

[First Reprint]  
**SENATE, No. 63**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Scutari, Weinberg, Stack and Cunningham**

**SYNOPSIS**

Prohibits sight-unseen sale of cats and dogs; requires pet shops to sell cats and dogs only from specified sources; repeals “Pet Purchase Protection Act.”

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth Committee on March 7, 2016, with amendments.



**(Sponsorship Updated As Of: 6/24/2016)**

1 AN ACT concerning the sale of cats and dogs, amending and  
2 repealing various sections of statutory law, and supplementing  
3 P.L.1960, c.39 (C.56:8-1 et seq.).  
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 a  
9 significant number of cats and dogs sold at pet shops, over the  
10 Internet, and through brokers come from large-scale, commercial  
11 breeding facilities where the health and welfare of the animals are  
12 not adequately provided for, commonly referred to as “kitten mills”  
13 and “puppy mills”; that, according to the Humane Society of the  
14 United States, an estimated 10,000 puppy mills produce more than  
15 2,400,000 puppies each year in the United States; that the  
16 documented abuses endemic to kitten mills and puppy mills include  
17 over-breeding, inbreeding, minimal to non-existent veterinary care,  
18 and lack of adequate, nutritious food, water, shelter, socialization,  
19 space, and exercise; that the inhumane conditions in kitten mill and  
20 puppy mill facilities often lead to health and behavioral issues in the  
21 animals bred in those facilities; that, due to a lack of education  
22 about the kitten mill and puppy mill issue and, in some cases,  
23 misleading tactics of the seller, many consumers are unaware of  
24 these health and behavioral issues when purchasing a cat or dog;  
25 that the problem is exacerbated by consumers buying cats and dogs  
26 they have never seen, otherwise known as “sight-unseen  
27 purchases”; that, often, a consumer has not seen the conditions in  
28 which the cat or dog was born and raised, and the health and  
29 behavioral issues caused by these conditions may not present  
30 themselves until sometime after the purchase of the cat or dog; and  
31 that these health and behavioral issues can impose exorbitant  
32 financial and emotional costs on the consumer purchasing the cat or  
33 dog.

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

<sup>1</sup>Senate SEG committee amendments adopted March 7, 2016.

1 dramatic rise in sight-unseen sales; that, despite the recently  
2 established requirement that people engaging in sight-unseen sales  
3 of cats and dogs obtain a USDA license, the majority of these  
4 people remain unlicensed and unregulated and only a few hundred  
5 new licenses have been issued since the rule took effect in 2013;  
6 that, even if all breeders selling cats or dogs sight-unseen were  
7 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  
12 federal Animal Welfare Act was ineffective in ensuring compliance  
13 with the minimal standards of care governing the humane treatment  
14 of animals in these facilities; and that pet shops remain unregulated  
15 by the USDA and current federal and State regulations do not  
16 properly address the sale of kitten mill cats or puppy mill dogs in  
17 New Jersey pet shops.

18 The Legislature further finds and declares that New Jersey  
19 consumers routinely report purchasing sick dogs from pet shops;  
20 that hundreds of the dogs sold annually in New Jersey pet shops  
21 come from large-scale commercial breeders with significant and  
22 multiple USDA violations; that current federal Animal Welfare Act  
23 regulations promulgated by the USDA are inadequate to protect the  
24 health and welfare of breeding cats and their kittens or breeding  
25 dogs and their puppies; that, due in large part to overpopulation,  
26 every year approximately 21,000 cats and dogs are euthanized in  
27 New Jersey; that restricting the retail sale of kittens and puppies at  
28 pet shops to only those that are sourced from shelters, pounds, or  
29 rescue organizations is likely to increase demand for animals from  
30 these facilities; that this increased demand would decrease the  
31 number of animals euthanized and reduce the burden and costs for  
32 shelters, pounds, and organizations providing care and euthanasia  
33 for these animals as well as any costs to the State and its taxpayers  
34 for these services; that across the country, thousands of independent  
35 pet shops and large chains operate profitably with a business model  
36 focused on the sale of pet services and supplies and not on the sale  
37 of cats and dogs; that many of these shops collaborate with local  
38 animal shelters and rescue organizations to offer space and support  
39 for showcasing adoptable homeless pets on their premises; that the  
40 regulation of cat and dog sales as proposed in this act would not  
41 affect a consumer's ability to obtain the consumer's choice of a cat  
42 or dog directly from a breed-specific rescue organization or a  
43 shelter or pound, or from a breeder where the consumer can directly  
44 see the conditions in which the cats or dogs are bred or, at a  
45 minimum, can confer directly with the breeder concerning those  
46 conditions.

