

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2338

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED NOVEMBER 14, 2016

Sponsored by:

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District 37 (Bergen)

Assemblyman TIM EUSTACE

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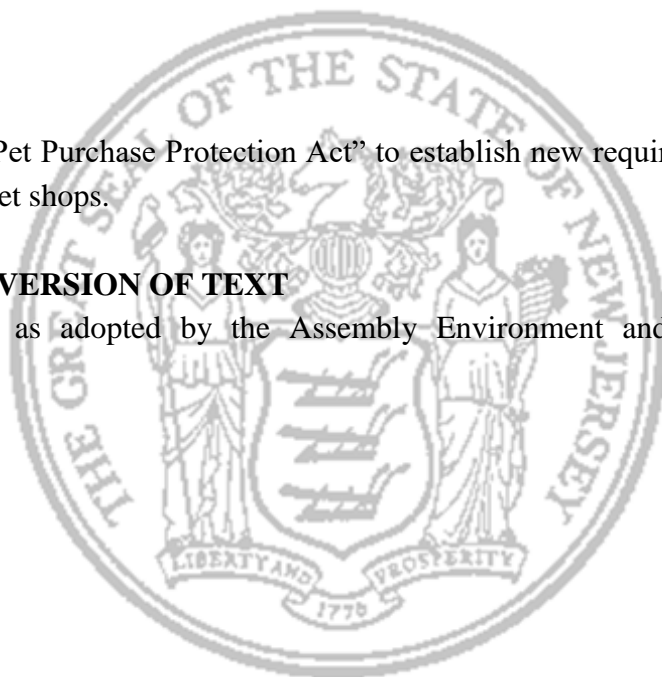
**Assemblymen DeAngelo, Singleton, Diegnan, Assemblywomen McKnight,
Caride, Jasey and Assemblyman Wisniewski**

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Environment and Solid Waste Committee.



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

36 In addition, the Legislature finds and declares that sight-unseen
37 dog sales have increased dramatically in recent years due, in particular,
38 to the Internet providing a new platform through which to sell dogs;
39 that the United States Department of Agriculture (USDA) recently
40 estimated that there are between 8,400 and 15,000 breeders selling
41 dogs over the Internet; that breeders selling dogs over the Internet have
42 largely been unregulated and, according to a 2010 USDA study, 81
43 percent of them are unlicensed; that when the USDA began regulating
44 Internet sellers and other sight-unseen sales in 2013, it noted that there
45 was a parallel increase in consumer complaints related to the inhumane

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

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

38 The Legislature therefore determines that it is in the best interests
39 of the State and its citizens to reduce costs to the State, local
40 government, and taxpayers, including the financial and emotional costs
41 inflicted on the people who own and care for cats and dogs from kitten
42 mills or puppy mills; promote community awareness of animal
43 welfare; and foster a more humane environment in the State by
44 adopting reasonable laws, policies, and regulations to better monitor
45 and restrict the sources of cats and dogs sold by all pet dealers doing
46 business with New Jersey consumers, including pet shops.

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

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

4 "Animal" means a cat or dog.

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

13 "Animal rescue organization facility" means the home or other
14 facility in which an animal rescue organization houses and cares for an
15 animal.

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

18 "Broker" means a person, business, firm, corporation, or
19 organization who **【sells】** transfers a cat or dog **【to a pet shop, whether**
20 **or not the broker is also the breeder of the cat or dog】** for the purpose
21 of resale by another person, business, firm, corporation, or
22 organization.

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

25 "Director" means the Director of the Division of Consumer Affairs
26 in the Department of Law and Public Safety.

27 "Division" means the Division of Consumer Affairs in the
28 Department of Law and Public Safety.

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

38 "Obtain an animal" means to come into possession or control of a
39 cat or dog, including through birth, purchase, or other transfer of
40 ownership.

41 "Pet dealer" means any person, located within or outside of the
42 State, who is engaged in the ordinary course of business in the sale of
43 cats or dogs to 【the public】 consumers in the State for profit , or 【any
44 person】 who sells 【or offers for sale】 more than five cats or dogs in
45 one year to consumers in the State in non-face-to-face sales. "Pet
46 dealer" shall include a pet shop .

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

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

7 "Quarantine" means to hold in segregation from the general
8 population any cat or dog because of the presence or suspected
9 presence of a contagious or infectious disease.

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

17 "Unfit for purchase" means any disease, deformity, injury, physical
18 condition, illness, or defect which is congenital or hereditary and
19 severely affects the health of the animal, or which was manifest,
20 capable of diagnosis, or likely contracted on or before the sale and
21 delivery of the animal to the consumer. The death of an animal within
22 14 days **[of]** after its delivery to the consumer, except by death by
23 accident or as a result of injuries sustained during that period, shall
24 mean the animal was unfit for purchase.

25 "USDA" means the United States Department of Agriculture.

