

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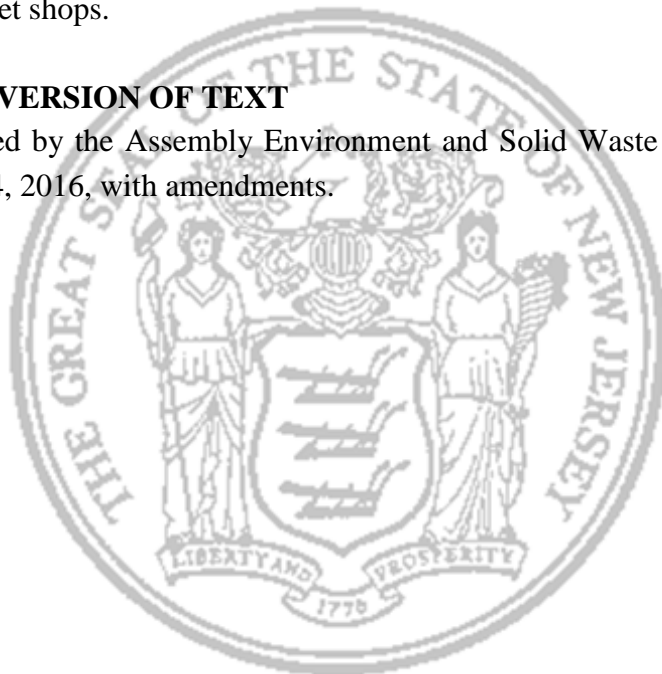
**Senators Scutari, Weinberg, Stack and Cunningham**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on November 14, 2016, with amendments.



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

**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.

<sup>3</sup>Assembly AEN committee amendments adopted November 14, 2016.

1 2010 USDA study, 81 percent of them are unlicensed; that when the  
2 USDA began regulating Internet sellers and other sight-unseen sales  
3 in 2013, it noted that there was a parallel increase in consumer  
4 complaints related to the inhumane treatment of animals and the  
5 dramatic rise in sight-unseen sales; that, despite the recently  
6 established requirement that people engaging in sight-unseen sales  
7 of cats and dogs obtain a USDA license, the majority of these  
8 people remain unlicensed and unregulated and only a few hundred  
9 new licenses have been issued since the rule took effect in 2013;  
10 that, even if all breeders selling cats or dogs sight-unseen were  
11 licensed and regulated by the USDA, this alone would not ensure  
12 the humane treatment and health of the animals because of under-  
13 enforcement of USDA requirements and lax federal regulatory  
14 standards of care; that a 2010 audit by the USDA Office of the  
15 Inspector General found that the agency's enforcement of the  
16 federal Animal Welfare Act was ineffective in ensuring compliance  
17 with the minimal standards of care governing the humane treatment  
18 of animals in these facilities; and that pet shops remain unregulated  
19 by the USDA and current federal and State regulations do not  
20 properly address the sale of kitten mill cats or puppy mill dogs in  
21 New Jersey pet shops.

22 The Legislature further finds and declares that New Jersey  
23 consumers routinely report purchasing sick dogs from pet dealers  
24 and pet shops; that hundreds of the dogs sold annually in New  
25 Jersey pet shops come from large-scale commercial breeders with  
26 significant and multiple USDA violations; that current federal  
27 Animal Welfare Act regulations promulgated by the USDA are  
28 inadequate to protect the health and welfare of breeding cats and  
29 their kittens or breeding dogs and their puppies; that, due in large  
30 part to overpopulation, every year approximately 21,000 cats and  
31 dogs are euthanized in New Jersey; that restructuring the regulation  
32 of the retail sale of kittens and puppies in the State would have a  
33 potentially large positive impact on the reduction of sales of sick  
34 animals and unnecessary euthanasia of animals; that this reduction  
35 would be achieved by <sup>3</sup>[requiring new pet shops to sell cats and  
36 dogs obtained only from shelters, pounds, or animal rescue  
37 organizations and] <sup>3</sup> extending to all pet dealers the requirements  
38 connected to USDA inspection violations and the sourcing of  
39 animals currently applied to pet shops under the "Pet Purchase  
40 Protection Act"; <sup>3</sup>[that an emphasis on sourcing animals whenever  
41 possible from shelters, pounds, or animal rescue organizations is  
42 likely to increase demand for animals from these facilities; that this  
43 increased demand would decrease the number of animals euthanized  
44 and reduce the burden and costs for shelters, pounds, and  
45 organizations providing care and euthanasia for these animals as  
46 well as any costs to the State, local government, and taxpayers for  
47 these services; that across the country, thousands of independent pet  
48 shops and large chains operate profitably with a business model

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

10 The Legislature therefore determines that it is in the best  
11 interests of the State and its citizens to reduce costs to the State,  
12 local government, and taxpayers, including the financial and  
13 emotional costs inflicted on the people who own and care for cats  
14 and dogs from kitten mills or puppy mills; promote community  
15 awareness of animal welfare; and foster a more humane  
16 environment in the State by adopting reasonable laws, policies, and  
17 regulations to better monitor and restrict the sources of cats and  
18 dogs sold by <sup>3</sup>all<sup>3</sup> pet dealers <sup>3</sup>[and] doing business with New  
19 Jersey consumers, including<sup>3</sup> pet shops.

20

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

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

24 "Animal" means a cat or dog.

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

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

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

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

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

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

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

3 "Non-face-to-face <sup>3</sup>[transaction] sale<sup>3</sup>" means a sale, <sup>3</sup>[offer  
4 for sale,]<sup>3</sup> transfer <sup>3</sup>[, exchange, barter, or other transaction] of  
5 ownership, or brokering of a sale or transfer of ownership of a cat  
6 or dog,<sup>3</sup> at which the breeder and the cat or dog are not physically  
7 present in the same location as the consumer at the time of the  
8 <sup>3</sup>[transaction] sale or transfer<sup>3</sup> . A "non-face-to-face  
9 <sup>3</sup>[transaction] sale<sup>3</sup>" shall include any transaction conducted by  
10 mail order, the Internet, telephone, at a pet shop, through a broker,  
11 or any other anonymous transaction method in which the consumer  
12 is not in the physical presence of the breeder and the cat or dog at  
13 the time of the transaction <sup>3</sup>, sale, or transfer<sup>3</sup>.

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

17 <sup>3</sup>["Offer for sale" means to sell, offer for sale or adoption,  
18 barter, or auction, give away, or otherwise transfer ownership of a  
19 cat or dog.]<sup>3</sup>

20 "Pet dealer" means any person, located within or outside of the  
21 State, who is engaged in the ordinary course of business in the sale  
22 of cats or dogs to [the public] consumers in the State for profit  
23 <sup>3</sup>[and who is not the owner or operator of a pet shop located in the  
24 State and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-  
25 15.8)]<sup>3</sup> , or [any person] who sells <sup>3</sup>[or offers for sale]<sup>3</sup> more than  
26 five cats or dogs in one year to consumers in the State in non-face-  
27 to-face <sup>3</sup>[transactions] sales.<sup>3</sup> "Pet dealer" shall include a pet shop  
28 <sup>3</sup>[located outside of the State engaged in transferring into the State  
29 cats or dogs for resale, or otherwise offering for sale cats or dogs in  
30 the State]<sup>3</sup>.

