

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 63**

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

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ADOPTED JUNE 23, 2016

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

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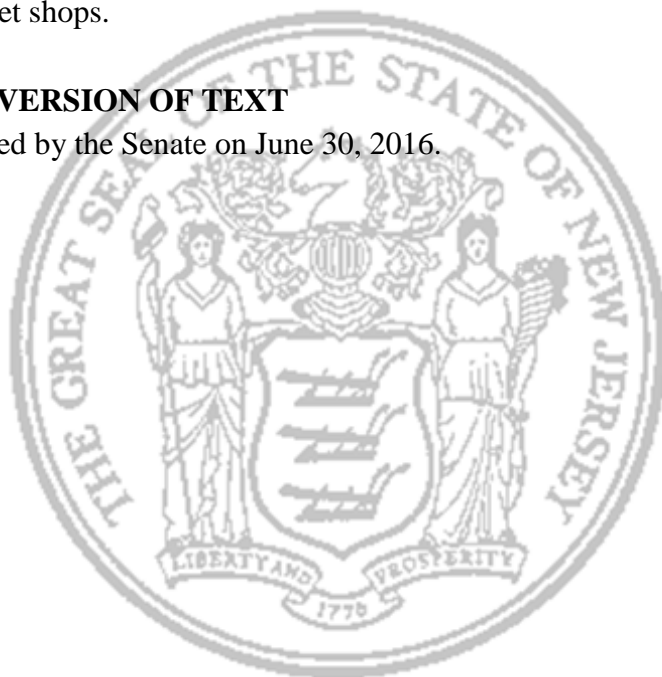
**Senators Scutari, Weinberg, Stack and Cunningham**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 30, 2016.



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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted June 27, 2016.

<sup>2</sup>Senate floor amendments adopted June 30, 2016.

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

21 The Legislature further finds and declares that New Jersey  
22 consumers routinely report purchasing sick dogs from pet dealers  
23 and pet shops; that hundreds of the dogs sold annually in New  
24 Jersey pet shops come from large-scale commercial breeders with  
25 significant and multiple USDA violations; that current federal  
26 Animal Welfare Act regulations promulgated by the USDA are  
27 inadequate to protect the health and welfare of breeding cats and  
28 their kittens or breeding dogs and their puppies; that, due in large  
29 part to overpopulation, every year approximately 21,000 cats and  
30 dogs are euthanized in New Jersey; that restructuring the regulation  
31 of the retail sale of kittens and puppies in the State would have a  
32 potentially large positive impact on the reduction of sales of sick  
33 animals and unnecessary euthanasia of animals; that this reduction  
34 would be achieved by requiring new pet shops to sell cats and dogs  
35 obtained only from shelters, pounds, or animal rescue organizations  
36 and extending to all pet dealers the requirements connected to  
37 USDA inspection violations and the sourcing of animals currently  
38 applied to pet shops under the "Pet Purchase Protection Act"; that  
39 an emphasis on sourcing animals whenever possible from shelters,  
40 pounds, or animal rescue organizations is likely to increase demand  
41 for animals from these facilities; that this increased demand would  
42 decrease the number of animals euthanized and reduce the burden  
43 and costs for shelters, pounds, and organizations providing care and  
44 euthanasia for these animals as well as any costs to the State, local  
45 government, and taxpayers for these services; that across the  
46 country, thousands of independent pet shops and large chains  
47 operate profitably with a business model focused on the sale of pet  
48 services and supplies and not on the sale of cats and dogs; that

1 many of these shops collaborate with local animal shelters and  
2 animal rescue organizations to offer space and support for  
3 showcasing adoptable homeless pets on their premises; that the  
4 regulation of cat and dog sales as prescribed in P.L.1999, c.336  
5 (C.56:8-92 et al.) would not affect a consumer's ability to obtain the  
6 consumer's choice of a cat or dog directly from a breed-specific  
7 animal rescue organization or a shelter or pound, or from a breeder  
8 that meets basic standards of animal welfare.

9 The Legislature therefore determines that it is in the best  
10 interests of the State and its citizens to reduce costs to the State,  
11 local government, and taxpayers, including the financial and  
12 emotional costs inflicted on the people who own and care for cats  
13 and dogs from kitten mills or puppy mills; promote community  
14 awareness of animal welfare; and foster a more humane  
15 environment in the State by adopting reasonable laws, policies, and  
16 regulations to better monitor and restrict the sources of cats and  
17 dogs sold by pet dealers and pet shops.

18

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

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

22 "Animal" means a cat or dog.

23 "Animal rescue organization" means an animal rescue  
24 organization, as defined in section 1 of P.L.1941, c.151 (C.4:19-  
25 15.1), which is involved in the placement of abandoned, unwanted,  
26 neglected, or abused animals, and that is also a tax exempt  
27 organization under paragraph (3) of subsection (c) of section 501 of  
28 the federal Internal Revenue Code (26 U.S.C. s.501), or any  
29 subsequent corresponding sections of the federal Internal Revenue  
30 Code, as from time to time amended.

31 "Animal rescue organization facility" means the home or other  
32 facility in which an animal rescue organization houses and cares for  
33 an animal.