26 "USDA license number" means the license number issued to a
27 breeder or broker by the United States Department of Agriculture
28 pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq.,
29 or any rules or regulations adopted pursuant thereto.

30 "Veterinarian" means a veterinarian licensed to practice in the
31 State of New Jersey.

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

33
34 3. Section 3 of P.L.1999, c.336 (C.56:8-94) is amended to read as
35 follows:

36 3. No provision of this act shall be construed in any way to alter,
37 diminish, replace, or revoke **[the requirements for pet dealers that are**
38 **not pet shops or the rights of a consumer purchasing an animal from a**
39 **pet dealer that is not a pet shop, as may be provided elsewhere in law**
40 **or any rule or regulation adopted pursuant thereto. Except as provided**
41 **in section 4 and section 5 of P.L.1999, c.336 (C.56:8-95 and C.56:8-**
42 **96), any provision of law pertaining to pet shops, or rule or regulation**
43 **adopted pursuant thereto, shall continue to apply to pet shops. No**
44 **provision of this act shall be construed in any way to alter, diminish,**
45 **replace, or revoke]** any recourse or remedy that is otherwise available
46 to a consumer purchasing a cat or a dog from a pet shop or any other
47 pet dealer under any other law.

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

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

3 4. a. Notwithstanding the provisions of any rule or regulation
4 adopted pursuant to **【Title 56 of the Revised Statutes as such**
5 **provisions are applied to pet shops,】** P.L.1960, c.39 (C.56:8-1 et seq.)
6 or any other law, and without limiting the prosecution of any other
7 practices which may be unlawful pursuant to **【Title 56 of the Revised**
8 **Statutes, it shall be a deceptive】** P.L.1960, c.39 (C.56:8-1 et seq.) or
9 any other law, it shall be an unlawful practice and a violation of
10 P.L.1960, c.39 (C.56:8-1 et seq.) for any owner or operator of a pet
11 shop, or employee thereof, to sell **【animals within】** an animal to a
12 consumer in the State without complying with the provisions and
13 requirements of this section **【and】**, section 3 of P.L.2015, c.7 (C.56:8-
14 95.1) , and any other applicable provisions, requirements, and
15 prohibitions of P.L.1999, c.336 (C.56:8-92 et al.) .

16 b. Within five days prior to the offering for sale of any animal,
17 the owner or operator of a pet shop, or employee thereof, shall have
18 the animal examined by a veterinarian licensed to practice in the State.
19 The name and address of the examining veterinarian, together with the
20 findings made and treatment, if any, ordered as a result of the
21 examination, shall be noted on the animal history and health certificate
22 for each animal as required by regulations adopted pursuant to Title 56
23 of the Revised Statutes. If 14 days have passed since the last
24 veterinarian examination of the animal, the owner or operator of the
25 pet shop, or employee thereof, shall have the animal reexamined by a
26 veterinarian licensed to practice in the State as provided for in
27 subsection g. of this section, except as otherwise provided in that
28 subsection.

29 c. Every pet shop offering animals for sale shall post, in a
30 conspicuous location on the cage or enclosure for each animal in the
31 cage or enclosure, a sign declaring:

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

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

37 (3) The name and address of the veterinarian attending to the
38 animal while the animal is in the custody of the pet shop, and the date
39 of the initial examination of the animal;

40 (4) The first and last name of the breeder of the animal, the full
41 street address of where the breeder is doing business, an email address,
42 if available, by which to contact the breeder, the breeder's USDA
43 license number, and, if the breeder is required to be licensed in the
44 state in which the breeder is located, the breeder's state license
45 number;

46 (5) If the broker is different from the breeder, the first and last
47 name of the broker of the animal, the full street address of where the

1 broker is doing business, an email address, if available, by which to
2 contact the broker, the USDA license number of the broker, and, if the
3 broker is required to be licensed in the state in which the broker is
4 located, the broker's state license number; and

5 (6) The statement "Know Your Rights" in bold type face and no
6 less than 12 point type, followed by the statement in no less than 10
7 point type, "State law requires that every pet shop offering cats or dogs
8 for sale post in a conspicuous location on **【or near】** each cat or dog's
9 cage or enclosure the USDA inspection reports for the breeder and
10 broker of each cat or dog for the two years prior to the first day that the
11 cat or dog is offered for sale. If you do not see a required inspection
12 report, please request the report from the pet shop. If you have any
13 concerns, please contact the New Jersey Division of Consumer
14 Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-6200. You may
15 also view these and other USDA inspection reports for the breeder and
16 broker of each cat or dog on the USDA Animal and Plant Health
17 Inspection Service (APHIS) website. You are entitled to receive
18 additional information from APHIS about the breeder's or broker's
19 history through the federal Freedom of Information Act."