47 The Legislature therefore determines that it is in the best  
48 interests of the State and its citizens to reduce costs to the State and

1 its taxpayers, including the financial and emotional costs inflicted  
2 on the people who own and care for cats and dogs from kitten mills  
3 or puppy mills; promote community awareness of animal welfare;  
4 and foster a more humane environment in the State by adopting  
5 reasonable laws, policies, and regulations to restrict the sources of  
6 cats and dogs sold by pet shops and prohibit sight-unseen sales of  
7 cats and dogs.

8  
9 2. (New section) As used in P.L. , c. (C. ) (pending  
10 before the Legislature as this bill):

11 “Animal rescue organization” means an animal rescue  
12 organization, as defined in section 1 of P.L.1941, c.151 (C.4:19-  
13 15.1), which is involved in the placement of abandoned, unwanted,  
14 neglected, or abused animals and does not obtain cats or dogs from  
15 a breeder or broker for payment or compensation, and<sup>1</sup> that is also a  
16 tax exempt organization under paragraph (3) of subsection (c) of  
17 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),  
18 or any subsequent corresponding sections of the federal Internal  
19 Revenue Code, as from time to time amended.

20 “Breeder” means a person, firm, corporation, or organization  
21 engaged in the business of breeding cats or dogs.

22 “Broker” means a person, firm, corporation, or organization who  
23 <sup>1</sup>[sells a cat or dog to a pet shop, regardless of whether the broker is  
24 also the breeder of the] transfers a<sup>1</sup> cat or dog for resale by  
25 another<sup>1</sup> .

26 “Consumer” means a person purchasing a cat or dog not for the  
27 purpose of resale.

28 “Face-to-face <sup>1</sup>[transaction] sale<sup>1</sup>” means a sale, offer for sale,  
29 transfer, exchange, barter, or other transaction at which the breeder,  
30 consumer, and the cat or dog involved in the sale are all physically  
31 present in the same location at the time of the transaction. A “face-  
32 to-face <sup>1</sup>[transaction] sale<sup>1</sup>” shall not include any transaction  
33 conducted by mail order, the Internet, telephone, at a pet shop,  
34 through a broker, or any other anonymous transaction method in  
35 which the consumer is not in the physical presence of the breeder  
36 and the cat or dog at the time of the transaction.

37 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,  
38 c.151 (C.4:19-15.1).

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

42 “Shelter” means a shelter, as defined in section 1 of P.L.1941,  
43 c.151 (C.4:19-15.1), whose primary mission and practice is the  
44 placement of abandoned, unwanted, neglected or abused animals,  
45 that does not obtain cats or dogs from a breeder or broker for  
46 payment or compensation,<sup>1</sup> and that is also a tax exempt  
47 organization under paragraph (3) of subsection (c) of section 501 of

1 the federal Internal Revenue Code (26 U.S.C. s.501), or any  
2 subsequent corresponding sections of the federal Internal Revenue  
3 Code, as from time to time amended.

4  
5 3. (New section) Notwithstanding the provisions of any rule or  
6 regulation adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) or  
7 any other law, and without limiting the prosecution of any other  
8 practices which may be unlawful pursuant to P.L.1960, c.39  
9 (C.56:8-1 et seq.) or any other law, it shall be <sup>1</sup>~~["a deceptive"]~~ an  
10 unlawful<sup>1</sup> practice <sup>1</sup>and a violation of P.L.1960, c.39 (C.56:8-1 et  
11 seq.)<sup>1</sup> for any person to sell a cat or dog to any consumer in the  
12 State without complying with the provisions <sup>1</sup>~~["and"],~~<sup>1</sup> requirements  
13 <sup>1</sup>, and prohibitions<sup>1</sup> of sections 4 <sup>1</sup>~~["and"],~~<sup>1</sup> 5 <sup>1</sup>, 6, and 7<sup>1</sup> of <sup>1</sup>~~["this~~  
14 ~~act"]~~ P.L. , c. (C. ) (pending before the Legislature as this  
15 bill), as applicable<sup>1</sup>.