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

36 "Broker" means a person, business, firm, corporation, or  
37 organization who **【sells】** transfers a cat or dog **【to a pet shop,**  
38 **whether or not the broker is also the breeder of the cat or dog】** for  
39 the purpose of resale by another person, business, firm,  
40 corporation, or organization.

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

43 "Director" means the Director of the Division of Consumer  
44 Affairs in the Department of Law and Public Safety.

45 "Division" means the Division of Consumer Affairs in the  
46 Department of Law and Public Safety.

47 "Non-face-to-face transaction" means a sale, offer for sale,  
48 transfer, exchange, barter, or other transaction at which the breeder

1 and the cat or dog are not physically present in the same location as  
2 the consumer at the time of the transaction. A “non-face-to-face  
3 transaction” shall include any transaction conducted by mail order,  
4 the Internet, telephone, at a pet shop, through a broker, or any other  
5 anonymous transaction method in which the consumer is not in the  
6 physical presence of the breeder and the cat or dog at the time of the  
7 transaction.

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

11 “Offer for sale” means to sell, offer for sale or adoption, barter,  
12 or auction, give away, or otherwise transfer ownership of a cat or  
13 dog.

14 “Pet dealer” means any person, located within or outside of the  
15 State, who is engaged in the ordinary course of business in the sale  
16 of cats or dogs to [the public] consumers in the State for profit and  
17 who is not the owner or operator of a pet shop located in the State  
18 and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8),  
19 or [any person] who sells or offers for sale more than five cats or  
20 dogs in one year to consumers in the State in non-face-to-face  
21 transactions. “Pet dealer” shall include a pet shop located outside  
22 of the State engaged in transferring into the State cats or dogs for  
23 resale, or otherwise offering for sale cats or dogs in the State.

24 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,  
25 c.151 (C.4:19-15.1) , located in the State, and licensed pursuant to  
26 section 8 of P.L.1941, c.151 (C.4:19-15.8).

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

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

33 “Shelter” means a shelter, as defined in section 1 of P.L.1941,  
34 c.151 (C.4:19-15.1), whose primary mission and practice is the  
35 placement of abandoned, unwanted, neglected, or abused animals,  
36 and that is also a tax exempt organization under paragraph (3) of  
37 subsection (c) of section 501 of the federal Internal Revenue Code  
38 (26 U.S.C. s.501), or any subsequent corresponding sections of the  
39 federal Internal Revenue Code, as from time to time amended.

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

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

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

5 "Veterinarian" means a veterinarian licensed to practice in the  
6 State of New Jersey.

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

8

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

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

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

24

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

27 4. a. Notwithstanding the provisions of any rule or regulation  
28 adopted pursuant to **【**Title 56 of the Revised Statutes as such  
29 provisions are applied to pet shops,**】** P.L.1960, c.39 (C.56:8-1 et  
30 seq.) or any other law, and without limiting the prosecution of any  
31 other practices which may be unlawful pursuant to **【**Title 56 of the  
32 Revised Statutes, it shall be a deceptive **】** P.L.1960, c.39 (C.56:8-1  
33 et seq.) or any other law, it shall be an unlawful practice and a  
34 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any owner or  
35 operator of a pet shop, or employee thereof, to sell **【**animals  
36 within**】** an animal to a consumer in the State without complying  
37 with the provisions and requirements of this section **【and】** , section  
38 3 of P.L.2015, c.7 (C.56:8-95.1), and any other applicable  
39 provisions, requirements, and prohibitions of P.L.1999, c.336  
40 (C.56:8-92 et al.).

41 b. Within five days prior to the offering for sale of any animal,  
42 the owner or operator of a pet shop, or employee thereof, shall have  
43 the animal examined by a veterinarian licensed to practice in the  
44 State. The name and address of the examining veterinarian,  
45 together with the findings made and treatment, if any, ordered as a  
46 result of the examination, shall be noted on the animal history and  
47 health certificate for each animal as required by regulations adopted

1 pursuant to Title 56 of the Revised Statutes. If 14 days have passed  
2 since the last veterinarian examination of the animal, the owner or  
3 operator of the pet shop, or employee thereof, shall have the animal  
4 reexamined by a veterinarian licensed to practice in the State as  
5 provided for in subsection g. of this section, except as otherwise  
6 provided in that subsection.

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

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

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

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

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

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

31 (6) **【The statement "Know Your Rights" in bold type face and**  
32 **no less than 12 point type, followed by the statement in no less than**  
33 **10 point type, "State law requires that every pet shop offering cats**  
34 **or dogs for sale post in a conspicuous location on or near each cat**  
35 **or dog's cage or enclosure the USDA inspection reports for the**  
36 **breeder and broker of each cat or dog for the two years prior to the**  
37 **first day that the cat or dog is offered for sale. If you do not see a**  
38 **required inspection report, please request the report from the pet**  
39 **shop. If you have any concerns, please contact the New Jersey**  
40 **Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102,**  
41 **(973) 504-6200. You may also view these and other USDA**  
42 **inspection reports for the breeder and broker of each cat or dog on**  
43 **the USDA Animal and Plant Health Inspection Service (APHIS)**  
44 **website. You are entitled to receive additional information from**  
45 **APHIS about the breeder's or broker's history through the federal**  
46 **Freedom of Information Act."**

47 Every pet shop offering animals for sale shall also post, in a  
48 conspicuous location on or near the cage or enclosure for each

1 animal in the cage or enclosure, the USDA inspection reports for  
2 the breeder and the broker of the animal for the two years prior to  
3 the first day that the animal is offered for sale by the pet shop】  
4 USDA inspection reports for the breeder and broker of each cat or  
5 dog for the two years prior to the date on which the cat or dog was  
6 first offered for sale at the pet shop.