20 Every pet shop offering animals for sale shall also post, in a
21 conspicuous location on **【or near】** the cage or enclosure for each
22 animal in the cage or enclosure, the USDA inspection reports for the
23 breeder and the broker of the animal for the two years prior to the first
24 day that the animal is offered for sale by the pet shop.

25 The owner or operator of the pet shop shall regularly update the
26 information required to be posted pursuant to this subsection and make
27 changes as necessary to all signage required by this subsection so that
28 the public has access to the correct information at all times.

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

33 d. The owner or operator of a pet shop, or employee thereof, shall
34 quarantine any animal diagnosed as suffering from a contagious or
35 infectious disease, illness, or condition and may not sell such an
36 animal until such time as a veterinarian licensed to practice in the State
37 treats the animal and determines that such animal is free of clinical
38 signs of infectious disease or that the animal is fit for sale. All animals
39 required to be quarantined pursuant to this subsection shall be placed
40 in a quarantine area, separated from the general animal population of
41 the pet shop.

42 e. The owner or operator of a pet shop, or designated employee
43 thereof, may inoculate and vaccinate animals prior to purchase only
44 upon the order of a veterinarian. No owner or operator of a pet shop,
45 or employee thereof, may represent, directly or indirectly, that the
46 owner or operator of the pet shop, or any employee thereof, other than
47 a veterinarian, is qualified to, directly or indirectly, diagnose,
48 prognose, treat, or administer for, prescribe any treatment for, operate

1 concerning, manipulate or apply any apparatus or appliance for
2 addressing, any disease, pain, deformity, defect, injury, wound, or
3 physical condition of any animal after purchase of the animal, for the
4 prevention of, or to test for, the presence of any disease, pain,
5 deformity, defect, injury, wound, or physical condition in an animal
6 after its purchase. These prohibitions include, but are not limited to,
7 the giving of inoculations or vaccinations after purchase, the
8 diagnosing, prescribing, and dispensing of medication to animals, and
9 the prescribing of any diet or dietary supplement as treatment for any
10 disease, pain, deformity, defect, injury, wound, or physical condition.

11 f. The Director of the Division of Consumer Affairs in the
12 Department of Law and Public Safety shall provide each owner or
13 operator of a pet shop with notification forms, to be signed by the
14 owner or operator of the pet shop, or employee thereof, and the
15 consumer at the time of purchase of an animal. The notification form
16 shall provide the following:

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

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

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

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

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

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

34 (7) The breeder's state license number, if the breeder is required to
35 be licensed in the state in which the breeder is located, and, if the
36 broker is different from the breeder and the broker is required to be
37 licensed in the state in which the broker is located, the broker's state
38 license number; and

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

47 The owner or operator of the pet shop, or an employee thereof,
48 shall obtain the signature of the consumer on the form and shall also

1 sign and date the form at the time of purchase of an animal by the
2 consumer, and shall provide the consumer with a signed copy of the
3 form and retain a copy of the form on the pet shop premises. Copies
4 of all such notices shall be readily available for inspection by an
5 authorized representative of the Division of Consumer Affairs, upon
6 request. No pet shop owner or operator, or employee thereof, may
7 construe or use the signed notification form required pursuant to this
8 subsection as an abdication of the right to recourse provided for in
9 subsection i. of this section, or as a selection of recourse pursuant to
10 subsection k. of this section.

11 g. The owner or operator of a pet shop, or an employee thereof,
12 shall have any animal that has been examined more than 14 days prior
13 to the date of purchase, reexamined by a veterinarian for the purpose
14 of disclosing its condition, within 72 hours of the delivery of the
15 animal to the consumer, unless the consumer has waived the right to
16 the reexamination in writing. The owner or operator of a pet shop, or
17 an employee thereof, shall provide a copy of the written waiver to the
18 consumer prior to the signing of any contract or agreement to purchase
19 the animal and the written waiver shall be in the form established by
20 the director by regulation.

21 h. If at any time within 14 days after the sale and delivery of an
22 animal to a consumer, the animal becomes sick or dies and a
23 veterinarian certifies, within the 14 days after the date of purchase of
24 the animal by the consumer, that the animal is unfit for purchase due to
25 a non-congenital cause or condition, or that the animal died from
26 causes other than an accident, the consumer is entitled to the recourse
27 described in subsection i. of this section.

28 If the animal becomes sick or dies within 180 days after the date of
29 purchase and a veterinarian certifies, within the 180 days after the date
30 of purchase of the animal by the consumer, that the animal is unfit for
31 sale due to a congenital or hereditary cause or condition, or a sickness
32 brought on by a congenital or hereditary cause or condition, or died
33 from such a cause or condition or sickness, the consumer shall be
34 entitled to the recourse provided in subsection i. of this section.