31 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,  
32 c.151 (C.4:19-15.1) <sup>3</sup>[, located in the State,]<sup>3</sup> and licensed pursuant  
33 to section 8 of P.L.1941, c.151 (C.4:19-15.8).

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

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

40 "Shelter" means a shelter, as defined in section 1 of P.L.1941,  
41 c.151 (C.4:19-15.1), whose primary mission and practice is the  
42 placement of abandoned, unwanted, neglected, or abused animals,  
43 and that is also a tax exempt organization under paragraph (3) of  
44 subsection (c) of section 501 of the federal Internal Revenue Code  
45 (26 U.S.C. s.501), or any subsequent corresponding sections of the  
46 federal Internal Revenue Code, as from time to time amended.

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

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

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

14 "Veterinarian" means a veterinarian licensed to practice in the  
15 State of New Jersey.

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

17  
18 3. Section 3 of P.L.1999, c.336 (C.56:8-94) is amended to read  
19 as follows:

20 3. No provision of this act shall be construed in any way to  
21 alter, diminish, replace, or revoke **[the requirements for pet dealers**  
22 **that are not pet shops or the rights of a consumer purchasing an**  
23 **animal from a pet dealer that is not a pet shop, as may be provided**  
24 **elsewhere in law or any rule or regulation adopted pursuant thereto.**  
25 **Except as provided in section 4 and section 5 of P.L.1999, c.336**  
26 **(C.56:8-95 and C.56:8-96), any provision of law pertaining to pet**  
27 **shops, or rule or regulation adopted pursuant thereto, shall continue**  
28 **to apply to pet shops. No provision of this act shall be construed in**  
29 **any way to alter, diminish, replace, or revoke]** any recourse or  
30 remedy that is otherwise available to a consumer purchasing a cat or  
31 a dog from a <sup>3</sup>**[pet dealer or]**<sup>3</sup> pet shop <sup>3</sup>or any other pet dealer<sup>3</sup>  
32 under any other law.

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

34  
35 <sup>3</sup>**[4. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read**  
36 **as follows:**

37 4. a. Notwithstanding the provisions of any rule or regulation  
38 adopted pursuant to **[Title 56 of the Revised Statutes as such**  
39 **provisions are applied to pet shops,]** P.L.1960, c.39 (C.56:8-1 et  
40 seq.) or any other law, and without limiting the prosecution of any  
41 other practices which may be unlawful pursuant to **[Title 56 of the**  
42 **Revised Statutes, it shall be a deceptive]** P.L.1960, c.39 (C.56:8-1  
43 et seq.) or any other law, it shall be an unlawful practice and a  
44 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any owner or  
45 operator of a pet shop, or employee thereof, to sell **[animals**  
46 **within]** an animal to a consumer in the State without complying  
47 with the provisions and requirements of this section **[and]** , section

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

4 b. Within five days prior to the offering for sale of any animal,  
5 the owner or operator of a pet shop, or employee thereof, shall have  
6 the animal examined by a veterinarian licensed to practice in the  
7 State. The name and address of the examining veterinarian,  
8 together with the findings made and treatment, if any, ordered as a  
9 result of the examination, shall be noted on the animal history and  
10 health certificate for each animal as required by regulations adopted  
11 pursuant to Title 56 of the Revised Statutes. If 14 days have passed  
12 since the last veterinarian examination of the animal, the owner or  
13 operator of the pet shop, or employee thereof, shall have the animal  
14 reexamined by a veterinarian licensed to practice in the State as  
15 provided for in subsection g. of this section, except as otherwise  
16 provided in that subsection.

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

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

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

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

29 (4) The first and last name of the breeder of the animal, the full  
30 street address of where the breeder is doing business, an email  
31 address, if available, by which to contact the breeder, the breeder's  
32 USDA license number, and, if the breeder is required to be licensed  
33 in the state in which the breeder is located, the breeder's state  
34 license number;

35 (5) If the broker is different from the breeder, the first and last  
36 name of the broker of the animal, the full street address of where  
37 the broker is doing business, an email address, if available, by  
38 which to contact the broker, the USDA license number of the  
39 broker, and, if the broker is required to be licensed in the state in  
40 which the broker is located, the broker's state license number; and

41 (6) **【The statement "Know Your Rights" in bold type face and**  
42 **no less than 12 point type, followed by the statement in no less than**  
43 **10 point type, "State law requires that every pet shop offering cats**  
44 **or dogs for sale post in a conspicuous location on or near each cat**  
45 **or dog's cage or enclosure the USDA inspection reports for the**  
46 **breeder and broker of each cat or dog for the two years prior to the**  
47 **first day that the cat or dog is offered for sale. If you do not see a**  
48 **required inspection report, please request the report from the pet**

1 shop. If you have any concerns, please contact the New Jersey  
2 Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102,  
3 (973) 504-6200. You may also view these and other USDA  
4 inspection reports for the breeder and broker of each cat or dog on  
5 the USDA Animal and Plant Health Inspection Service (APHIS)  
6 website. You are entitled to receive additional information from  
7 APHIS about the breeder's or broker's history through the federal  
8 Freedom of Information Act."

9 Every pet shop offering animals for sale shall also post, in a  
10 conspicuous location on or near the cage or enclosure for each  
11 animal in the cage or enclosure, the USDA inspection reports for  
12 the breeder and the broker of the animal for the two years prior to  
13 the first day that the animal is offered for sale by the pet shop]  
14 USDA inspection reports for the breeder and broker of each cat or  
15 dog for the two years prior to the date on which the cat or dog was  
16 first offered for sale at the pet shop.

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

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

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

35 e. The owner or operator of a pet shop, or designated employee  
36 thereof, may inoculate and vaccinate animals prior to purchase only  
37 upon the order of a veterinarian. No owner or operator of a pet  
38 shop, or employee thereof, may represent, directly or indirectly, that  
39 the owner or operator of the pet shop, or any employee thereof,  
40 other than a veterinarian, is qualified to, directly or indirectly,  
41 diagnose, prognose, treat, or administer for, prescribe any treatment  
42 for, operate concerning, manipulate or apply any apparatus or  
43 appliance for addressing, any disease, pain, deformity, defect,  
44 injury, wound, or physical condition of any animal after purchase of  
45 the animal, for the prevention of, or to test for, the presence of any  
46 disease, pain, deformity, defect, injury, wound, or physical  
47 condition in an animal after its purchase. These prohibitions  
48 include, but are not limited to, the giving of inoculations or



1 vaccinations after purchase, the diagnosing, prescribing, and  
2 dispensing of medication to animals, and the prescribing of any diet  
3 or dietary supplement as treatment for any disease, pain, deformity,  
4 defect, injury, wound, or physical condition.