16  
17 4. (New section) a. No person shall sell, offer for sale, transfer,  
18 exchange, or barter a cat or dog or otherwise engage in a transaction  
19 concerning a cat or dog, unless the transaction is a face-to-face  
20 ~~["transaction"]~~ sale. This subsection shall apply to transactions  
21 between <sup>1</sup>a<sup>1</sup> breeder or other seller and a consumer who are both in  
22 the State, a breeder or other seller in the State and a consumer in  
23 another state, and <sup>1</sup>a<sup>1</sup> breeder or other seller in another state and a  
24 consumer in the State.

25 b. The provisions of subsection a. of this section shall not  
26 apply to:

27 (1) any transfer, regardless of payment or compensation, of a cat  
28 or dog by, or to, a shelter, pound, or animal rescue organization;

29 (2) the sale, transfer, exchange, or barter of a cat or dog by a pet  
30 shop that the pet shop has obtained from, or displays in cooperation  
31 with, a shelter, <sup>1</sup>~~["a"]~~<sup>1</sup> pound, or animal rescue organization; <sup>1</sup>~~["and"]~~<sup>1</sup>

32 (3) the transfer of a cat or dog from the home of an individual  
33 pet owner who is not a breeder or broker to the home of another  
34 person who is not a breeder or broker, without payment or  
35 compensation of any kind, for the purpose of being a household pet  
36 and not for resale <sup>1</sup>~~["."];~~

37 (4) the sale, transfer, exchange or barter of a cat or dog from one  
38 breeder to another breeder exclusively for the preservation of the  
39 bloodline of the cat or dog, provided that such breeder does not  
40 make more than five such transfers each year; and

41 (5) the sale, transfer, exchange, or barter of a cat or dog for  
42 purposes related to the conduct of biomedical research by a research  
43 facility registered with the United States Department of Agriculture  
44 pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et  
45 seq.<sup>1</sup>

1       5. (New section) a. No pet shop may offer a cat or dog for sale,  
2 or obtain a cat or dog for the purpose of sale, unless the cat or dog  
3 has been obtained, with or without payment or compensation of any  
4 kind, from a shelter, pound, <sup>1</sup>[kennel operating as a shelter or  
5 pound,]<sup>1</sup> or <sup>1</sup>[an]<sup>1</sup> animal rescue organization.

6       b. <sup>1</sup>Each pet shop shall maintain a record of the name and  
7 address of the shelter, pound, or animal rescue organization from  
8 which each cat or dog was obtained. The pet shop shall retain the  
9 record for at least two years after the date of acquisition of the cat  
10 or dog. The record shall be: (1) made available, immediately upon  
11 request, to the the Division of Consumer Affairs in the Department  
12 of Law and Public Safety, the Department of Health, or the local  
13 health authority; and (2) submitted by the pet shop annually no later  
14 than May 1 of each year to the municipality in which the pet shop is  
15 located and licensed. Each pet shop shall display on each cage a  
16 label stating the name and address of the shelter, pound, or animal  
17 rescue organization of each animal kept in the cage.

18       c.<sup>1</sup> No pet shop may make any cat or dog available for  
19 experimentation. An owner or operator of a pet shop who violates  
20 this provision shall be guilty of a crime of the fourth degree, in  
21 addition to being liable for any penalties that may be assessed  
22 pursuant to section <sup>1</sup>[6] <sup>1</sup>§<sup>1</sup> of P.L. , c. (C. ) (pending before  
23 the Legislature as this bill).

24  
25       <sup>1</sup>6. (New section) Any seller engaging in a transaction exempted  
26 from the requirements of subsection a. of section 4 of P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill) pursuant  
28 to subsection b. of section 4 of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill) and section 11 of P.L. , c. (C. )  
30 (pending before the Legislature as this bill) shall maintain a record  
31 of each exempted transaction, including the name and address of the  
32 seller, a description of the animal, the name of the consumer and  
33 documentation of the exemption claimed by the seller. The seller  
34 shall submit these records to the Department of Health prior to the  
35 sale of the cat or dog, and shall maintain the records for a period of  
36 two years after the date of the transaction.<sup>1</sup>

37  
38       <sup>1</sup>7. (New section) a. No person shall sell, offer to sell, exchange,  
39 trade, barter, lease, or otherwise transfer any cat or dog on any  
40 roadside, public right-of-way, parkway, median, park, other  
41 recreation area, flea market or other outdoor market, or commercial  
42 or retail parking lot regardless of whether such access is authorized.