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

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

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

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

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



- 1 (1) The full text of the rights and responsibilities provided for in  
2 subsection h. of this section;
  - 3 (2) The full text and description of the recourse to which the  
4 consumer is entitled pursuant to subsection i. of this section;
  - 5 (3) The statement that it is the responsibility of the consumer to  
6 obtain such certification within the required amount of time  
7 provided by subsection h. of this section;
  - 8 (4) The full text of the rights and responsibilities of the owner or  
9 operator of the pet shop, and the employees thereof, and the  
10 consumer provided in subsection l. of this section;
  - 11 (5) The notification, reporting and enforcement provisions  
12 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the  
13 name and address of the local health authority with jurisdiction over  
14 the pet shop;
  - 15 (6) The name, full street address, email address, if available, and  
16 USDA license number of the breeder of the animal and the broker  
17 of the animal, if the broker is different from the breeder;
  - 18 (7) The breeder's state license number, if the breeder is required  
19 to be licensed in the state in which the breeder is located, and, if the  
20 broker is different from the breeder and the broker is required to be  
21 licensed in the state in which the broker is located, the broker's state  
22 license number; and
  - 23 (8) An attestation by the owner or operator of the pet shop that,  
24 as of the date of purchase of the animal by the pet shop, which shall  
25 be specified in the attestation, the breeder and the broker of the  
26 animal were in compliance with the requirements concerning the  
27 maintenance and care of animals and the sanitary operation of  
28 kennels, pet shops, shelters and pounds established in rules and  
29 regulations adopted pursuant to section 14 of P.L.1941, c.151  
30 (C.4:19-15.14), as required pursuant to section 3 of P.L.2015, c.7  
31 (C.56:8-95.1).
- 32 The owner or operator of the pet shop, or an employee thereof,  
33 shall obtain the signature of the consumer on the form and shall also  
34 sign and date the form at the time of purchase of an animal by the  
35 consumer, and shall provide the consumer with a signed copy of the  
36 form and retain a copy of the form on the pet shop premises.  
37 Copies of all such notices shall be readily available for inspection  
38 by an authorized representative of the Division of Consumer  
39 Affairs, upon request. No pet shop owner or operator, or employee  
40 thereof, may construe or use the signed notification form required  
41 pursuant to this subsection as an abdication of the right to recourse  
42 provided for in subsection i., or as a selection of recourse pursuant  
43 to subsection k. of this section.
- 44 g. The owner or operator of a pet shop, or an employee thereof,  
45 shall have any animal that has been examined more than 14 days  
46 prior to the date of purchase, reexamined by a veterinarian for the  
47 purpose of disclosing its condition, within 72 hours of the delivery  
48 of the animal to the consumer, unless the consumer has waived the

1 right to the reexamination in writing. The owner or operator of a pet  
2 shop, or an employee thereof, shall provide a copy of the written  
3 waiver to the consumer prior to the signing of any contract or  
4 agreement to purchase the animal and the written waiver shall be in  
5 the form established by the director by regulation.

6 h. If at any time within 14 days after the sale and delivery of an  
7 animal to a consumer, the animal becomes sick or dies and a  
8 veterinarian certifies, within the 14 days after the date of purchase  
9 of the animal by the consumer, that the animal is unfit for purchase  
10 due to a non-congenital cause or condition, or that the animal died  
11 from causes other than an accident, the consumer is entitled to the  
12 recourse described in subsection i. of this section.

13 If the animal becomes sick or dies within 180 days after the date  
14 of purchase and a veterinarian certifies, within the 180 days after  
15 the date of purchase of the animal by the consumer, that the animal  
16 is unfit for sale due to a congenital or hereditary cause or condition,  
17 or a sickness brought on by a congenital or hereditary cause or  
18 condition, or died from such a cause or condition or sickness, the  
19 consumer shall be entitled to the recourse provided in subsection i.  
20 of this section.

21 It shall be the responsibility of the consumer to obtain such  
22 certification within the required amount of time provided by this  
23 subsection, unless the owner or operator of the pet shop, or the  
24 employee thereof selling the animal to the consumer, fails to  
25 provide the notice required pursuant to subsection f. of this section.  
26 If the owner or operator of the pet shop, or the employee thereof,  
27 fails to provide the required notice, the consumer shall be entitled to  
28 the recourse provided for in subsection i. of this section.