5 f. The Director of the Division of Consumer Affairs in the  
6 Department of Law and Public Safety shall provide each owner or  
7 operator of a pet shop with notification forms, to be signed by the  
8 owner or operator of the pet shop, or employee thereof, and the  
9 consumer at the time of purchase of an animal. The notification  
10 form shall provide the following:

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

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

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

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

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

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

28 (7) The breeder's state license number, if the breeder is required  
29 to be licensed in the state in which the breeder is located, and, if the  
30 broker is different from the breeder and the broker is required to be  
31 licensed in the state in which the broker is located, the broker's state  
32 license number; and

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

42 The owner or operator of the pet shop, or an employee thereof,  
43 shall obtain the signature of the consumer on the form and shall also  
44 sign and date the form at the time of purchase of an animal by the  
45 consumer, and shall provide the consumer with a signed copy of the  
46 form and retain a copy of the form on the pet shop premises.  
47 Copies of all such notices shall be readily available for inspection  
48 by an authorized representative of the Division of Consumer

1 Affairs, upon request. No pet shop owner or operator, or employee  
2 thereof, may construe or use the signed notification form required  
3 pursuant to this subsection as an abdication of the right to recourse  
4 provided for in subsection i., or as a selection of recourse pursuant  
5 to subsection k. of this section.

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

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

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

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

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

42 (1) The right to return the animal and receive a full refund of the  
43 purchase price, including sales tax, plus the reimbursement of the  
44 veterinary fees, including the cost of the veterinarian certification,  
45 incurred prior to the receipt by the consumer of the veterinarian  
46 certification;

47 (2) The right to retain the animal and to receive reimbursement  
48 for veterinary fees incurred prior to the consumer's receipt of the

1 veterinarian certification, plus the future cost of veterinary fees to  
2 be incurred in curing or attempting to cure the animal, including the  
3 cost of the veterinarian certification;

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

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

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

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

- 25 (1) The name of the owner;
- 26 (2) The date or dates of examination;
- 27 (3) The breed, color, sex, and age of the animal;
- 28 (4) A statement of the findings of the veterinarian;
- 29 (5) A statement that the veterinarian certifies the animal to be  
30 "unfit for purchase";
- 31 (6) An itemized statement of veterinary fees incurred as of the  
32 date of certification;
- 33 (7) If the animal may be curable, an estimate of the possible cost  
34 to cure, or attempt to cure, the animal;
- 35 (8) If the animal has died, a statement establishing the probable  
36 cause of death; and
- 37 (9) The name and address of the certifying veterinarian and the  
38 date of the certification.

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

1 shop premises. The confirmation of the selection shall be in the  
2 form established by the director by regulation.

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

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

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

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

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

3 (cf: P.L.2015, c.7, s.2)】<sup>3</sup>

4  
5 <sup>3</sup>4. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read  
6 as follows:

7 4. a. Notwithstanding the provisions of any rule or regulation  
8 adopted pursuant to 【Title 56 of the Revised Statutes as such  
9 provisions are applied to pet shops,】 P.L.1960, c.39 (C.56:8-1 et  
10 seq.) or any other law, and without limiting the prosecution of any  
11 other practices which may be unlawful pursuant to 【Title 56 of the  
12 Revised Statutes, it shall be a deceptive】 P.L.1960, c.39 (C.56:8-1  
13 et seq.) or any other law, it shall be an unlawful practice and a  
14 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any owner or  
15 operator of a pet shop, or employee thereof, to sell 【animals  
16 within】 an animal to a consumer in the State without complying  
17 with the provisions and requirements of this section 【and】 , section  
18 3 of P.L.2015, c.7 (C.56:8-95.1), and any other applicable  
19 provisions, requirements, and prohibitions of P.L.1999, c.336  
20 (C.56:8-92 et al.).

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

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

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  
41 of 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 shop, and the  
45 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

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

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

11 (6) The statement "Know Your Rights" in bold type face and no  
12 less than 12 point type, followed by the statement in no less than 10  
13 point type, "State law requires that every pet shop offering cats or  
14 dogs for sale post in a conspicuous location on **【or near】** each cat or  
15 dog's cage or enclosure the USDA inspection reports for the breeder  
16 and broker of each cat or dog for the two years prior to the first day  
17 that the cat or dog is offered for sale. If you do not see a required  
18 inspection report, please request the report from the pet shop. If you  
19 have any concerns, please contact the New Jersey Division of  
20 Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-  
21 6200. You may also view these and other USDA inspection reports  
22 for the breeder and broker of each cat or dog on the USDA Animal  
23 and Plant Health Inspection Service (APHIS) website. You are  
24 entitled to receive additional information from APHIS about the  
25 breeder's or broker's history through the federal Freedom of  
26 Information Act."

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

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

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

41 d. The owner or operator of a pet shop, or employee thereof,  
42 shall quarantine any animal diagnosed as suffering from a  
43 contagious or infectious disease, illness, or condition and may not  
44 sell such an animal until such time as a veterinarian licensed to  
45 practice in the State treats the animal and determines that such  
46 animal is free of clinical signs of infectious disease or that the  
47 animal is fit for sale. All animals required to be quarantined

1 pursuant to this subsection shall be placed in a quarantine area,  
2 separated from the general animal population of the pet shop.

3 e. The owner or operator of a pet shop, or designated employee  
4 thereof, may inoculate and vaccinate animals prior to purchase only  
5 upon the order of a veterinarian. No owner or operator of a pet  
6 shop, or employee thereof, may represent, directly or indirectly, that  
7 the owner or operator of the pet shop, or any employee thereof,  
8 other than a veterinarian, is qualified to, directly or indirectly,  
9 diagnose, prognose, treat, or administer for, prescribe any treatment  
10 for, operate concerning, manipulate or apply any apparatus or  
11 appliance for addressing, any disease, pain, deformity, defect,  
12 injury, wound, or physical condition of any animal after purchase of  
13 the animal, for the prevention of, or to test for, the presence of any  
14 disease, pain, deformity, defect, injury, wound, or physical  
15 condition in an animal after its purchase. These prohibitions  
16 include, but are not limited to, the giving of inoculations or  
17 vaccinations after purchase, the diagnosing, prescribing, and  
18 dispensing of medication to animals, and the prescribing of any diet  
19 or dietary supplement as treatment for any disease, pain, deformity,  
20 defect, injury, wound, or physical condition.

21 f. The Director of the Division of Consumer Affairs in the  
22 Department of Law and Public Safety shall provide each owner or  
23 operator of a pet shop with notification forms, to be signed by the  
24 owner or operator of the pet shop, or employee thereof, and the  
25 consumer at the time of purchase of an animal. The notification  
26 form shall provide the following:

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

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

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

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

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

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

44 (7) The breeder's state license number, if the breeder is required  
45 to be licensed in the state in which the breeder is located, and, if the  
46 broker is different from the breeder and the broker is required to be  
47 licensed in the state in which the broker is located, the broker's state  
48 license number; and

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

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

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

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

39 If the animal becomes sick or dies within 180 days after the date  
40 of purchase and a veterinarian certifies, within the 180 days after  
41 the date of purchase of the animal by the consumer, that the animal  
42 is unfit for sale due to a congenital or hereditary cause or condition,  
43 or a sickness brought on by a congenital or hereditary cause or  
44 condition, or died from such a cause or condition or sickness, the  
45 consumer shall be entitled to the recourse provided in subsection i.  
46 of this section.

