

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 63

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JUNE 23, 2016

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senators Scutari, Weinberg, Stack and Cunningham

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

17

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

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

21 "Animal" means a cat or dog.

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

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

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

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

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

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

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

46 "Non-face-to-face transaction" means a sale, offer for sale,
47 transfer, exchange, barter, or other transaction at which the breeder
48 and the cat or dog are not physically present in the same location as

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

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

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

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

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

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

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

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

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

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

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

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

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

8

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 The certification shall include:

15 (1) The name of the owner;

16 (2) The date or dates of examination;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40

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

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

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

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

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

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

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

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

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

41 The provisions of this subsection shall apply only to pet shops
42 licensed and selling cats or dogs in the State before January 12,
43 2016, to pet dealers, and to future owners of certain pet shops as
44 provided for pursuant to subsection b. of section 10 of P.L. .,
45 c. (C.) (pending before the Legislature as this bill). Any
46 such future owner of the pet shop shall retain all records of any
47 violations of this section committed by the previous owner. Any

1 violations of this section committed by the previous owner or
2 operator of the pet shop shall transfer and attach to any such future
3 owner of the pet shop.

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

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

8 (a) a publicly operated animal control facility,

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

12 (c) a shelter as defined in **【section 1 of P.L.1941, c.151 (C.4:19-**
13 **15.1) whose primary mission and practice is the placement of**
14 **abandoned, unwanted, neglected, or abused animals and that is also**
15 **a tax exempt organization under paragraph (3) of subsection (c) of**
16 **section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),**
17 **or any subsequent corresponding sections of the federal Internal**
18 **Revenue Code, as from time to time amended】** section 2 of
19 P.L.1999, c.336 (C.56:8-93); or

20 (2) transferring adopted animals to or from any entity
21 enumerated in paragraph (1) of this subsection or to or from any pet
22 dealer or pet shop.

23 c. Every pet shop shall submit, annually and no later than May
24 1 of each year, a report to the municipality in which it is located and
25 licensed, providing:

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

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

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

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

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

39 (3) if a broker whose identity the pet shop is required to report
40 pursuant to subparagraph (c) of paragraph (1) of this subsection is
41 different from any breeder whose identity the pet shop is required to
42 report pursuant to subparagraph (a) or (b) of paragraph (1) of this
43 subsection, and the broker is required to be licensed in the state in
44 which the broker is located, the broker's state license number;

45 **【and】**

46 (4) the total number of animals for each breeder and broker for
47 which the pet shop has reporting requirements pursuant to

1 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection;
2 and

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

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

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

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

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

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

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

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

34

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

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

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

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

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

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

17

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

29 b. Every pet dealer shall maintain records containing the
30 following information:

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

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

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

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

46 (5) If the broker is different from the breeder, the first and last
47 name of the broker of the animal, the full street address of where
48 the broker is doing business, an email address, if available, by

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

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

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

10

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

14

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

21 b. (1) Subsection a. of this section shall not apply to a pet shop
22 licensed and selling cats or dogs in the State before January 12,
23 2016.

24 (2) A pet shop licensed and selling cats or dogs in the State
25 before January 12, 2016 may (a) expand its current operations from
26 those which existed on the date of enactment of P.L. ,
27 c. (C.) (pending before the Legislature as this bill) at its
28 current location as of the date of enactment of P.L. , c. (C.)
29 (pending before the Legislature as this bill), and (b) assign to a
30 future owner of that pet shop its rights to an exemption under
31 paragraph (1) of this subsection from the prohibition established
32 pursuant to subsection a. of this section to sell cats or dogs at that
33 location. Any such future owner of the pet shop shall retain all
34 records of any violations of section 3 of P.L.2015, c.7 (C.56:8-95.1)
35 committed by the previous owner or operator of the pet shop and
36 any license suspensions or revocations pursuant to section 8 of
37 P.L.1941, c.151 (C.4:19-15.8) issued to that previous owner or
38 operator. Any violation of section 3 of P.L.2015, c.7 (C.56:8-95.1)
39 committed by the previous owner or operator of the pet shop shall
40 also transfer and attach to any such future owner of the pet shop.