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

44       (1) The transfer, regardless of payment or compensation, of a  
45 cat or dog by, or to, a shelter, pound, or animal rescue organization;  
46 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  
 3 program.<sup>1</sup>

4  
 5       <sup>1</sup>**[6.] 8.**<sup>1</sup> (New section) In addition to any other penalties that  
 6 may be imposed pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) for  
 7 <sup>1</sup>**[a deceptive] an unlawful**<sup>1</sup> practice <sup>1</sup>**and a violation of P.L.1960,**  
 8 **c.39 (C.56:8-1 et seq.)**<sup>1</sup> as established in section 3 of P.L. ,c. (C. )  
 9 (pending before the Legislature as this <sup>1</sup>**[bill] bill**)<sup>1</sup> , or imposed  
 10 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.) or Title 2C of the  
 11 New Jersey Statutes, any person who violates section 4 <sup>1</sup>**[or],**<sup>1</sup> 5 <sup>1</sup>,  
 12 **6, or 7**<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature as  
 13 this bill) shall be subject to a fine of \$500 for each violation, to be  
 14 collected by the Division of Consumer Affairs in the Department of  
 15 Law and Public Safety in a civil action by a summary proceeding  
 16 under the “Penalty Enforcement Law of 1999,” P.L.1999, c. 274  
 17 (C.2A:58-10 et seq.).

18  
 19       <sup>1</sup>**[7.] 9.**<sup>1</sup> (New section) Nothing in P.L. , c. (C. ) (pending  
 20 before the Legislature as this bill) shall be construed to limit or  
 21 restrict any municipality, county, local health agency, or municipal  
 22 or county board of health from enacting or enforcing, or to interfere  
 23 with the implementation of, or otherwise invalidate, any local law,  
 24 ordinance, resolution, rule, or regulation that places additional  
 25 obligations or restrictions on pet shops or pet shop sales.

26  
 27       <sup>1</sup>**[8.] 10.**<sup>1</sup> (New section) <sup>1</sup>**a.**<sup>1</sup> The Director of the Division of  
 28 Consumer Affairs <sup>1</sup>**in the Department of Law and Public Safety,**  
 29 **with the cooperation and assistance of the Department of Health,**<sup>1</sup>  
 30 may adopt, pursuant to the “Administrative Procedure Act,”  
 31 P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or regulations that  
 32 the director deems necessary to implement <sup>1</sup>**and enforce**<sup>1</sup> P.L. ,  
 33 c. (C. ) (pending before the Legislature as this bill).

34       <sup>1</sup>**b.** The Division of Consumer Affairs, the Department of  
 35 Health, or the local health authority may investigate and pursue  
 36 enforcement against any pet shop for a violation of P.L. , c. (C. )  
 37 (pending before the Legislature as this bill).<sup>1</sup>

38  
 39       <sup>1</sup>**11.** (New section) The provisions of P.L. , c. (C. )  
 40 (pending before the Legislature as this bill) shall not apply to any  
 41 guide dog or service dog as defined in section 5 of P.L.1945, c.169  
 42 (C.10:5-5), search and rescue dog as defined in section 1 of P.L.  
 43 1983, c.261 (C.2C:29-3.1), or dog used for law enforcement  
 44 activities.<sup>1</sup>

1       <sup>1</sup>12. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to  
2 read as follows:

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

11       The Department of Health, with the cooperation and assistance  
12 of the Division of Consumer Affairs in the Department of Law and  
13 Public Safety, may adopt rules and regulations necessary to  
14 implement the responsibilities of the Department of Health and  
15 local boards of health under P.L. , c. (C. ) (pending before  
16 the Legislature as this bill).

17       **[Such]** The rules and regulations adopted pursuant to this  
18 section shall be enforced by the **[State ]** Department of Health and  
19 **[by]** local boards of health.<sup>1</sup>

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

21

22       <sup>1</sup>**[9.] 13.**<sup>1</sup> Section 8 of <sup>1</sup>**[P.L. L.1941,]** P.L.1941,<sup>1</sup> c.151  
23 (C.4:19-15.8) is amended to read as follows:

24       8. a. Any person who keeps or operates or proposes to establish  
25 a kennel, a pet shop, a shelter, or a pound shall apply to the clerk or  
26 other official designated to license dogs in the municipality where  
27 such establishment is located, for a license entitling **[him]** the  
28 applicant to keep or operate such establishment.