47 It shall be the responsibility of the consumer to obtain such  
48 certification within the required amount of time provided by this



1 subsection, unless the owner or operator of the pet shop, or the  
2 employee thereof selling the animal to the consumer, fails to  
3 provide the notice required pursuant to subsection f. of this section.  
4 If the owner or operator of the pet shop, or the employee thereof,  
5 fails to provide the required notice, the consumer shall be entitled to  
6 the recourse provided for in subsection i. of this section.

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

10 (1) The right to return the animal and receive a full refund of the  
11 purchase price, including sales tax, plus the reimbursement of the  
12 veterinary fees, including the cost of the veterinarian certification,  
13 incurred prior to the receipt by the consumer of the veterinarian  
14 certification;

15 (2) The right to retain the animal and to receive reimbursement  
16 for veterinary fees incurred prior to the consumer's receipt of the  
17 veterinarian certification, plus the future cost of veterinary fees to  
18 be incurred in curing or attempting to cure the animal, including the  
19 cost of the veterinarian certification;

20 (3) The right to return the animal and to receive in exchange an  
21 animal of the consumer's choice, of equivalent value, plus  
22 reimbursement of veterinary fees, including the cost of the  
23 veterinarian certification, incurred prior to the consumer's receipt of  
24 the veterinarian certification; or

25 (4) In the event of the death of the animal from causes other  
26 than an accident, the right to a full refund of the purchase price of  
27 the animal, including sales tax, or another animal of the consumer's  
28 choice of equivalent value, plus reimbursement of veterinary fees,  
29 including the cost of the veterinarian certification, incurred prior to  
30 the death of the animal.

31 The consumer shall be entitled to be reimbursed an amount for  
32 veterinary fees up to and including two times the purchase price,  
33 including sales tax, of the sick or dead animal. No reimbursement  
34 of veterinary fees shall exceed two times the purchase price,  
35 including sales tax, of the sick or dead animal.

36 j. The veterinarian shall provide to the consumer in writing  
37 and within the seven days after the consumer consults with the  
38 veterinarian any certification that is appropriate pursuant to this  
39 section upon the determination that such certification is appropriate.  
40 The certification shall include:

41 (1) The name of the owner;

42 (2) The date or dates of examination;

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

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

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

47 (6) An itemized statement of veterinary fees incurred as of the  
48 date of certification;

- 1 (7) If the animal may be curable, an estimate of the possible cost  
2 to cure, or attempt to cure, the animal;
- 3 (8) If the animal has died, a statement establishing the probable  
4 cause of death; and
- 5 (9) The name and address of the certifying veterinarian and the  
6 date of the certification.
- 7 k. Upon the presentation of the veterinarian certification  
8 required in subsection j. of this section to the pet shop, the  
9 consumer shall select the recourse to be provided and the owner or  
10 operator of the pet shop, or the employee thereof, shall confirm the  
11 selection of recourse in writing. The confirmation of the selection  
12 shall be signed by the owner or operator of the pet shop, or an  
13 employee thereof, and the consumer and a copy of the signed  
14 confirmation shall be given to the consumer and retained by the  
15 owner or operator of the pet shop, or employee thereof, on the pet  
16 shop premises. The confirmation of the selection shall be in the  
17 form established by the director by regulation.
- 18 l. The owner or operator of the pet shop, or an employee  
19 thereof, shall comply with the selection of recourse by the consumer  
20 no later than 10 days after the receipt of the veterinarian  
21 certification and the signed confirmation of selection of recourse  
22 form. In the event the owner or operator of the pet shop, or an  
23 employee thereof, wishes to contest the selection of recourse of the  
24 consumer, the owner or operator of the pet shop, or an employee  
25 thereof, shall notify the consumer and the director in writing within  
26 the five days after the receipt of the veterinarian certification and  
27 the signed confirmation of selection of recourse form. After  
28 notification to the consumer and the director of the division, the  
29 owner or operator of the pet shop, or an employee thereof, may  
30 require the consumer to produce the animal for examination by a  
31 veterinarian chosen by the owner or operator of the pet shop, or  
32 employee thereof, at a mutually convenient time and place, except  
33 if the animal has died and was required to be cremated for public  
34 health reasons. The director shall set, upon receipt of such notice of  
35 contest on the part of the owner or operator of the pet shop, or an  
36 employee thereof, a hearing date and hold a hearing, pursuant to the  
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
38 seq.) and the Uniform Administrative Procedure Rules adopted  
39 pursuant thereto, to determine whether the recourse selected by the  
40 consumer should be allowed. The consumer and the owner or  
41 operator of the pet shop, or employee thereof, shall be entitled to  
42 any appeal of the decision resulting from the hearing as may be  
43 provided for under the law, or any rule or regulation adopted  
44 pursuant thereto, but upon the exhaustion of such remedies and  
45 recourse, the consumer and the owner or operator of the pet shop  
46 shall comply with the final decision rendered.
- 47 m. Any owner or operator of a pet shop, or employee thereof,  
48 shall be guilty of **【a deceptive】** an unlawful practice and a violation

1 of P.L.1960, c.39 (C.56:8-1 et seq.), if the owner or operator, or  
2 employee thereof, secures or attempts to secure a waiver of any of  
3 the provisions of this section except as specifically authorized under  
4 subsection g. of this section.

5 n. The owner of a pet shop shall be responsible and liable for  
6 any recourse or reimbursement due to a consumer because of  
7 violations of any provisions of this section by the owner or operator  
8 of the pet shop, or any employee thereof, or because of any  
9 document signed pursuant to this section by the owner or operator  
10 of the pet shop, or any employee thereof.

11 o. Any pet shop in the State advertising for sale an animal bred  
12 by a USDA licensed breeder through print or electronic means,  
13 including those posted on the Internet or a website, shall  
14 continuously display the name, state of residence, and USDA  
15 license number of the breeder of the animal in the advertisement so  
16 that this information is easily legible to the consumer.<sup>3</sup>

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

18

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

21 3. a. No pet dealer<sup>3</sup> **[or pet shop]**<sup>3</sup> shall sell **[or offer for**  
22 **sale,]** or purchase for resale **[whether or not actually offered for**  
23 **sale by the pet shop,]** any animal **[purchased from any breeder or**  
24 **broker]** bred, raised, transferred, or brokered by any person,  
25 including the pet dealer if the pet dealer bred or raised the animal,  
26 who:

27 (1) is not in compliance with the requirements concerning the  
28 maintenance and care of animals and the sanitary operation of  
29 kennels, pet shops, shelters<sup>3,3</sup> and pounds established in rules and  
30 regulations adopted pursuant to section 14 of P.L.1941, c.151  
31 (C.4:19-15.14) **[at the time of purchase of the animal by]** on the  
32 date upon which the pet dealer<sup>3</sup> **[or the pet shop]**<sup>3</sup> obtains the  
33 animal or sells the animal, whichever date is earlier;