35 It shall be the responsibility of the consumer to obtain such
36 certification within the required amount of time provided by this
37 subsection, unless the owner or operator of the pet shop, or the
38 employee thereof selling the animal to the consumer, fails to provide
39 the notice required pursuant to subsection f. of this section. If the
40 owner or operator of the pet shop, or the employee thereof, fails to
41 provide the required notice, the consumer shall be entitled to the
42 recourse provided for in subsection i. of this section.

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

46 (1) The right to return the animal and receive a full refund of the
47 purchase price, including sales tax, plus the reimbursement of the
48 veterinary fees, including the cost of the veterinarian certification,

1 incurred prior to the receipt by the consumer of the veterinarian
2 certification;

3 (2) The right to retain the animal and to receive reimbursement for
4 veterinary fees incurred prior to the consumer's receipt of the
5 veterinarian certification, plus the future cost of veterinary fees to be
6 incurred in curing or attempting to cure the animal, including the cost
7 of the veterinarian certification;

8 (3) The right to return the animal and to receive in exchange an
9 animal of the consumer's choice, of equivalent value, plus
10 reimbursement of veterinary fees, including the cost of the veterinarian
11 certification, incurred prior to the consumer's receipt of the
12 veterinarian certification; or

13 (4) In the event of the death of the animal from causes other than
14 an accident, the right to a full refund of the purchase price of the
15 animal, including sales tax, or another animal of the consumer's choice
16 of equivalent value, plus reimbursement of veterinary fees, including
17 the cost of the veterinarian certification, incurred prior to the death of
18 the animal.

19 The consumer shall be entitled to be reimbursed an amount for
20 veterinary fees up to and including two times the purchase price,
21 including sales tax, of the sick or dead animal. No reimbursement of
22 veterinary fees shall exceed two times the purchase price, including
23 sales tax, of the sick or dead animal.

24 j. The veterinarian shall provide to the consumer in writing and
25 within the seven days after the consumer consults with the veterinarian
26 any certification that is appropriate pursuant to this section upon the
27 determination that such certification is appropriate. The certification
28 shall include:

29 (1) The name of the owner;

30 (2) The date or dates of examination;

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

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

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

35 (6) An itemized statement of veterinary fees incurred as of the date
36 of certification;

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

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

41 (9) The name and address of the certifying veterinarian and the
42 date of the certification.

43 k. Upon the presentation of the veterinarian certification required
44 in subsection j. of this section to the pet shop, the consumer shall
45 select the recourse to be provided and the owner or operator of the pet
46 shop, or the employee thereof, shall confirm the selection of recourse
47 in writing. The confirmation of the selection shall be signed by the
48 owner or operator of the pet shop, or an employee thereof, and the

1 consumer and a copy of the signed confirmation shall be given to the
2 consumer and retained by the owner or operator of the pet shop, or
3 employee thereof, on the pet shop premises. The confirmation of the
4 selection shall be in the form established by the director by regulation.

5 1. The owner or operator of the pet shop, or an employee thereof,
6 shall comply with the selection of recourse by the consumer no later
7 than 10 days after the receipt of the veterinarian certification and the
8 signed confirmation of selection of recourse form. In the event the
9 owner or operator of the pet shop, or an employee thereof, wishes to
10 contest the selection of recourse of the consumer, the owner or
11 operator of the pet shop, or an employee thereof, shall notify the
12 consumer and the director in writing within the five days after the
13 receipt of the veterinarian certification and the signed confirmation of
14 selection of recourse form. After notification to the consumer and the
15 director of the division, the owner or operator of the pet shop, or an
16 employee thereof, may require the consumer to produce the animal for
17 examination by a veterinarian chosen by the owner or operator of the
18 pet shop, or employee thereof, at a mutually convenient time and
19 place, except if the animal has died and was required to be cremated
20 for public health reasons. The director shall set, upon receipt of such
21 notice of contest on the part of the owner or operator of the pet shop,
22 or an employee thereof, a hearing date and hold a hearing, pursuant to
23 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.) and the Uniform Administrative Procedure Rules adopted
25 pursuant thereto, to determine whether the recourse selected by the
26 consumer should be allowed. The consumer and the owner or operator
27 of the pet shop, or employee thereof, shall be entitled to any appeal of
28 the decision resulting from the hearing as may be provided for under
29 the law, or any rule or regulation adopted pursuant thereto, but upon
30 the exhaustion of such remedies and recourse, the consumer and the
31 owner or operator of the pet shop shall comply with the final decision
32 rendered.

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

39 n. The owner of a pet shop shall be responsible and liable for any
40 recourse or reimbursement due to a consumer because of violations of
41 any provisions of this section by the owner or operator of the pet shop,
42 or any employee thereof, or because of any document signed pursuant
43 to this section by the owner or operator of the pet shop, or any
44 employee thereof.