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

35       b. All licenses issued for a kennel, pet shop, shelter, or pound  
36 shall state the purpose for which the establishment is maintained,  
37 and all licenses shall expire <sup>1</sup>**[on the last day of June of each year]**  
38 one year after the date that the license was issued<sup>1</sup> , and be subject  
39 to revocation by the municipality on recommendation of the  
40 Department of Health or the local board of health for failure to  
41 comply with the rules and regulations of the **[State department]**  
42 Department of Health or local board governing the same, after the  
43 owner has been afforded a hearing by either the **[State department]**  
44 Department of Health or local board, except as provided in  
45 subsection c. of this section.

46       Any person holding a license shall not be required to secure  
47 individual licenses for dogs owned by a licensee and kept at the



1 establishments **;** the licenses**].** The license for a kennel, pet shop,  
 2 shelter, or pound shall not be transferable to another owner or  
 3 different premises.

4 c. The license for a pet shop shall be subject to review by the  
 5 municipality, upon recommendation by the Department of Health or  
 6 the local health authority for failure by the pet shop to comply with  
 7 section 4 <sup>1</sup>**[or],<sup>1</sup> 5 <sup>1</sup>, 6, or 7<sup>1</sup>** of P.L. , c. (C. ) <sup>1</sup>(pending  
 8 before the Legislature as this bill)<sup>1</sup>, the rules and regulations of the  
 9 **[State department] Department of Health** or local health authority  
 10 governing pet shops **[or if the pet shop meets the criteria for**  
 11 **recommended suspension or revocation provided under subsection**  
 12 **c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after the owner**  
 13 **of the pet shop has been afforded a hearing pursuant to subsection**  
 14 **e. of section 5 of P.L.1999, c.336 (C.56:8-96)] , or for committing**  
 15 **<sup>1</sup>[a deceptive] an unlawful<sup>1</sup> practice <sup>1</sup>and a violation of P.L. 1960,**  
 16 **c.39 (C.56:8-1 et seq.)<sup>1</sup> as established pursuant to section 3 of**  
 17 **P.L. , c. (C. ) (pending before the Legislature as this bill).**

18 **[The] After affording the owner or operator of the pet shop a**  
 19 **hearing,** the municipality, based on the **[criteria for the]**  
 20 recommendation of the Department of Health or local health  
 21 authority **[provided under subsections c. and d. of section 5 of**  
 22 **P.L.1999, c.336 (C.56:8-96)],** may suspend the license for 90 days  
 23 or may revoke the license if it is determined at the hearing that the  
 24 pet shop: (1) failed to maintain proper hygiene and exercise  
 25 reasonable care in safeguarding the health of animals in its custody  
 26 **[or] ; (2) [sold a substantial number of animals that the pet shop**  
 27 **knew, or reasonably should have known, to be unfit for purchase]**  
 28 **committed <sup>1</sup>[a deceptive] an unlawful<sup>1</sup> practice as established in**  
 29 **section 3 of P.L. , c. (C. ) (pending before the Legislature**  
 30 **as this bill); or (3) violated section 4 <sup>1</sup>**[or],<sup>1</sup> 5 <sup>1</sup>, 6, or 7<sup>1</sup>** of P.L. ,**  
 31 **c. (C. ) (pending before the Legislature as this bill).**

32 d. <sup>1</sup>Renewal of any license issued pursuant to this section shall  
 33 be at the discretion of the municipality.<sup>1</sup> The municipality may  
 34 issue a license for a pet shop that permits the pet shop to sell pet  
 35 supplies for all types of animals, including cats and dogs, and sell  
 36 animals other than cats and dogs but restricts the pet shop from  
 37 selling cats or dogs, or both.

38 <sup>1</sup>**[e. Every pet shop licensed in the State shall submit annually**  
 39 **and no later than May 1 of each year records of the total number of**  
 40 **cats and dogs, respectively, sold by the pet shop each year to the**  
 41 **municipality in which it is located, and the municipality shall**  
 42 **provide this information to the local health authority.]<sup>1</sup>**

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

44

45 <sup>1</sup>**[10.] 14.<sup>1</sup>** Section 16 of P.L.1941, c.151 (C.4:19-15.16) is  
 46 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) shall offer the animal for adoption for at least seven days  
8 before euthanizing it or transferring it to a pet shop; or

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

13 f. Except as otherwise provided for under subsection e. of this  
14 section, no shelter, pound, or kennel operating as a shelter or pound  
15 receiving an animal from a certified animal control officer may  
16 transfer the animal to an animal rescue organization facility, a pet  
17 shop, or a foster home until the shelter, pound, or kennel operating  
18 as a shelter or pound has held the animal for at least seven days.