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

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

39 (4) has been cited on a USDA inspection report<sup>3</sup>, issued during  
40 the two-year period prior to the date upon which the pet dealer  
41 obtains the animal or sells the animal, whichever date is earlier,<sup>3</sup> for  
42 a direct violation of the federal "Animal Welfare Act," 7 U.S.C.  
43 s.2131 et seq., or the corresponding federal animal welfare  
44 regulations at 9 C.F.R. s.1.1 et seq.<sup>3</sup> **[, issued during the two-year**  
45 **period prior to [the purchase of the animal by]** the date upon which  
46 the pet dealer or the pet shop obtains the animal or sells the animal,  
47 whichever date is earlier]<sup>3</sup> ;

1 (5) has been cited on a USDA inspection report, issued during  
2 the two-year period prior to the **purchase of the animal by** date  
3 upon which the pet dealer <sup>3</sup>[or the pet shop]<sup>3</sup> obtains the animal or  
4 sells the animal, whichever date is earlier, for three or more indirect  
5 violations of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et  
6 seq., or the corresponding federal animal welfare regulations at  
7 sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130  
8 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9  
9 of the Code of Federal Regulations;

10 (6) is cited on the two most recent USDA inspection reports,  
11 issued prior to the **purchase of the animal by the pet shop** date  
12 upon which the pet dealer <sup>3</sup>[or the pet shop]<sup>3</sup> obtains the animal or  
13 sells the animal, whichever date is earlier, for no-access violations  
14 pursuant to enforcement of the federal "Animal Welfare Act," 7  
15 U.S.C. s.2131 et seq., or the corresponding federal animal welfare  
16 regulations at 9 C.F.R. s.1.1 et seq.; or

17 (7) directly or indirectly obtained the animal from a breeder,  
18 broker, or other person, firm, corporation, or organization to whom  
19 **paragraph** the number and type of violations described in  
20 paragraphs (1), (2), (3), (4), (5), or (6) of this subsection [applies]  
21 apply.

22 <sup>3</sup>[The provisions of this subsection shall apply only to pet shops  
23 licensed and selling cats or dogs in the State before January 12,  
24 2016, <sup>1</sup>to new pet shops for which the owner or operator of a pet  
25 shop licensed and selling cats or dogs in the State before January  
26 12, 2016 signed, before the date of enactment of P.L. , c. (C. )  
27 (pending before the Legislature as this bill), a lease for the new pet  
28 shop,<sup>1</sup> to pet dealers, and to future owners of certain pet shops as  
29 provided for pursuant to subsection b. of section 10 of P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill). Any  
31 such future owner of the pet shop shall retain all records of any  
32 violations of this section committed by the previous owner. Any  
33 violations of this section committed by the previous owner or  
34 operator of the pet shop shall transfer and attach to any such future  
35 owner of the pet shop.]<sup>3</sup>

36 b. Nothing in this **subsection** section shall be construed as  
37 prohibiting or otherwise preventing a pet <sup>3</sup>**shop** dealer<sup>3</sup> from:

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

40 (a) a publicly operated animal control facility,

41 (b) an animal rescue organization or pound as defined in  
42 **[section 1 of P.L.1941, c.151 (C.4:19-15.1)]** section 2 of P.L.1999,  
43 c.336 (C.56:8-93), or

44 (c) a shelter as defined in **[section 1 of P.L.1941, c.151 (C.4:19-**  
45 **15.1)** whose primary mission and practice is the placement of  
46 abandoned, unwanted, neglected, or abused animals and that is also  
47 a tax exempt organization under paragraph (3) of subsection (c) of

1 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),  
2 or any subsequent corresponding sections of the federal Internal  
3 Revenue Code, as from time to time amended] section 2 of  
4 P.L.1999, c.336 (C.56:8-93); or  
5 (2) transferring adopted animals to or from any entity  
6 enumerated in paragraph (1) of this subsection or to or from any pet  
7 dealer or pet shop.  
8 c. <sup>3</sup>**[**Every pet shop shall submit, annually and no later than  
9 May 1 of each year, a report to the municipality in which it is  
10 located and licensed, providing:  
11 (1) the name, full street address, email address, if available, and  
12 USDA license number of --  
13 (a) any breeder from which the pet shop purchased an animal,  
14 whether or not the pet shop offered the animal for sale,  
15 (b) any breeder that bred an animal that the pet shop purchased  
16 from a broker, whether or not the pet shop offered the animal for  
17 sale, and  
18 (c) any broker from which the pet shop purchased an animal,  
19 whether or not the pet shop offered the animal for sale;  
20 (2) if a breeder whose identity the pet shop is required to report  
21 pursuant to subparagraph (a) or (b) of paragraph (1) of this  
22 subsection is required to be licensed in the state in which the  
23 breeder is located, the breeder's state license number;  
24 (3) if a broker whose identity the pet shop is required to report  
25 pursuant to subparagraph (c) of paragraph (1) of this subsection is  
26 different from any breeder whose identity the pet shop is required to  
27 report pursuant to subparagraph (a) or (b) of paragraph (1) of this  
28 subsection, and the broker is required to be licensed in the state in  
29 which the broker is located, the broker's state license number;  
30 **[and]**  
31 (4) the total number of animals for each breeder and broker for  
32 which the pet shop has reporting requirements pursuant to  
33 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection;  
34 and  
35 (5) the USDA inspection reports for each breeder and broker  
36 reported pursuant to paragraphs (1) through (3) inclusive of this  
37 subsection.] Every pet dealer shall maintain a record of each cat or  
38 dog bred and raised by the pet dealer and the source of every cat or  
39 dog sold by the pet dealer, including the information required  
40 pursuant to subsection b. of section 9 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill). The pet dealer shall  
42 retain the record for at least two years after the birth or acquisition  
43 of the cat or dog, as applicable. The record shall be: (1) made  
44 available, immediately upon request, to the Division of Consumer  
45 Affairs in the Department of Law and Public Safety, the  
46 Department of Health, or the local health authority; and (2) shall be

1 part of the report submitted annually pursuant to subsection d. of  
2 this section.<sup>3</sup>

3 d. Every pet dealer shall submit annually and no later than May  
4 1 of each year, a report to the Director of the Division of Consumer  
5 Affairs in the Department of Law and Public Safety providing the  
6 following information regarding animals sold to consumers in the  
7 State:

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

12 (2) state license numbers of the breeder or broker from which the  
13 pet dealer obtained the animal or arranged transfer of the animal,  
14 and any breeder that bred an animal that the pet dealer purchased  
15 from a broker, if the breeder or broker is required to have a state  
16 license;

17 (3) <sup>3</sup>identification of each cat or dog bred and raised by the pet  
18 dealer with the pet dealer's name and address;

19 (4)<sup>3</sup> the total number of animals sold to consumers in the State  
20 for each breeder and broker for which the pet dealer has reporting  
21 requirements pursuant to this subsection; and

22 <sup>3</sup>[(4)] (5)<sup>3</sup> the USDA inspection reports for each breeder and  
23 broker reported pursuant to paragraphs (1) and (2) of this  
24 subsection.

