with an identification number that can be traced to the
43 owner or person charged with the care of the animal, or the owner or
44 the person charged with the care of the animal is otherwise known, the
45 certified animal control officer shall ascertain the name and address of
46 the owner or the person charged with the care of the animal, and serve
47 to the identified person as soon as practicable, a notice in writing that

1 the animal has been seized and will be liable to be offered for
2 adoption , transferred, or euthanized if not claimed within seven days
3 after the service of the notice.

4 c. A notice required pursuant to this section may be served: (1)
5 by delivering it to the person on whom it is to be served, or by leaving
6 it at the person's usual or last known place of residence or the address
7 given on the collar, harness, or microchip identification; or (2) by
8 mailing the notice to that person at the person's usual or last known
9 place of residence, or to the address given on the collar, harness or
10 microchip identification.

11 d. A shelter, pound, or kennel operating as a shelter or pound
12 receiving an animal from a certified animal control officer pursuant to
13 subsection a. of this section, or from any other individual, group, or
14 organization, shall hold the animal for at least seven days before
15 offering it for adoption, or euthanizing , transferring or otherwise
16 relocating, or sterilizing the animal, except if:

17 (1) the animal is surrendered voluntarily by its owner to the
18 shelter, pound, or kennel operating as a shelter or pound, in which case
19 the provisions of subsection e. of this section shall apply; or

20 (2) the animal is suspected of being rabid, in which case the
21 provisions of subsection j. of this section shall apply.

22 e. If a shelter, pound or kennel operating as a shelter or pound is
23 not required to hold an animal for at least seven days pursuant to
24 paragraph (1) of subsection d. of this section, the shelter, pound, or
25 kennel operating as a shelter or pound:

26 (1) shall offer the animal for adoption for at least seven days
27 before euthanizing **[it]** the animal ; or

28 (2) may transfer the animal to an animal rescue organization
29 facility or a foster home prior to offering it for adoption if such a
30 transfer is determined to be in the best interest of the animal by the
31 shelter, pound, or kennel operating as a shelter or pound.

32 f. Except as otherwise provided for under subsection e. of this
33 section, no shelter, pound, or kennel operating as a shelter or pound
34 receiving an animal from a certified animal control officer may
35 transfer the animal to an animal rescue organization facility or a foster
36 home until the shelter, pound, or kennel operating as a shelter or pound
37 has held the animal for at least seven days.

38 g. If the owner or the person charged with the care of the animal
39 seeks to claim it within seven days, or after the seven days have
40 elapsed but before the animal has been adopted , transferred, or
41 euthanized, the shelter, pound, or kennel operating as a shelter or
42 pound:

43 (1) shall, in the case of a cat or dog, release it to the owner or
44 person charged with its care, provided the owner or person charged
45 with the care of the animal provides proof of ownership, which may
46 include a valid cat or dog license, registration, rabies inoculation
47 certificate, or documentation from the owner's veterinarian that the cat
48 or dog has received regular care from that veterinarian;

- 1 (2) may, in the case of a cat or dog, charge the cost of sterilizing
2 the cat or dog, if the owner requests such sterilizing when claiming it;
3 and
- 4 (3) may require the owner or person charged with the care of the
5 animal to pay all the animal's expenses while in the care of the shelter,
6 pound, or kennel operating as a shelter or pound, not to exceed \$4 per
7 day.
- 8 h. If the animal remains unclaimed, is not claimed due to the
9 failure of the owner or other person to comply with the requirements
10 of this section, or is not adopted after seven days after the date on
11 which notice is served pursuant to subsection c. of this section or, if no
12 notice can be served, not less than seven days after the date on which
13 the animal was impounded, the impounded animal may be placed in a
14 foster home, transferred to another shelter, pound, kennel operating as
15 a shelter or pound, or animal rescue organization facility, or
16 euthanized in a manner causing as little pain as possible and consistent
17 with the provisions of R.S.4:22-19.
- 18 i. At the time of adoption, the right of ownership in the animal
19 shall transfer to the new owner. No dog or other animal taken into
20 custody, impounded, sent or otherwise brought to a shelter, pound, or
21 kennel operating as a shelter or pound , or transferred to an animal
22 rescue organization facility, shall be sold or otherwise be made
23 available for the purpose of experimentation. Any person who sells or
24 otherwise makes available any such dog or other animal for the
25 purpose of experimentation shall be guilty of a crime of the fourth
26 degree.
- 27 j. Any animal seized under this section suspected of being rabid
28 shall be immediately reported to the executive officer of the local
29 board of health and to the Department of Health, and shall be
30 quarantined, observed, and otherwise handled and dealt with as
31 appropriate for an animal suspected of being rabid or as required by
32 the Department of Health for the animals.
- 33 k. When a certified animal control officer takes into custody and
34 impounds, or causes to be taken into custody and impounded, an
35 animal, the certified animal control officer may place the animal in the
36 custody of, or cause the animal to be placed in the custody of, only a
37 licensed shelter, pound, or kennel operating as a shelter or pound. The
38 certified animal control officer may not place the animal in the custody
39 of, or cause the animal to be placed in the custody of, any animal
40 rescue organization facility, foster home, or other unlicensed facility.
41 However, the licensed shelter, pound, or kennel operating as a shelter
42 or pound may place the animal in an animal rescue organization
43 facility, a foster home, or other unlicensed facility if necessary
44 pursuant to subsection e. or h. of this section.
- 45 l. Notwithstanding the provisions of this section and sections 3
46 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
47 contrary, no cat or dog being transferred between shelters, pounds, or
48 kennels operating as shelters or pounds, or being transferred to an

1 animal rescue organization facility, or placed in a foster home, shall be
2 required to be sterilized prior to that transfer.

3 (cf: P.L.2012, c.17, s.7)

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5 ²**[20.] 21.**² Section 6 of P.L.2011, c.142 (C.4:19-15.33) is
6 amended to read as follows:

7 6. a. The Department of Health shall establish a registry of
8 animal rescue organizations and their facilities in the State. **【Any**
9 animal rescue organization may voluntarily participate in the
10 registry**】**.

11 b. The department, pursuant to the "Administrative Procedure
12 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
13 and regulations determined necessary to implement the **【voluntary】**
14 registry and coordinate its use with the provisions of P.L.2011,
15 c.142 (C.4:19-15.30 et al.) , section of 8 of P.L.1941, c.151 (C.4:19-
16 15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).

17 (cf: P.L.2012, c.17, s.13)

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19 ²**[21.] 22.**² This act shall take effect on the 180th day following
20 the date of enactment.