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

32 (1) The right to return the animal and receive a full refund of the  
33 purchase price, including sales tax, plus the reimbursement of the  
34 veterinary fees, including the cost of the veterinarian certification,  
35 incurred prior to the receipt by the consumer of the veterinarian  
36 certification;

37 (2) The right to retain the animal and to receive reimbursement  
38 for veterinary fees incurred prior to the consumer's receipt of the  
39 veterinarian certification, plus the future cost of veterinary fees to  
40 be incurred in curing or attempting to cure the animal, including the  
41 cost of the veterinarian certification;

42 (3) The right to return the animal and to receive in exchange an  
43 animal of the consumer's choice, of equivalent value, plus  
44 reimbursement of veterinary fees, including the cost of the  
45 veterinarian certification, incurred prior to the consumer's receipt of  
46 the veterinarian certification; or

47 (4) In the event of the death of the animal from causes other  
48 than an accident, the right to a full refund of the purchase price of

1 the animal, including sales tax, or another animal of the consumer's  
2 choice of equivalent value, plus reimbursement of veterinary fees,  
3 including the cost of the veterinarian certification, incurred prior to  
4 the death of the animal.

5 The consumer shall be entitled to be reimbursed an amount for  
6 veterinary fees up to and including two times the purchase price,  
7 including sales tax, of the sick or dead animal. No reimbursement  
8 of veterinary fees shall exceed two times the purchase price,  
9 including sales tax, of the sick or dead animal.

10 j. The veterinarian shall provide to the consumer in writing  
11 and within the seven days after the consumer consults with the  
12 veterinarian any certification that is appropriate pursuant to this  
13 section upon the determination that such certification is appropriate.

14 The certification shall include:

15 (1) The name of the owner;

16 (2) The date or dates of examination;

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

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

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

21 (6) An itemized statement of veterinary fees incurred as of the  
22 date of certification;

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

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

27 (9) The name and address of the certifying veterinarian and the  
28 date of the certification.

29 k. Upon the presentation of the veterinarian certification  
30 required in subsection j. of this section to the pet shop, the  
31 consumer shall select the recourse to be provided and the owner or  
32 operator of the pet shop, or the employee thereof, shall confirm the  
33 selection of recourse in writing. The confirmation of the selection  
34 shall be signed by the owner or operator of the pet shop, or an  
35 employee thereof, and the consumer and a copy of the signed  
36 confirmation shall be given to the consumer and retained by the  
37 owner or operator of the pet shop, or employee thereof, on the pet  
38 shop premises. The confirmation of the selection shall be in the  
39 form established by the director by regulation.

40 l. The owner or operator of the pet shop, or an employee  
41 thereof, shall comply with the selection of recourse by the consumer  
42 no later than 10 days after the receipt of the veterinarian  
43 certification and the signed confirmation of selection of recourse  
44 form. In the event the owner or operator of the pet shop, or an  
45 employee thereof, wishes to contest the selection of recourse of the  
46 consumer, the owner or operator of the pet shop, or an employee  
47 thereof, shall notify the consumer and the director in writing within  
48 the five days after the receipt of the veterinarian certification and

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

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

27 n. The owner of a pet shop shall be responsible and liable for  
28 any recourse or reimbursement due to a consumer because of  
29 violations of any provisions of this section by the owner or operator  
30 of the pet shop, or any employee thereof, or because of any  
31 document signed pursuant to this section by the owner or operator  
32 of the pet shop, or any employee thereof.

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

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

40

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

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

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

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

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

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

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

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

36 (7) directly or indirectly obtained the animal from a breeder,  
37 broker, or other person, firm, corporation, or organization to whom  
38 **【paragraph】** the number and type of violations described in  
39 paragraphs (1), (2), (3), (4), (5), or (6) of this subsection 【applies】  
40 apply.

41 The provisions of this subsection shall apply only to pet shops  
42 licensed and selling cats or dogs in the State before January 12,  
43 2016, <sup>1</sup>to new pet shops for which the owner or operator of a pet  
44 shop licensed and selling cats or dogs in the State before January  
45 12, 2016 signed, before the date of enactment of P.L. , c. (C. )  
46 (pending before the Legislature as this bill), a lease for the new pet  
47 shop, <sup>1</sup> to pet dealers, and to future owners of certain pet shops as

1 provided for pursuant to subsection b. of section 10 of P.L. \_\_\_\_\_,  
2 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill). Any  
3 such future owner of the pet shop shall retain all records of any  
4 violations of this section committed by the previous owner. Any  
5 violations of this section committed by the previous owner or  
6 operator of the pet shop shall transfer and attach to any such future  
7 owner of the pet shop.

8 b. Nothing in this **【subsection】** section shall be construed as  
9 prohibiting or otherwise preventing a pet shop from:

10 (1) purchasing for resale or adoption, selling, or offering for  
11 adoption, an animal purchased or otherwise obtained from -

12 (a) a publicly operated animal control facility,

13 (b) an animal rescue organization or pound as defined in  
14 **【section 1 of P.L.1941, c.151 (C.4:19-15.1)】** section 2 of P.L.1999,  
15 c.336 (C.56:8-93), or

16 (c) a shelter as defined in **【section 1 of P.L.1941, c.151 (C.4:19-**  
17 **15.1) whose primary mission and practice is the placement of**  
18 **abandoned, unwanted, neglected, or abused animals and that is also**  
19 **a tax exempt organization under paragraph (3) of subsection (c) of**  
20 **section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),**  
21 **or any subsequent corresponding sections of the federal Internal**  
22 **Revenue Code, as from time to time amended】** section 2 of  
23 P.L.1999, c.336 (C.56:8-93); or

24 (2) transferring adopted animals to or from any entity  
25 enumerated in paragraph (1) of this subsection or to or from any pet  
26 dealer or pet shop.