25 <sup>3</sup>If the pet dealer is a pet shop, the pet shop shall also submit the  
26 report required pursuant to this subsection to the municipality in  
27 which it is located and licensed.<sup>3</sup>

28 e. Any pet dealer <sup>3</sup>[or pet shop]<sup>3</sup> that, after a contested case  
29 hearing heard by the Division of Consumer Affairs pursuant to the  
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
31 seq.), is found liable for a third violation of subsection a. of this  
32 section, shall be permanently prohibited from selling cats or dogs to  
33 any consumer in the State. If the violator is a pet shop, the pet shop  
34 license shall also be revoked pursuant to the license revocation  
35 provisions in section 8 of P.L.1941, c.151 (C.4:19-15.8).

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

37

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

40 4. No provision of P.L.1999, c.336 (C.56:8-92 et <sup>3</sup>[seq.],  
41 P.L.2015, c.7 (C.56:8-95.1 et al.), or P.L. , c. (C. ) (pending  
42 before the Legislature as this bill)] al.)<sup>3</sup> shall be construed to limit  
43 or restrict any municipality, county, local health agency, or  
44 municipal or county board of health from enacting or enforcing, or  
45 interfere with the implementation of, or otherwise invalidate, any  
46 law, ordinance, rule, or regulation that places additional obligations  
47 on <sup>3</sup>[pet dealers or]<sup>3</sup> pet shops <sup>3</sup>or other pet dealers<sup>3</sup> or restrictions

1 on <sup>3</sup>pet dealers or<sup>3</sup> pet shops <sup>3</sup>or pet dealer or pet shop , other  
2 pet dealers, or pet shop or other pet dealer<sup>3</sup> 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), 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 <sup>3</sup>8. Section 7 of P.L.1999, c.336 (C.56:8-97) is amended to read  
25 as follows:

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

33 b. The Division of Consumer Affairs, the Department of  
34 Health, or the local health authority may investigate and pursue  
35 enforcement against any pet dealer for a violation of P.L.1999,  
36 c.336 (C.56:8-92 et al.).<sup>3</sup>

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

38

39 <sup>3</sup>**[8.] 9.**<sup>3</sup> (New section) a. Notwithstanding the provisions of  
40 any rule or regulation adopted pursuant to P.L.1960, c.39 (C.56:8-1  
41 et seq.) or any other law, and without limiting the prosecution of  
42 any other practices which may be unlawful pursuant to P.L.1960,  
43 c.39 (C.56:8-1 et seq.) or any other law, it shall be an unlawful  
44 practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any  
45 pet dealer, or employee thereof, to sell an animal to a consumer in  
46 the State without complying with the provisions and requirements  
47 of this section, section 3 of P.L.2015, c.7 (C.56:8-95.1), and any

1 other applicable provisions, requirements, and prohibitions of  
2 P.L.1999, c.336 (C.56:8-92 et al.).

3 b. Every pet dealer <sup>3</sup>, including any pet shop,<sup>3</sup> shall maintain  
4 records containing the following information:

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

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

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

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

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

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

29 The information required pursuant to this subsection shall be  
30 provided to any interested party upon request, and shall be provided  
31 to the consumer at the time of sale. <sup>3</sup>Pursuant to subsection c. of  
32 section 4 of P.L.1999, c.336 (C.56:8-95), a pet dealer that is a pet  
33 shop shall also post the required information.<sup>3</sup>  
34

35 <sup>3</sup>**[9.] 10.**<sup>3</sup> (New section) No animal rescue organization, shelter,  
36 or pound may obtain cats or dogs from a breeder or broker for  
37 payment or compensation.  
38

39 <sup>3</sup>**[10.** (New section) a. Except as provided in subsection b. of  
40 this section, no pet shop may offer for sale a cat or dog, or obtain an  
41 a cat or dog for the purpose of sale, unless the cat or dog has been  
42 obtained from, with or without payment or compensation of any  
43 kind, a shelter, pound, kennel operating as a shelter or pound, or  
44 animal rescue organization.

45 b. (1) Subsection a. of this section shall not apply to a pet shop  
46 licensed and selling cats or dogs in the State before January 12,  
47 2016.



1 (2) A pet shop licensed and selling cats or dogs in the State  
 2 before January 12, 2016 may (a) expand its current operations from  
 3 those which existed on the date of enactment of P.L. ,  
 4 c. (C. ) (pending before the Legislature as this bill) at its  
 5 current location as of the date of enactment of P.L. , c. (C. )  
 6 (pending before the Legislature as this bill), <sup>2</sup>or move its current  
 7 location as of the date of enactment of P.L. , c. (C. )  
 8 (pending before the Legislature as this bill) to another location,  
 9 provided it ceases operation of the pet shop at its location as of the  
 10 date of enactment of P.L. , c. (C. ) (pending before the  
 11 Legislature as this bill),<sup>2</sup> and (b) assign to a future owner of that pet  
 12 shop its rights to an exemption under paragraph (1) of this  
 13 subsection from the prohibition established pursuant to subsection  
 14 a. of this section to sell cats or dogs at that location. <sup>2</sup>If the pet  
 15 shop licensed and selling cats or dogs in the State before January  
 16 12, 2016 opens or continues to operate any pet shop in addition to  
 17 the pet shop moved to another location from its location as of the  
 18 date of enactment of P.L. , c. (C. ) (pending before the  
 19 Legislature as this bill, any such additional pet shop shall be subject  
 20 to the provisions of subsection a. of this section.

21 The assignment of an exemption under paragraph (1) of this  
 22 subsection pursuant to this paragraph shall also include the right of  
 23 the future owner to move the location of the pet shop and operate it  
 24 under the exemption at the new location, provided that the future  
 25 owner does not continue to operate a pet shop at the location from  
 26 which it was moved. If the future owner opens or continues to  
 27 operate any pet shop in addition to the moved pet shop, any such  
 28 additional pet shop shall be subject to the provisions of subsection  
 29 a. of this section.<sup>2</sup>

30 Any such future owner of the pet shop shall retain all records of  
 31 any violations of section 3 of P.L.2015, c.7 (C.56:8-95.1)  
 32 committed by the previous owner or operator of the pet shop and  
 33 any license suspensions or revocations pursuant to section 8 of  
 34 P.L.1941, c.151 (C.4:19-15.8) issued to that previous owner or  
 35 operator. Any violation of section 3 of P.L.2015, c.7 (C.56:8-95.1)  
 36 committed by the previous owner or operator of the pet shop shall  
 37 also transfer and attach to any such future owner of the pet shop.