45 o. Any pet shop in the State advertising for sale an animal bred by
46 a USDA licensed breeder through print or electronic means, including
47 those posted on the Internet or a website, shall continuously display
48 the name, state of residence, and USDA license number of the breeder

1 of the animal in the advertisement so that this information is easily
2 legible to the consumer.

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

4

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

7 3. a. No pet **shop** dealer shall sell **or offer for sale,** or
8 purchase for resale **whether or not actually offered for sale by the pet**
9 **shop,** any animal **purchased from any breeder or broker** bred,
10 raised, transferred, or brokered by any person, including the pet dealer
11 if the pet dealer bred or raised the animal, who:

12 (1) is not in compliance with the requirements concerning the
13 maintenance and care of animals and the sanitary operation of kennels,
14 pet shops, shelters, and pounds established in rules and regulations
15 adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14) **at**
16 **the time of purchase of the animal by the pet shop** on the date upon
17 which the pet dealer obtains the animal or sells the animal, whichever
18 date is earlier ;

19 (2) is not in possession of a current license issued by the USDA
20 pursuant to 9 C.F.R. s.1.1 et seq.;

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

23 (4) has been cited on a USDA inspection report , issued during the
24 two-year period prior to the date upon which the pet dealer obtains the
25 animal or sells the animal, whichever date is earlier, for a direct
26 violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq.,
27 or the corresponding federal animal welfare regulations at 9 C.F.R.
28 s.1.1 et seq. **, during the two-year period prior to the purchase of the**
29 **animal by the pet shop** ;

30 (5) has been cited on a USDA inspection report , issued during the
31 two-year period prior to the purchase of the animal by the pet shop
32 date upon which the pet dealer obtains the animal or sells the animal,
33 whichever date is earlier, for three or more indirect violations of the
34 federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the
35 corresponding federal animal welfare regulations at sections 2.4, 2.40,
36 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130 through 2.132, 3.1
37 through 3.19, or 3.125 through 3.142 of Title 9 of the Code of Federal
38 Regulations;

39 (6) is cited on the two most recent USDA inspection reports ,
40 issued prior to the purchase of the animal by the pet shop date upon
41 which the pet dealer obtains the animal or sells the animal, whichever
42 date is earlier, for no-access violations pursuant to enforcement of the
43 federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the
44 corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et
45 seq.; or

46 (7) directly or indirectly obtained the animal from a breeder,
47 broker, or other person, firm, corporation, or organization to whom

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

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

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

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

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

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

26 (4) the total number of animals sold to consumers in the State for
27 each breeder and broker for which the pet dealer has reporting
28 requirements pursuant to this 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 which
33 it is located and licensed.

34 e. Any pet dealer that, after a contested case hearing heard by the
35 Division of Consumer Affairs pursuant to the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), is found liable
37 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 is a pet shop, the pet shop license shall also be
40 revoked pursuant to the license revocation provisions in section 8 of
41 P.L.1941, c.151 (C.4:19-15.8).

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

43
44 6. Section 4 of P.L.2015, c.7 (C.56:8-95.2) is amended to read as
45 follows:

46 4. No provision of [P.L.2015, c.7 (C.56:8-95.1 et al.)] P.L.1999,
47 c.336 (C.56:8-92 et al.) shall be construed to limit or restrict any
48 municipality, county, local health agency, or municipal or county

1 board of health from enacting or enforcing, or interfere with the
2 implementation of, or otherwise invalidate, any law, ordinance, rule, or
3 regulation that places additional obligations on pet shops or other pet
4 dealers or restrictions on pet shops , other pet dealers, or pet shop or
5 other pet dealer sales.

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

7

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

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

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

26

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

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

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

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

41

42 9. (New section) a. Notwithstanding the provisions of any rule or
43 regulation adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) or any
44 other law, and without limiting the prosecution of any other practices
45 which may be unlawful pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)
46 or any other law, it shall be an unlawful practice and a violation of
47 P.L.1960, c.39 (C.56:8-1 et seq.) for any pet dealer, or employee
48 thereof, to sell an animal to a consumer in the State without complying

1 with the provisions and requirements of this section, section 3 of
2 P.L.2015, c.7 (C.56:8-95.1), and any other applicable provisions,
3 requirements, and prohibitions of P.L.1999, c.336 (C.56:8-92 et al.).

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

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

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

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

14 (4) The first and last name of the breeder of the animal, the full
15 street address of where the breeder is doing business, an email address,
16 if available, by which to contact the breeder, the breeder's USDA
17 license number, and, if the breeder is required to be licensed in the
18 state in which the breeder is located, the breeder's state license
19 number;

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

26 (6) The USDA inspection reports for the breeder and the broker of
27 the animal for the two years prior to the first day that the animal is
28 offered for sale by the pet dealer.