27 c. Every pet shop shall submit, annually and no later than May  
28 1 of each year, a report to the municipality in which it is located and  
29 licensed, providing:

30 (1) the name, full street address, email address, if available, and  
31 USDA license number of --

32 (a) any breeder from which the pet shop purchased an animal,  
33 whether or not the pet shop offered the animal for sale,

34 (b) any breeder that bred an animal that the pet shop purchased  
35 from a broker, whether or not the pet shop offered the animal for  
36 sale, and

37 (c) any broker from which the pet shop purchased an animal,  
38 whether or not the pet shop offered the animal for sale;

39 (2) if a breeder whose identity the pet shop is required to report  
40 pursuant to subparagraph (a) or (b) of paragraph (1) of this  
41 subsection is required to be licensed in the state in which the  
42 breeder is located, the breeder's state license number;

43 (3) if a broker whose identity the pet shop is required to report  
44 pursuant to subparagraph (c) of paragraph (1) of this subsection is  
45 different from any breeder whose identity the pet shop is required to  
46 report pursuant to subparagraph (a) or (b) of paragraph (1) of this  
47 subsection, and the broker is required to be licensed in the state in

1 which the broker is located, the broker's state license number;  
2 **[and]**

3 (4) the total number of animals for each breeder and broker for  
4 which the pet shop has reporting requirements pursuant to  
5 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection;  
6 and

7 (5) the USDA inspection reports for each breeder and broker  
8 reported pursuant to paragraphs (1) through (3) inclusive of this  
9 subsection.

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

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

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

24 (3) the total number of animals sold to consumers in the State for  
25 each breeder and broker for which the pet dealer has reporting  
26 requirements pursuant to this subsection; and

27 (4) the USDA inspection reports for each breeder and broker  
28 reported pursuant to paragraphs (1) and (2) of this subsection.

29 e. Any pet dealer or pet shop that, after a contested case  
30 hearing heard by the Division of Consumer Affairs pursuant to the  
31 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
32 seq.), is found liable for a third violation of subsection a. of this  
33 section, shall be permanently prohibited from selling cats or dogs to  
34 any consumer in the State. If the violator is a pet shop, the pet shop  
35 license shall also be revoked pursuant to the license revocation  
36 provisions in section 8 of P.L.1941, c.151 (C.4:19-15.8).

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

38  
39 6. Section 4 of P.L.2015, c.7 (C.56:8-95.2) is amended to read  
40 as follows:

41 4. No provision of P.L.1999, c.336 (C.56:8-92 et seq.),  
42 P.L.2015, c.7 (C.56:8-95.1 et al.), or P.L. , c. (C. ) (pending  
43 before the Legislature as this bill) shall be construed to limit or  
44 restrict any municipality, county, local health agency, or municipal  
45 or county board of health from enacting or enforcing, or interfere  
46 with the implementation of, or otherwise invalidate, any law,  
47 ordinance, rule, or regulation that places additional obligations on

1 pet dealers or pet shops or restrictions on pet dealers or pet shops or  
2 pet dealer or pet shop sales.

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

4

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

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

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

23

24 8. (New section) a. Notwithstanding the provisions of any rule  
25 or regulation adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)  
26 or any other law, and without limiting the prosecution of any other  
27 practices which may be unlawful pursuant to P.L.1960, c.39  
28 (C.56:8-1 et seq.) or any other law, it shall be an unlawful practice  
29 and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any pet  
30 dealer, or employee thereof, to sell an animal to a consumer in the  
31 State without complying with the provisions and requirements of  
32 this section, section 3 of P.L.2015, c.7 (C.56:8-95.1), and any other  
33 applicable provisions, requirements, and prohibitions of P.L.1999,  
34 c.336 (C.56:8-92 et al.).

35 b. Every pet dealer shall maintain records containing the  
36 following information:

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

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

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

46 (4) The first and last name of the breeder of the animal, the full  
47 street address of where the breeder is doing business, an email  
48 address, if available, by which to contact the breeder, the breeder's



1 USDA license number, and, if the breeder is required to be licensed  
2 in the state in which the breeder is located, the breeder's state  
3 license number;

4 (5) If the broker is different from the breeder, the first and last  
5 name of the broker of the animal, the full street address of where  
6 the broker is doing business, an email address, if available, by  
7 which to contact the broker, the USDA license number of the  
8 broker, and, if the broker is required to be licensed in the state in  
9 which the broker is located, the broker's state license number; and

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

13 The information required pursuant to this subsection shall be  
14 provided to any interested party upon request, and shall be provided  
15 to the consumer at the time of sale.

16

17 9. (New section) No animal rescue organization, shelter, or  
18 pound may obtain cats or dogs from a breeder or broker for  
19 payment or compensation.

20

21 10. (New section) a. Except as provided in subsection b. of this  
22 section, no pet shop may offer for sale a cat or dog, or obtain an a  
23 cat or dog for the purpose of sale, unless the cat or dog has been  
24 obtained from, with or without payment or compensation of any  
25 kind, a shelter, pound, kennel operating as a shelter or pound, or  
26 animal rescue organization.