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

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

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

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

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

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

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

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

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

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

5
6 14. (New section) The provisions of P.L. , c. (C.)
7 (pending before the Legislature as this bill) shall not apply to any
8 guide dog or service dog as defined in section 5 of P.L.1945, c.169
9 (C.10:5-5), search and rescue dog as defined in section 1 of P.L.
10 1983, c.261 (C.2C:29–3.1), or dog owned or used by a law
11 enforcement agency or used for law enforcement activities.

12
13 15. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
14 read as follows:

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

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

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

38 Any person holding a license shall not be required to secure
39 individual licenses for dogs owned by a licensee and kept at the
40 establishments **【; the licenses】**. The license for a kennel, pet shop,
41 shelter, or pound shall not be transferable to another owner or
42 different premises.

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

46 (1) for failure by the pet shop to comply with the provisions of
47 P.L.1999, c.336 (C.56:8-92 et al.), the rules and regulations of the

1 **【State department】** Department of Health or local health authority
2 governing pet shops **【or】** ;

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

8 (3) for committing an unlawful practice and a violation of P.L.
9 1960, c.39 (C.56:8-1 et seq.) as established pursuant to section 4 of
10 P.L.1999, c.336 (C.56:8-95).

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

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

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

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

36

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

39 9. The annual license fee for a kennel providing
40 accommodations for **【ten】** 10 or less dogs shall be **【ten dollars**
41 **(\$10.00)】** \$10 and for more than **【ten】** 10 dogs **【twenty-five**
42 **dollars (\$25.00)】** \$25. The annual license fee for a pet shop shall
43 be **【ten dollars (\$10.00)】** \$10. The annual license fee for an
44 animal rescue organization facility shall be \$5. No fee shall be
45 charged for a shelter or pound.

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

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

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

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

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

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

23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 i. At the time of adoption, the right of ownership in the animal
26 shall transfer to the new owner. No dog or other animal taken into
27 custody, impounded, sent or otherwise brought to a shelter, pound,
28 or kennel operating as a shelter or pound, or transferred to a pet
29 shop from a shelter, pound, or kennel operating as a shelter or
30 pound, shall be sold or otherwise be made available for the purpose
31 of experimentation. Any person who sells or otherwise makes
32 available any such dog or other animal for the purpose of
33 experimentation shall be guilty of a crime of the fourth degree.

34 j. Any animal seized under this section suspected of being
35 rabid shall be immediately reported to the executive officer of the
36 local board of health and to the Department of Health, and shall be
37 quarantined, observed, and otherwise handled and dealt with as
38 appropriate for an animal suspected of being rabid or as required by
39 the Department of Health for the animals.

40 k. When a certified animal control officer takes into custody
41 and impounds, or causes to be taken into custody and impounded,
42 an animal, the certified animal control officer may place the animal
43 in the custody of, or cause the animal to be placed in the custody of,
44 only a licensed shelter, pound, or kennel operating as a shelter or
45 pound. The certified animal control officer may not place the
46 animal in the custody of, or cause the animal to be placed in the
47 custody of, **[any animal rescue organization facility,]** foster home
48 **[,]** or other unlicensed facility. However, the licensed shelter,

1 pound, or kennel operating as a shelter or pound may place the
2 animal in **【an animal rescue organization facility,】** a foster home
3 **【,】** or other unlicensed facility if necessary pursuant to subsection
4 e. or h. of this section.

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

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

12
13 19. Section 5 of P.L.2011, c.142 (C.4:19-15.32) is amended to
14 read as follows:

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

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

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

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

41
42 20. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
43 read as follows:

44 6. a. The Department of Health shall establish a registry of
45 animal rescue organizations and their facilities in the State. **【Any**
46 **animal rescue organization may voluntarily participate in the**
47 **registry】**.

1 b. The department, pursuant to the "Administrative Procedure
2 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
3 and regulations determined necessary to implement the **【voluntary】**
4 registry and coordinate its use with the provisions of P.L.2011,
5 c.142 (C.4:19-15.30 et al.), section of P.L.1941, c.151 (C.4:19-
6 15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).
7 (cf: P.L.2012, c.17, s.13)
8
9 21. This act shall take effect on the 180th day following the date
10 of enactment.