29 The information required pursuant to this subsection shall be
30 provided to any interested party upon request, and shall be provided to
31 the consumer at the time of sale. Pursuant to subsection c. of section 4
32 of P.L.1999, c.336 (C.56:8-95), a pet dealer that is a pet shop shall
33 post the required information.
34

35 10. (New section) No animal rescue organization, shelter, or
36 pound may obtain cats or dogs from a breeder or broker for
37 payment or compensation.
38

39 11. (New section) a. No person shall sell, exchange, trade, barter,
40 lease, or display for commercial purposes any cat or dog on any
41 roadside, public right-of-way, parkway, median, park, other recreation
42 area, flea market or other outdoor market, or commercial or retail
43 parking lot regardless of whether access for such purposes is
44 authorized.

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

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

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

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

8 12. (New section) The provisions of P.L.1999, c.336 (C.56:8-92
9 et al.) shall not apply to any guide dog or service dog as defined in
10 section 5 of P.L.1945, c.169 (C.10:5-5), search and rescue dog as
11 defined in section 1 of P.L. 1983, c.261 (C.2C:29-3.1), or dog
12 owned or used by a law enforcement agency or used for law
13 enforcement activities.
14

15 13. (New section) Except for sections 10 and 11 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill), as
17 applicable, the provisions of P.L.1999, c.336 (C.56:8-92 et al.) shall
18 not apply to any sale, transfer, exchange, or barter of a cat or dog
19 for purposes related to the conduct of biomedical research by a
20 research facility registered with the United States Department of
21 Agriculture pursuant to the federal "Animal Welfare Act," 7 U.S.C.
22 s.2131 et seq., or at a facility conducting biomedical research in
23 compliance with the "Public Health Service Policy on Humane Care
24 and Use of Laboratory Animals" issued by the United States
25 National Institutes of Health.
26

27 14. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
28 read as follows:

29 8. a. Any person who keeps or operates or proposes to
30 establish **【a】** an animal rescue organization facility, kennel, a pet
31 shop, a shelter, or a pound shall apply to the clerk or other official
32 designated to license dogs in the municipality where such
33 establishment is located, for a license entitling **【him】** the applicant
34 to keep or operate such establishment.

35 The application shall describe the premises where the
36 establishment is located or is proposed to be located, the purpose or
37 purposes for which it is to be maintained, and shall be accompanied
38 by the written approval of the local municipal and health authorities
39 showing compliance with the local and State rules and regulations
40 governing location of and sanitation at such establishments.

41 b. All licenses issued for **【a】** an animal rescue organization
42 facility, kennel, pet shop, shelter, or pound shall state the purpose
43 for which the establishment is maintained, and all licenses shall
44 expire **【on the last day of June of each year】** one year after the date
45 that the license was issued , and be subject to revocation by the
46 municipality on recommendation of the Department of Health or the
47 local board of health for failure to comply with the rules and

1 regulations of the **【State department】** Department of Health or local
2 board governing the same, after the owner has been afforded a
3 hearing by either the **【State department】** Department of Health or
4 local board, except as provided in subsection c. of this section.

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

10 c. The license for a pet shop shall be subject to review by the
11 municipality, upon recommendation by the Department of Health or
12 the local health authority ;

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

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

22 (3) for committing an unlawful practice and a violation of P.L.
23 1960, c.39 (C.56:8-1 et seq.) as established pursuant to section 4 of
24 P.L.1999, c.336 (C.56:8-95) .

25 **【The】** After affording the owner or operator of the pet shop a
26 hearing, the municipality, based on the criteria for the
27 recommendation of the Department of Health or local health
28 authority provided under subsections c. and d. of section 5 of
29 P.L.1999, c.336 (C.56:8-96), may suspend the license for 90 days or
30 may revoke the license if it is determined at the hearing that the pet
31 shop: (1) failed to maintain proper hygiene and exercise reasonable
32 care in safeguarding the health of animals in its custody **【or】** ; (2)
33 sold a substantial number of animals that the pet shop knew, or
34 reasonably should have known, to be unfit for purchase ; or (3)
35 committed an unlawful practice and a violation of P.L. 1960, c.39
36 (C.56:8-1 et seq.) as established pursuant to section 4 of P.L.1999,
37 c.336 (c.56:8-95) .

38 d. Renewal of any license issued pursuant to this section shall
39 be at the discretion of the municipality. The municipality may issue
40 a license for a pet shop that permits the pet shop to sell pet supplies
41 for all types of animals, including cats and dogs, and sell animals
42 other than cats and dogs but restricts the pet shop from selling cats
43 or dogs, or both.

44 e. Every pet shop licensed in the State shall submit annually
45 and no later than May 1 of each year records of the total number of
46 cats and dogs, respectively, sold by the pet shop each year to the

1 municipality in which it is located, and the municipality shall
2 provide this information to the local health authority.