27 b. (1) Subsection a. of this section shall not apply to a pet shop  
28 licensed and selling cats or dogs in the State before January 12,  
29 2016.

30 (2) A pet shop licensed and selling cats or dogs in the State  
31 before January 12, 2016 may (a) expand its current operations from  
32 those which existed on the date of enactment of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill) at its  
34 current location as of the date of enactment of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), or move its current  
36 location as of the date of enactment of P.L. , c. (C. )  
37 (pending before the Legislature as this bill) to another location,  
38 provided it ceases operation of the pet shop at its location as of the  
39 date of enactment of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill),<sup>2</sup> and (b) assign to a future owner of that pet  
41 shop its rights to an exemption under paragraph (1) of this  
42 subsection from the prohibition established pursuant to subsection  
43 a. of this section to sell cats or dogs at that location. <sup>2</sup>If the pet  
44 shop licensed and selling cats or dogs in the State before January  
45 12, 2016 opens or continues to operate any pet shop in addition to  
46 the pet shop moved to another location from its location as of the  
47 date of enactment of P.L. , c. (C. ) (pending before the

1 Legislature as this bill, any such additional pet shop shall be subject  
2 to the provisions of subsection a. of this section.

3 The assignment of an exemption under paragraph (1) of this  
4 subsection pursuant to this paragraph shall also include the right of  
5 the future owner to move the location of the pet shop and operate it  
6 under the exemption at the new location, provided that the future  
7 owner does not continue to operate a pet shop at the location from  
8 which it was moved. If the future owner opens or continues to  
9 operate any pet shop in addition to the moved pet shop, any such  
10 additional pet shop shall be subject to the provisions of subsection  
11 a. of this section.<sup>2</sup>

12 Any such future owner of the pet shop shall retain all records of  
13 any violations of section 3 of P.L.2015, c.7 (C.56:8-95.1)  
14 committed by the previous owner or operator of the pet shop and  
15 any license suspensions or revocations pursuant to section 8 of  
16 P.L.1941, c.151 (C.4:19-15.8) issued to that previous owner or  
17 operator. Any violation of section 3 of P.L.2015, c.7 (C.56:8-95.1)  
18 committed by the previous owner or operator of the pet shop shall  
19 also transfer and attach to any such future owner of the pet shop.

20 (3) The provisions of section 3 of P.L.2015, c.7 (C.56:8-95.1)  
21 shall apply only to pet shops licensed and selling cats or dogs  
22 before January 12, 2016, to pet dealers, and to a future owner of a  
23 pet shop licensed and selling cats or dogs before January 12, 2016  
24 assigned an exemption as permitted pursuant to subparagraph (b) of  
25 paragraph (2) of this subsection.

26  
27 11. (New section) a. Any pet shop that obtains a cat or dog  
28 from a shelter, pound, or animal rescue organization shall maintain  
29 a record of the name and address of the shelter, pound, or animal  
30 rescue organization from which the cat or dog was obtained. The  
31 pet shop shall retain the record for at least two years after the date  
32 of acquisition of the cat or dog. The record shall be: (1) made  
33 available, immediately upon request, to the Division of Consumer  
34 Affairs in the Department of Law and Public Safety, the  
35 Department of Health, or the local health authority; and (2) shall be  
36 submitted by the pet shop annually no later than May 1 of each year  
37 to the municipality in which the pet shop is located and licensed.  
38 Each pet shop shall display on each cage a label stating the name  
39 and address of the shelter, pound, or animal rescue organization of  
40 each animal kept in the cage.

41 b. No pet shop may make any cat or dog obtained from a  
42 shelter, pound, or animal rescue organization available for  
43 experimentation. An owner or operator of a pet shop who violates  
44 this provision shall be guilty of a crime of the fourth degree, in  
45 addition to being liable for any penalties that may be assessed  
46 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
47 this bill).

1 12. (New section) a. No person shall sell, offer for sale,  
2 exchange, trade, barter, lease, or display for commercial purposes  
3 any cat or dog on any roadside, public right-of-way, parkway,  
4 median, park, other recreation area, flea market or other outdoor  
5 market, or commercial or retail parking lot regardless of whether  
6 access for such purposes is authorized.

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

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

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

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

19  
20 13. (New section) a. The Director of the Division of Consumer  
21 Affairs in the Department of Law and Public Safety, with the  
22 cooperation and assistance of the Department of Health, may adopt,  
23 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
24 (C.52:14B-1 et seq.), any rules or regulations that the director  
25 deems necessary to implement and enforce P.L. , c. (C. )  
26 (pending before the Legislature as this bill).

27 b. The Division of Consumer Affairs, the Department of  
28 Health, or the local health authority may investigate and pursue  
29 enforcement against any pet dealer or pet shop for a violation of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill).

31  
32 14. (New section) The provisions of <sup>2</sup>[P.L. , c. (C. )  
33 (pending before the Legislature as this bill)] P.L.1999, c.336  
34 (C.56:8-92 et al.)<sup>2</sup> shall not apply to any guide dog or service dog  
35 as defined in section 5 of P.L.1945, c.169 (C.10:5-5), search and  
36 rescue dog as defined in section 1 of P.L. 1983, c.261 (C.2C:29-  
37 3.1), or dog owned or used by a law enforcement agency or used for  
38 law enforcement activities.