38 (3) The provisions of section 3 of P.L.2015, c.7 (C.56:8-95.1)  
 39 shall apply only to pet shops licensed and selling cats or dogs  
 40 before January 12, 2016, to pet dealers, and to a future owner of a  
 41 pet shop licensed and selling cats or dogs before January 12, 2016  
 42 assigned an exemption as permitted pursuant to subparagraph (b) of  
 43 paragraph (2) of this subsection. **】<sup>3</sup>**

44  
 45 <sup>3</sup>**【11.** (New section) a. Any pet shop that obtains a cat or  
 46 dog from a shelter, pound, or animal rescue organization shall  
 47 maintain a record of the name and address of the shelter, pound, or

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

12 b. No pet shop may make any cat or dog obtained from a  
13 shelter, pound, or animal rescue organization available for  
14 experimentation. An owner or operator of a pet shop who violates  
15 this provision shall be guilty of a crime of the fourth degree, in  
16 addition to being liable for any penalties that may be assessed  
17 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
18 this bill).<sup>3</sup>

19

20 <sup>3</sup>[12.] 11.<sup>3</sup> (New section) a. No person shall sell, <sup>3</sup>[offer for  
21 sale,<sup>3</sup> exchange, trade, barter, lease, or display for commercial  
22 purposes any cat or dog on any roadside, public right-of-way,  
23 parkway, median, park, other recreation area, flea market or other  
24 outdoor market, or commercial or retail parking lot regardless of  
25 whether access for such purposes is authorized.

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

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

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

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

38

39 <sup>1</sup>[13. (New section) a. The Director of the Division of  
40 Consumer Affairs in the Department of Law and Public Safety, with  
41 the cooperation and assistance of the Department of Health, may  
42 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
43 c.410 (C.52:14B-1 et seq.), any rules or regulations that the director  
44 deems necessary to implement and enforce P.L. , c. (C. )  
45 (pending before the Legislature as this bill).

46 b. The Division of Consumer Affairs, the Department of  
47 Health, or the local health authority may investigate and pursue

1 enforcement against any pet dealer or pet shop for a violation of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>3</sup>

3

4 <sup>3</sup>**[14.]** 12.<sup>3</sup> (New section) The provisions of <sup>2</sup>**[P.L. ,**  
5 c. (C. ) (pending before the Legislature as this bill)]  
6 P.L.1999, c.336 (C.56:8-92 et al.)<sup>2</sup> shall not apply to any guide dog  
7 or service dog as defined in section 5 of P.L.1945, c.169 (C.10:5-5),  
8 search and rescue dog as defined in section 1 of P.L. 1983, c.261  
9 (C.2C:29-3.1), or dog owned or used by a law enforcement agency  
10 or used for law enforcement activities.

11

12 <sup>2</sup> <sup>3</sup>**[15.]** 13.<sup>3</sup> (New section) Except for <sup>3</sup>**[section 9]** sections 10  
13 and 11<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature as  
14 this bill) <sup>3</sup>**[**, subsection a. of section 10 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill), subsection b. of section  
16 11 of P.L. , c. (C. ) (pending before the Legislature as this  
17 bill), or section 12 of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill).<sup>3</sup> as applicable, the provisions of P.L.1999,  
19 c.336 (C.56:8-92 et al.) shall not apply to any sale, transfer,  
20 exchange, or barter of a cat or dog for purposes related to the  
21 conduct of biomedical research by a research facility registered with  
22 the United States Department of Agriculture pursuant to the federal  
23 “Animal Welfare Act,” 7 U.S.C. s.2131 et seq., or at a facility  
24 conducting biomedical research in compliance with the “Public  
25 Health Service Policy on Humane Care and Use of Laboratory  
26 Animals” issued by the United States National Institutes of Health.<sup>2</sup>

27

28 <sup>2</sup>**[15.]** <sup>3</sup>**[16.]** 14.<sup>3</sup> Section 8 of P.L.1941, c.151 (C.4:19-15.8)  
29 is amended to read as follows:

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

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

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

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

6 Any person holding a license shall not be required to secure  
7 individual licenses for dogs owned by a licensee and kept at the  
8 establishments **【; the licenses】**. The license for <sup>2</sup>**【a】** an animal  
9 rescue organization facility,<sup>2</sup> kennel, pet shop, shelter, or pound  
10 shall not be transferable to another owner or different premises.

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

14 (1) for failure by the pet shop to comply with the provisions of  
15 P.L.1999, c.336 (C.56:8-92 et al.), <sup>2</sup>or<sup>2</sup> the rules and regulations of  
16 the **【State department】** Department of Health or local health  
17 authority governing pet shops **【or】** ;

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

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

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

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

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

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

3 <sup>2</sup>f. (1) The license for an animal rescue organization facility  
4 shall be subject to review by the municipality that issued the  
5 license, upon recommendation by the Department of Health or the  
6 local health authority, if the animal rescue organization that owns  
7 and operates the animal rescue organization facility or the animal  
8 rescue organization facility:

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

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

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

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

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

30 g. Any animal rescue organization or animal rescue organization  
31 facility that is found <sup>3</sup>[in] liable for a third<sup>3</sup> violation of the  
32 provisions of P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal  
33 rescue organizations or animal rescue organization facilities <sup>3</sup>[three  
34 times]<sup>3</sup> shall have its license for any animal rescue organization  
35 facility permanently revoked and the animal rescue organization  
36 shall be permanently prohibited from operating in the State <sup>3</sup>, after a  
37 hearing establishing the animal rescue organization or animal  
38 rescue organization facility has been found liable for the third  
39 violation<sup>3</sup> .<sup>2</sup>

40 <sup>3</sup>h. Any pet shop found liable for a third violation of subsection  
41 a. of section 3 of P.L.2015, c.7 (C.56:8-95.1) shall have its license  
42 permanently revoked and shall be permanently prohibited from  
43 operating in the State, after a hearing establishing the pet shop has  
44 been found liable for the third violation.<sup>3</sup>  
45 (cf: P.L.2012, c.17, s.5)

1       <sup>2</sup>[16.] <sup>3</sup>[17.<sup>2</sup>] 15.<sup>3</sup> Section 9 of P.L.1941, c.151 (C.4:19-15.9)  
2 is amended to read as follows:

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

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

11

12       <sup>3</sup>[<sup>2</sup>18.] 16.<sup>3</sup> Section 10 of P.L.1941, c.151 (C.4:19-15.10) is  
13 amended to read as follows:

14       10. No dog kept in ~~a~~ an animal rescue organization facility,  
15 kennel, pet shop, shelter, or pound shall be permitted off such  
16 premises, except on leash or in a crate or other safe control.<sup>2</sup>

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

18

19       <sup>3</sup>[<sup>2</sup>19.] 17.<sup>3</sup> Section 13 of P.L.1941, c.151 (C.4:19-15.13) is  
20 amended to read as follows:

21       13. The clerk or other official designated to license dogs in the  
22 municipality shall forward to the ~~State~~ Department of Health a  
23 list of all animal rescue organization facilities, kennels, pet shops,  
24 shelters, and pounds licensed within thirty days after the licenses  
25 therefor are issued, which list shall include the name and address of  
26 the licensee and the kind of license issued.<sup>2</sup>

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

28

29       <sup>3</sup>[<sup>2</sup>17.] 20.<sup>2</sup>] 18.<sup>3</sup> Section 14 of P.L.1941, c.151 (C.4:19-  
30 15.14) is amended to read as follows:

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

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

1       **【Such】** The rules and regulations adopted pursuant to this  
2 section shall be enforced by the **【State】** Department of Health and  
3 **【by】** local boards of health.  
4 (cf: P.L.1941, c.151, s.14)

5  
6       <sup>2</sup>**【18.】** <sup>3</sup>**【21.2】** 19.<sup>3</sup> Section 16 of P.L.1941, c.151 (C.4:19-  
7 15.16) is amended to read as follows:

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

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

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

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

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

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

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

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

46       d. A shelter, pound, or kennel operating as a shelter or pound  
47 receiving an animal from a certified animal control officer pursuant  
48 to subsection a. of this section, or from any other individual, group,

1 or organization, shall hold the animal for at least seven days before  
2 offering it for adoption, or euthanizing, transferring or otherwise  
3 relocating, or sterilizing the animal, except if:

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

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

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

13 (1) shall offer the animal for adoption for at least seven days  
14 before euthanizing <sup>3</sup>[it or transferring it to a pet shop] the animal<sup>3</sup> ;  
15 or

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

20 f. Except as otherwise provided for under subsection e. of this  
21 section, no shelter, pound, or kennel operating as a shelter or pound  
22 receiving an animal from a certified animal control officer may  
23 transfer the animal to an animal rescue organization facility <sup>3</sup>[, a  
24 pet shop,]<sup>3</sup> or a foster home until the shelter, pound, or kennel  
25 operating as a shelter or pound has held the animal for at least seven  
26 days.

27 g. If the owner or the person charged with the care of the  
28 animal seeks to claim it within seven days, or after the seven days  
29 have elapsed but before the animal has been adopted, transferred  
30 <sup>3</sup>[to a pet shop]<sup>3</sup> , or euthanized, the shelter, pound, or kennel  
31 operating as a shelter or pound:

32 (1) shall, in the case of a cat or dog, release it to the owner or  
33 person charged with its care, provided the owner or person charged  
34 with the care of the animal provides proof of ownership, which may  
35 include a valid cat or dog license, registration, rabies inoculation  
36 certificate, or documentation from the owner's veterinarian that the  
37 cat or dog has received regular care from that veterinarian;

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

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

45 h. If the animal remains unclaimed, is not claimed due to the  
46 failure of the owner or other person to comply with the  
47 requirements of this section, or is not adopted after seven days after  
48 the date on which notice is served pursuant to subsection c. of this



1 section or, if no notice can be served, not less than seven days after  
2 the date on which the animal was impounded, the impounded  
3 animal may be placed in a foster home, transferred to another  
4 shelter, pound, kennel operating as a shelter or pound, ~~[or]~~ <sup>3</sup>or<sup>3</sup>  
5 animal rescue organization facility, <sup>3</sup>[or pet shop.]<sup>3</sup> or euthanized  
6 in a manner causing as little pain as possible and consistent with the  
7 provisions of R.S.4:22-19.

8 i. At the time of adoption, the right of ownership in the animal  
9 shall transfer to the new owner. No dog or other animal taken into  
10 custody, impounded, sent or otherwise brought to a shelter, pound,  
11 or kennel operating as a shelter or pound, , or transferred to <sup>3</sup>[a pet  
12 shop from a shelter, pound, or kennel operating as a shelter or  
13 pound] an animal rescue organization facility<sup>3</sup>, shall be sold or  
14 otherwise be made available for the purpose of experimentation.  
15 Any person who sells or otherwise makes available any such dog or  
16 other animal for the purpose of experimentation shall be guilty of a  
17 crime of the fourth degree.

18 j. Any animal seized under this section suspected of being  
19 rabid shall be immediately reported to the executive officer of the  
20 local board of health and to the Department of Health, and shall be  
21 quarantined, observed, and otherwise handled and dealt with as  
22 appropriate for an animal suspected of being rabid or as required by  
23 the Department of Health for the animals.

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

37 l. Notwithstanding the provisions of this section and sections 3  
38 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the  
39 contrary, no cat or dog being transferred between shelters, pounds,  
40 or kennels operating as shelters or pounds, or being transferred to  
41 <sup>3</sup>[a pet shop or]<sup>3</sup> an animal rescue organization facility, or placed  
42 in a foster home, shall be required to be sterilized prior to that  
43 transfer.

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

45

46 <sup>3</sup>[<sup>2</sup>[19.] 22.<sup>2</sup> Section 5 of P.L.2011, c.142 (C.4:19-15.32) is  
47 amended to read as follows:

1 5. a. When a cat or dog is put in the custody of and impounded  
2 with a shelter, pound, or kennel operating as a shelter or pound, or  
3 an animal rescue organization facility receives a cat or dog, the  
4 shelter, pound, kennel operating as a shelter or pound, or animal  
5 rescue organization facility shall, if the identity of the owner is not  
6 known, scan the animal for microchip identification, provided the  
7 shelter, pound, kennel operating as a shelter or pound, or animal  
8 rescue organization facility has such technology available.

9 b. Prior to release of any cat or dog for adoption, transfer to a  
10 pet shop, another facility or foster home, or euthanasia of the cat or  
11 dog, the shelter, pound, kennel operating as a shelter or pound, or  
12 animal rescue organization facility shall, if the identity of the owner  
13 is not known, scan the cat or dog for microchip identification,  
14 provided the shelter, pound, kennel operating as a shelter or pound,  
15 or animal rescue organization facility has such technology  
16 available.

17 c. If either scan required pursuant to subsection a. or b. of this  
18 section reveals information concerning the owner of the cat or dog,  
19 the shelter, pound, kennel operating as a shelter or pound, or animal  
20 rescue organization facility shall immediately seek to contact and  
21 notify the owner of the whereabouts of the cat or dog. Furthermore,  
22 if microchip identification is found, the shelter, pound, kennel  
23 operating as a shelter or pound, or animal rescue organization  
24 facility shall hold the animal for at least seven days after the  
25 notification to the owner.

26 (cf: P.L.2011, c.142, s.5)]<sup>3</sup>

27  
28 <sup>2</sup>[20.] <sup>3</sup>[23.] 20.<sup>3</sup> Section 6 of P.L.2011, c.142 (C.4:19-15.33)  
29 is amended to read as follows:

30 6. a. The Department of Health shall establish a registry of  
31 animal rescue organizations and their facilities in the State. **【Any**  
32 animal rescue organization may voluntarily participate in the  
33 registry**】**.

34 b. The department, pursuant to the "Administrative Procedure  
35 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules  
36 and regulations determined necessary to implement the **【voluntary】**  
37 registry and coordinate its use with the provisions of P.L.2011,  
38 c.142 (C.4:19-15.30 et al.), section <sup>3</sup>8<sup>3</sup> of P.L.1941, c.151 (C.4:19-  
39 15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).

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

41  
42 <sup>3</sup>[<sup>2</sup>[21.] 24.<sup>2</sup>] 21.<sup>3</sup> This act shall take effect on the 180th day  
43 following the date of enactment.