3 f. (1) The license for an animal rescue organization facility shall
4 be subject to review by the municipality that issued the license,
5 upon recommendation by the Department of Health or the local
6 health authority, if the animal rescue organization that owns and
7 operates the animal rescue organization facility or the animal rescue
8 organization facility:

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

12 (b) fails to comply with the Department of Health rules and
13 regulations governing animal rescue organizations or animal rescue
14 organization facilities; or

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

17 (2) After affording the animal rescue organization that owns and
18 operates the animal rescue organization facility a hearing, the
19 municipality may suspend the animal rescue organization license
20 for 90 days or may revoke the license if it is determined at the
21 hearing that the animal rescue organization or animal rescue
22 organization facility: (1) failed to comply with the provisions of
23 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue
24 organizations or animal rescue organization facilities;

25 (2) failed to comply with the Department of Health rules and
26 regulations governing animal rescue organizations or animal rescue
27 organization facilities; or

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

30 g. Any animal rescue organization or animal rescue organization
31 facility that is found liable for a third violation of the provisions of
32 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue
33 organizations or animal rescue organization facilities shall have its
34 license for any animal rescue organization facility permanently
35 revoked and the animal rescue organization shall be permanently
36 prohibited from operating in the State, after a hearing establishing
37 the animal rescue organization or animal rescue organization
38 facility has been found liable for the third violation.

39 h. Any pet shop found liable for a third violation of subsection
40 a. of section 3 of P.L.2015, c.7 (C.56:8-95.1) shall have its license
41 permanently revoked and shall be permanently prohibited from
42 operating in the State, after a hearing establishing the pet shop has
43 been found liable for the third violation.

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

45

46 15. Section 9 of P.L.1941, c.151 (C.4:19-15.9) is amended to
47 read as follows:

1 9. The annual license fee for a kennel providing
2 accommodations for **ten** 10 or less dogs shall be **ten** dollars
3 (\$10.00) **\$10** and for more than **ten** 10 dogs **twenty-five** dollars
4 (\$25.00) **\$25** . The annual license fee for a pet shop shall be **ten**
5 dollars (\$10.00) **\$10** . The annual license fee for an animal rescue
6 organization facility shall be \$5. No fee shall be charged for a
7 shelter or pound.

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

9
10 16. Section 10 of P.L.1941, c.151 (C.4:19-15.10) is amended to
11 read as follows:

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

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

16
17 17. Section 13 of P.L.1941, c.151 (C.4:19-15.13) is amended to
18 read as follows:

19 13. The clerk or other official designated to license dogs in the
20 municipality shall forward to the **State** Department of Health a
21 list of all animal rescue organization facilities, kennels, pet shops,
22 shelters , and pounds licensed within thirty days after the licenses
23 therefor are issued, which list shall include the name and address of
24 the licensee and the kind of license issued.

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

26
27 18. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to
28 read as follows:

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

37 The Department of Health, with the cooperation and assistance
38 of the Division of Consumer Affairs in the Department of Law and
39 Public Safety, may adopt rules and regulations necessary to
40 implement the responsibilities of the Department of Health and
41 local boards of health under P.L. , c. (C.) (pending before
42 the Legislature as this bill), including, but not limited to, rules and
43 regulations governing the sanitary conduct and operation of animal
44 rescue organization facilities.

45 **Such** The rules and regulations adopted pursuant to this
46 section shall be enforced by the **State** Department of Health and

1 **【by】** local boards of health.

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

3

4 19. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
5 read as follows:

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

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

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

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

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

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

24 b. If an animal taken into custody and impounded pursuant to
25 subsection a. of this section has a collar or harness with identification
26 of the name and address of any person, or has a registration tag, or has
27 a microchip with an identification number that can be traced to the
28 owner or person charged with the care of the animal, or the owner or
29 the person charged with the care of the animal is otherwise known, the
30 certified animal control officer shall ascertain the name and address of
31 the owner or the person charged with the care of the animal, and serve
32 to the identified person as soon as practicable, a notice in writing that
33 the animal has been seized and will be liable to be offered for
34 adoption , transferred, or euthanized if not claimed within seven days
35 after the service of the notice.

36 c. A notice required pursuant to this section may be served: (1)
37 by delivering it to the person on whom it is to be served, or by leaving
38 it at the person's usual or last known place of residence or the address
39 given on the collar, harness, or microchip identification; or (2) by
40 mailing the notice to that person at the person's usual or last known
41 place of residence, or to the address given on the collar, harness or
42 microchip identification.