39  
40 <sup>2</sup>15. (New section) Except for section 9 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), subsection a. of section  
42 10 of P.L. , c. (C. ) (pending before the Legislature as this  
43 bill), subsection b. of section 11 of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill), or section 12 of P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill), as  
46 applicable, the provisions of P.L.1999, c.336 (C.56:8-92 et al.) shall  
47 not apply to any sale, transfer, exchange, or barter of a cat or dog  
48 for purposes related to the conduct of biomedical research by a

1 research facility registered with the United States Department of  
2 Agriculture pursuant to the federal “Animal Welfare Act,” 7 U.S.C.  
3 s.2131 et seq., or at a facility conducting biomedical research in  
4 compliance with the “Public Health Service Policy on Humane Care  
5 and Use of Laboratory Animals” issued by the United States  
6 National Institutes of Health.<sup>2</sup>

7  
8 <sup>2</sup>~~[15.]~~ 16.<sup>2</sup> Section 8 of P.L.1941, c.151 (C.4:19-15.8) is  
9 amended to read as follows:

10 8. a. Any person who keeps or operates or proposes to  
11 establish ~~[a] an animal rescue organization facility,~~ kennel, a pet  
12 shop, a shelter, or a pound shall apply to the clerk or other official  
13 designated to license dogs in the municipality where such  
14 establishment is located, for a license entitling ~~[him]~~ the applicant  
15 to keep or operate such establishment.

16 The application shall describe the premises where the  
17 establishment is located or is proposed to be located, the purpose or  
18 purposes for which it is to be maintained, and shall be accompanied  
19 by the written approval of the local municipal and health authorities  
20 showing compliance with the local and State rules and regulations  
21 governing location of and sanitation at such establishments.

22 b. All licenses issued for ~~[a] an animal rescue organization~~  
23 facility, kennel, pet shop, shelter, or pound shall state the purpose  
24 for which the establishment is maintained, and all licenses shall  
25 expire ~~[on the last day of June of each year]~~ one year after the date  
26 that the license was issued, and be subject to revocation by the  
27 municipality on recommendation of the Department of Health or the  
28 local board of health for failure to comply with the rules and  
29 regulations of the ~~[State department]~~ Department of Health or local  
30 board governing the same, after the owner has been afforded a  
31 hearing by either the ~~[State department]~~ Department of Health or  
32 local board, except as provided in subsection c. of this section.

33 Any person holding a license shall not be required to secure  
34 individual licenses for dogs owned by a licensee and kept at the  
35 establishments ~~;~~ the licenses]. The license for <sup>2</sup>~~[a]~~ an animal  
36 rescue organization facility,<sup>2</sup> kennel, pet shop, shelter, or pound  
37 shall not be transferable to another owner or different premises.

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

41 (1) for failure by the pet shop to comply with the provisions of  
42 P.L.1999, c.336 (C.56:8-92 et al.), <sup>2</sup>~~or~~<sup>2</sup> the rules and regulations of  
43 the [State department] Department of Health or local health  
44 authority governing pet shops ~~[or]~~ ;

45 (2) if the pet shop meets the criteria for recommended suspension  
46 or revocation provided under subsection c. or d. of section 5 of  
47 P.L.1999, c.336 (C.56:8-96), after the owner of the pet shop has

1 been afforded a hearing pursuant to subsection e. of section 5 of  
2 P.L.1999, c.336 (C.56:8-96); or

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

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

19 d. Renewal of any license issued pursuant to this section shall  
20 be at the discretion of the municipality. The municipality may issue  
21 a license for a pet shop that permits the pet shop to sell pet supplies  
22 for all types of animals, including cats and dogs, and sell animals  
23 other than cats and dogs but restricts the pet shop from selling cats  
24 or dogs, or both.

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

30 <sup>2</sup>f. (1) The license for an animal rescue organization facility  
31 shall be subject to review by the municipality that issued the  
32 license, upon recommendation by the Department of Health or the  
33 local health authority, if the animal rescue organization that owns  
34 and operates the animal rescue organization facility or the animal  
35 rescue organization facility:

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

39 (b) fails to comply with the Department of Health rules and  
40 regulations governing animal rescue organizations or animal rescue  
41 organization facilities; or

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

44 (2) After affording the animal rescue organization that owns and  
45 operates the animal rescue organization facility a hearing, the  
46 municipality may suspend the animal rescue organization license  
47 for 90 days or may revoke the license if it is determined at the  
48 hearing that the animal rescue organization or animal rescue

1 organization facility: (1) failed to comply with the provisions of  
2 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue  
3 organizations or animal rescue organization facilities;

4 (2) failed to comply with the Department of Health rules and  
5 regulations governing animal rescue organizations or animal rescue  
6 organization facilities; or

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

9 g. Any animal rescue organization or animal rescue organization  
10 facility that is found in violation of the provisions of P.L.1999,  
11 c.336 (C.56:8-92 et al.) pertaining to animal rescue organizations or  
12 animal rescue organization facilities three times shall have its  
13 license for any animal rescue organization facility permanently  
14 revoked and the animal rescue organization shall be permanently  
15 prohibited from operating in the State.<sup>2</sup>