19 g. If the owner or the person charged with the care of the  
20 animal seeks to claim it within seven days, or after the seven days  
21 have elapsed but before the animal has been adopted, transferred to  
22 a pet shop, or euthanized, the shelter, pound, or kennel operating as  
23 a shelter or pound:

24 (1) shall, in the case of a cat or dog, release it to the owner or  
25 person charged with its care, provided the owner or person charged  
26 with the care of the animal provides proof of ownership, which may  
27 include a valid cat or dog license, registration, rabies inoculation  
28 certificate, or documentation from the owner's veterinarian that the  
29 cat or dog has received regular care from that veterinarian;

30 (2) may, in the case of a cat or dog, charge the cost of sterilizing  
31 the cat or dog, if the owner requests such sterilizing when claiming  
32 it; and

33 (3) may require the owner or person charged with the care of the  
34 animal to pay all the animal's expenses while in the care of the  
35 shelter, pound, or kennel operating as a shelter or pound, not to  
36 exceed \$4 per day.

37 h. If the animal remains unclaimed, is not claimed due to the  
38 failure of the owner or other person to comply with the  
39 requirements of this section, or is not adopted after seven days after  
40 the date on which notice is served pursuant to subsection c. of this  
41 section or, if no notice can be served, not less than seven days after  
42 the date on which the animal was impounded, the impounded  
43 animal may be placed in a foster home, transferred to another  
44 shelter, pound, kennel operating as a shelter or pound, **[or]** animal  
45 rescue organization facility, or pet shop, or euthanized in a manner  
46 causing as little pain as possible and consistent with the provisions  
47 of R.S.4:22-19.

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

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

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

28 l. Notwithstanding the provisions of this section and sections 3  
29 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the  
30 contrary, no cat or dog being transferred between shelters, pounds,  
31 or kennels operating as shelters or pounds, or being transferred to a  
32 pet shop or an animal rescue organization facility, or placed in a  
33 foster home, shall be required to be sterilized prior to that transfer.  
34 (cf: P.L.2012, c.17, s.7)

35  
36 **'[11.] 15.<sup>1</sup>** Section 5 of P.L.2011, c.142 (C.4:19-15.32) is  
37 amended to read as follows:

38 5. a. When a cat or dog is put in the custody of and impounded  
39 with a shelter, pound, or kennel operating as a shelter or pound, or  
40 an animal rescue organization facility receives a cat or dog, the  
41 shelter, pound, kennel operating as a shelter or pound, or animal  
42 rescue organization facility shall, if the identity of the owner is not  
43 known, scan the animal for microchip identification, provided the  
44 shelter, pound, kennel operating as a shelter or pound, or animal  
45 rescue organization facility has such technology available.

46 b. Prior to release of any cat or dog for adoption, transfer to a  
47 pet shop, another facility or foster home, or euthanasia of the cat or  
48 dog, the shelter, pound, kennel operating as a shelter or pound, or

1 animal rescue organization facility shall, if the identity of the owner  
2 is not known, scan the cat or dog for microchip identification,  
3 provided the shelter, pound, kennel operating as a shelter or pound,  
4 or animal rescue organization facility has such technology  
5 available.

6 c. If either scan required pursuant to subsection a. or b. of this  
7 section reveals information concerning the owner of the cat or dog,  
8 the shelter, pound, kennel operating as a shelter or pound, or animal  
9 rescue organization facility shall immediately seek to contact and  
10 notify the owner of the whereabouts of the cat or dog. Furthermore,  
11 if microchip identification is found, the shelter, pound, kennel  
12 operating as a shelter or pound, or animal rescue organization  
13 facility shall hold the animal for at least seven days after the  
14 notification to the owner.

15 (cf: P.L.2011, c.142, s.5)

16

17 <sup>1</sup>~~12.~~ 16.<sup>1</sup> Sections 1 through 5 of P.L.1999, c.336 (C.56:8-92  
18 through C.56:8-96), section 7 of P.L.1999, c.336 (C.56:8-97) and  
19 sections 3, 4, and 5 of P.L.2015, c.7 (C.56:8-95.1 through C.56:8-  
20 95.3) are repealed.

21

22 <sup>1</sup>~~13.~~ 17.<sup>1</sup> This act shall take effect <sup>1</sup>~~immediately~~ on the  
23 180<sup>th</sup> day following the date of enactment<sup>1</sup>.