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

- 1 (1) the animal is surrendered voluntarily by its owner to the
2 shelter, pound, or kennel operating as a shelter or pound, in which case
3 the provisions of subsection e. of this section shall apply; or
4 (2) the animal is suspected of being rabid, in which case the
5 provisions of subsection j. of this section shall apply.
- 6 e. If a shelter, pound or kennel operating as a shelter or pound is
7 not required to hold an animal for at least seven days pursuant to
8 paragraph (1) of subsection d. of this section, the shelter, pound, or
9 kennel operating as a shelter or pound:
- 10 (1) shall offer the animal for adoption for at least seven days
11 before euthanizing ~~it~~ the animal ; or
12 (2) may transfer the animal to an animal rescue organization
13 facility or a foster home prior to offering it for adoption if such a
14 transfer is determined to be in the best interest of the animal by the
15 shelter, pound, or kennel operating as a shelter or pound.
- 16 f. Except as otherwise provided for under subsection e. of this
17 section, no shelter, pound, or kennel operating as a shelter or pound
18 receiving an animal from a certified animal control officer may
19 transfer the animal to an animal rescue organization facility or a foster
20 home until the shelter, pound, or kennel operating as a shelter or pound
21 has held the animal for at least seven days.
- 22 g. If the owner or the person charged with the care of the animal
23 seeks to claim it within seven days, or after the seven days have
24 elapsed but before the animal has been adopted , transferred, or
25 euthanized, the shelter, pound, or kennel operating as a shelter or
26 pound:
- 27 (1) shall, in the case of a cat or dog, release it to the owner or
28 person charged with its care, provided the owner or person charged
29 with the care of the animal provides proof of ownership, which may
30 include a valid cat or dog license, registration, rabies inoculation
31 certificate, or documentation from the owner's veterinarian that the cat
32 or dog has received regular care from that veterinarian;
- 33 (2) may, in the case of a cat or dog, charge the cost of sterilizing
34 the cat or dog, if the owner requests such sterilizing when claiming it;
35 and
- 36 (3) may require the owner or person charged with the care of the
37 animal to pay all the animal's expenses while in the care of the shelter,
38 pound, or kennel operating as a shelter or pound, not to exceed \$4 per
39 day.
- 40 h. If the animal remains unclaimed, is not claimed due to the
41 failure of the owner or other person to comply with the requirements
42 of this section, or is not adopted after seven days after the date on
43 which notice is served pursuant to subsection c. of this section or, if no
44 notice can be served, not less than seven days after the date on which
45 the animal was impounded, the impounded animal may be placed in a
46 foster home, transferred to another shelter, pound, kennel operating as
47 a shelter or pound, or animal rescue organization facility, or

1 euthanized in a manner causing as little pain as possible and consistent
2 with the provisions of R.S.4:22-19.

3 i. At the time of adoption, the right of ownership in the animal
4 shall transfer to the new owner. No dog or other animal taken into
5 custody, impounded, sent or otherwise brought to a shelter, pound, or
6 kennel operating as a shelter or pound, or transferred to an animal
7 rescue organization facility, shall be sold or otherwise be made
8 available for the purpose of experimentation. Any person who sells or
9 otherwise makes available any such dog or other animal for the
10 purpose of experimentation shall be guilty of a crime of the fourth
11 degree.

12 j. Any animal seized under this section suspected of being rabid
13 shall be immediately reported to the executive officer of the local
14 board of health and to the Department of Health, and shall be
15 quarantined, observed, and otherwise handled and dealt with as
16 appropriate for an animal suspected of being rabid or as required by
17 the Department of Health for the animals.

18 k. When a certified animal control officer takes into custody and
19 impounds, or causes to be taken into custody and impounded, an
20 animal, the certified animal control officer may place the animal in the
21 custody of, or cause the animal to be placed in the custody of, only a
22 licensed shelter, pound, or kennel operating as a shelter or pound. The
23 certified animal control officer may not place the animal in the custody
24 of, or cause the animal to be placed in the custody of, any animal
25 rescue organization facility, foster home, or other unlicensed facility.
26 However, the licensed shelter, pound, or kennel operating as a shelter
27 or pound may place the animal in an animal rescue organization
28 facility, a foster home, or other unlicensed facility if necessary
29 pursuant to subsection e. or h. of this section.

30 l. Notwithstanding the provisions of this section and sections 3
31 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
32 contrary, no cat or dog being transferred between shelters, pounds, or
33 kennels operating as shelters or pounds, or being transferred to an
34 animal rescue organization facility, or placed in a foster home, shall be
35 required to be sterilized prior to that transfer.

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

37

38 20. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
39 read as follows:

40 6. a. The Department of Health shall establish a registry of
41 animal rescue organizations and their facilities in the State. **【Any**
42 **animal rescue organization may voluntarily participate in the**
43 **registry】.**

44 b. The department, pursuant to the "Administrative Procedure
45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
46 and regulations determined necessary to implement the **【voluntary】**
47 registry and coordinate its use with the provisions of P.L.2011,

1 c.142 (C.4:19-15.30 et al.) , section of 8 of P.L.1941, c.151 (C.4:19-
2 15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).
3 (cf: P.L.2012, c.17, s.13)

4

5 21. This act shall take effect on the 180th day following the date
6 of enactment.