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

17  
18 <sup>2</sup>**[16.] 17.**<sup>2</sup> Section 9 of P.L.1941, c.151 (C.4:19-15.9) is  
19 amended to read as follows:

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

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

28  
29 <sup>2</sup>18. Section 10 of P.L.1941, c.151 (C.4:19-15.10) is amended to  
30 read as follows:

31 10. No dog kept in **[a] an animal rescue organization facility,**  
32 kennel, pet shop, shelter, or pound shall be permitted off such  
33 premises, except on leash or in a crate or other safe control.<sup>2</sup>

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

35  
36 <sup>2</sup>19. Section 13 of P.L.1941, c.151 (C.4:19-15.13) is amended to  
37 read as follows:

38 13. The clerk or other official designated to license dogs in the  
39 municipality shall forward to the **[State] Department of Health** a  
40 list of all animal rescue organization facilities, kennels, pet shops,  
41 shelters, and pounds licensed within thirty days after the licenses  
42 therefor are issued, which list shall include the name and address of  
43 the licensee and the kind of license issued.<sup>2</sup>

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

45  
46 <sup>2</sup>**[17.] 20.**<sup>2</sup> Section 14 of P.L.1941, c.151 (C.4:19-15.14) is  
47 amended to read as follows:

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

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

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.

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

21

22        <sup>2</sup>**[18.]** 21.<sup>2</sup> Section 16 of P.L.1941, c.151 (C.4:19-15.16) is  
23 amended to read as follows:

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

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

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

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

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

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

42        b. If an animal taken into custody and impounded pursuant to  
43 subsection a. of this section has a collar or harness with  
44 identification of the name and address of any person, or has a  
45 registration tag, or has a microchip with an identification number  
46 that can be traced to the owner or person charged with the care of  
47 the animal, or the owner or the person charged with the care of the

1 animal is otherwise known, the certified animal control officer shall  
2 ascertain the name and address of the owner or the person charged  
3 with the care of the animal, and serve to the identified person as  
4 soon as practicable, a notice in writing that the animal has been  
5 seized and will be liable to be offered for adoption, transferred, or  
6 euthanized if not claimed within seven days after the service of the  
7 notice.

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

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

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

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

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

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

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

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

42 g. If the owner or the person charged with the care of the  
43 animal seeks to claim it within seven days, or after the seven days  
44 have elapsed but before the animal has been adopted, transferred to  
45 a pet shop, or euthanized, the shelter, pound, or kennel operating as  
46 a shelter or pound:

47 (1) shall, in the case of a cat or dog, release it to the owner or  
48 person charged with its care, provided the owner or person charged



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

1 **[.]** or other unlicensed facility if necessary pursuant to subsection  
2 e. or h. of this section.

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

10

11 <sup>2</sup>**[19.] 22.**<sup>2</sup> Section 5 of P.L.2011, c.142 (C.4:19-15.32) is  
12 amended to read as follows:

13 5. a. When a cat or dog is put in the custody of and impounded  
14 with a shelter, pound, or kennel operating as a shelter or pound, or  
15 an animal rescue organization facility receives a cat or dog, the  
16 shelter, pound, kennel operating as a shelter or pound, or animal  
17 rescue organization facility shall, if the identity of the owner is not  
18 known, scan the animal for microchip identification, provided the  
19 shelter, pound, kennel operating as a shelter or pound, or animal  
20 rescue organization facility has such technology available.

21 b. Prior to release of any cat or dog for adoption, transfer to a  
22 pet shop, another facility or foster home, or euthanasia of the cat or  
23 dog, the shelter, pound, kennel operating as a shelter or pound, or  
24 animal rescue organization facility shall, if the identity of the owner  
25 is not known, scan the cat or dog for microchip identification,  
26 provided the shelter, pound, kennel operating as a shelter or pound,  
27 or animal rescue organization facility has such technology  
28 available.

29 c. If either scan required pursuant to subsection a. or b. of this  
30 section reveals information concerning the owner of the cat or dog,  
31 the shelter, pound, kennel operating as a shelter or pound, or animal  
32 rescue organization facility shall immediately seek to contact and  
33 notify the owner of the whereabouts of the cat or dog. Furthermore,  
34 if microchip identification is found, the shelter, pound, kennel  
35 operating as a shelter or pound, or animal rescue organization  
36 facility shall hold the animal for at least seven days after the  
37 notification to the owner.

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

39

40 <sup>2</sup>**[20.] 23.**<sup>2</sup> Section 6 of P.L.2011, c.142 (C.4:19-15.33) is  
41 amended to read as follows:

42 6. a. The Department of Health shall establish a registry of  
43 animal rescue organizations and their facilities in the State. **[Any**  
44 **animal rescue organization may voluntarily participate in the**  
45 **registry].**

46 b. The department, pursuant to the "Administrative Procedure  
47 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules

1 and regulations determined necessary to implement the **【voluntary】**  
2 registry and coordinate its use with the provisions of P.L.2011,  
3 c.142 (C.4:19-15.30 et al.), section of P.L.1941, c.151 (C.4:19-  
4 15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).  
5 (cf: P.L.2012, c.17, s.13)

6

7 <sup>2</sup>**【21.】** 24.<sup>2</sup> This act shall take effect on the 180th day following  
8 the date of enactment.