

SENATE, No. 2848

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED DECEMBER 12, 2016

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Establishes certain requirements concerning breeders, animal rescue organizations, sale or adoption of cats and dogs, and cats and dogs brought in from out-of-State.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning cats and dogs, amending various parts of the
2 statutory law, and supplementing Title 4 of the Revised Statutes.

3

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

6

7 1. (New section) a. Each cat or dog brought into the State for
8 the purpose of sale, adoption, barter, exchange, or transfer shall be
9 accompanied with an animal history and health certificate certified
10 by a licensed veterinarian and providing the following information:

11 (1) the name, address, and other contact information of the
12 breeder of the cat or dog, if known;

13 (2) the origin of the cat or dog, its date of birth, and, if the date
14 of birth is not known, its approximate age as estimated by a
15 licensed veterinarian; and

16 (3) any illnesses identified in the cat or dog, treatments or
17 medications received, and a list of the vaccinations received and the
18 dates of administration thereof.

19 b. If the cat or dog is being brought into the State, sold, adopted,
20 bartered, exchanged, or transferred by a USDA licensed breeder, the
21 USDA licensed breeder shall provide a copy of the breeder's USDA
22 license and attach it to the animal history and health certificate of
23 the cat or dog.

24 c. No person may bring a cat or dog into the State for the
25 purpose of sale, adoption, barter, exchange, or transfer without the
26 animal history and health certificate required pursuant to subsection
27 a. of this section. The animal history and health certificate shall
28 accompany the cat and dog until the end of its life.

29 d. As used in this section, "USDA licensed breeder" means a
30 breeder who has been issued a valid breeder's license by the United
31 States Department of Agriculture.

32

33 2. (New section) a. Every animal rescue organization registered
34 pursuant to section 6 of P.L.2011, c.142 (C.4:19-15.33) shall accept
35 the return of any cat or dog received from the animal rescue
36 organization and may accept any other cat or dog surrendered to the
37 animal rescue organization. The animal rescue organization may
38 charge the person returning the cat or dog or otherwise surrendering
39 a cat or dog a fee of up to \$100 for accepting the cat or dog.

40 b. An animal rescue organization that fails to accept the return
41 of an animal as required by subsection a. of this section shall be
42 subject to a civil penalty of up to \$1,000, to be collected by the
43 Department of Health in a civil action by a summary proceeding
44 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
45 (C.2A:58-10 et seq.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 i. At the time of adoption, the right of ownership in the animal
48 shall transfer to the new owner. No dog or other animal taken into

1 custody, impounded, sent or otherwise brought to a shelter, pound,
2 or kennel operating as a shelter or pound shall be sold or otherwise
3 be made available for the purpose of experimentation. Any person
4 who sells or otherwise makes available any such dog or other
5 animal for the purpose of experimentation shall be guilty of a crime
6 of the fourth degree.

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

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

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

31 m. A shelter, pound, or kennel operating as a shelter or pound
32 shall accept the return of any cat or dog adopted from the shelter or
33 pound, and may accept any other cat or dog being surrendered to
34 the shelter or pound for any other reason. The shelter or pound may
35 charge the person returning the animal or otherwise surrendering
36 the animal a fee of up to \$100 for accepting the return of the
37 animal. A shelter or pound that fails to accept the return of an
38 animal as required by this subsection shall be subject to a civil
39 penalty of up to \$1,000, to be collected by the Department of Health
40 in a civil action by a summary proceeding under the "Penalty
41 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

43

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

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

1 registry, until the 180th day after the effective date of P.L. ,
2 c. (C.) (pending before the Legislature as this bill), upon
3 which the registration of animal rescue organizations shall be
4 mandatory. Each animal rescue organization shall register with the
5 department and annually report the number of cats and dogs sold,
6 adopted, bartered, exchanged, or transferred in the preceding
7 calendar year by the animal rescue organization, and to whom the
8 cats and dogs were sold, released for adoption, bartered, exchanged,
9 or transferred. The annual registration fee shall be \$25.

10 b. The department, pursuant to the "Administrative Procedure
11 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
12 and regulations determined necessary to implement the **【voluntary】**
13 registry and coordinate its use with the provisions of sections 1 and
14 2 of P.L. , c. (C.) (pending before the Legislature as this
15 bill), P.L.2011, c.142 (C.4:19-15.30 et al.), and section 16 of
16 P.L.1941, c.151 (C.4:19-15.16).

17 c. Any person required to register with the department pursuant
18 to this section who fails to do so shall be subject to a civil penalty
19 of up to \$1,000, to be collected by the Department of Health in a
20 civil action by a summary proceeding under the "Penalty
21 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
22 The Superior Court and municipal courts shall have jurisdiction to
23 enforce the provisions of the "Penalty Enforcement Law of 1999"
24 pursuant to this subsection. For second or subsequent violations, at
25 the discretion of the court, the person may also be suspended or
26 permanently prohibited from operating as an animal rescue
27 organization in the State.

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

29

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

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

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

1 pursuant to Title 56 of the Revised Statutes. The animal history and
2 health certificate for each animal shall also provide and be updated
3 with the vaccines administered to the cat or dog and the dates of
4 administration thereof. If 14 days have passed since the last
5 veterinarian examination of the animal, the owner or operator of the
6 pet shop, or employee thereof, shall have the animal reexamined by
7 a veterinarian licensed to practice in the State as provided for in
8 subsection g. of this section, except as otherwise provided in that
9 subsection.

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

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

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

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

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

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

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

1 breeder's or broker's history through the federal Freedom of
2 Information Act."

3 Every pet shop offering animals for sale shall also post, in a
4 conspicuous location on or near the cage or enclosure for each
5 animal in the cage or enclosure, the USDA inspection reports for
6 the breeder and the broker of the animal for the two years prior to
7 the first day that the animal is offered for sale by the pet shop.

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

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

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

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

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

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

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

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

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

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

16 (7) The breeder's state license number, if the breeder is required
17 to be licensed in the state in which the breeder is located, and, if the
18 broker is different from the breeder and the broker is required to be
19 licensed in the state in which the broker is located, the broker's state
20 license number; and

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

30 The owner or operator of the pet shop, or an employee thereof,
31 shall obtain the signature of the consumer on the form and shall also
32 sign and date the form at the time of purchase of an animal by the
33 consumer, and shall provide the consumer with a signed copy of the
34 form and retain a copy of the form on the pet shop premises.
35 Copies of all such notices shall be readily available for inspection
36 by an authorized representative of the Division of Consumer
37 Affairs, upon request. No pet shop owner or operator, or employee
38 thereof, may construe or use the signed notification form required
39 pursuant to this subsection as an abdication of the right to recourse
40 provided for in subsection i., or as a selection of recourse pursuant
41 to subsection k. of this section.

42 g. The owner or operator of a pet shop, or an employee thereof,
43 shall have any animal that has been examined more than 14 days
44 prior to the date of purchase, reexamined by a veterinarian for the
45 purpose of disclosing its condition, within 72 hours of the delivery
46 of the animal to the consumer, unless the consumer has waived the
47 right to the reexamination in writing. The owner or operator of a pet
48 shop, or an employee thereof, shall provide a copy of the written

1 waiver to the consumer prior to the signing of any contract or
2 agreement to purchase the animal and the written waiver shall be in
3 the form established by the director by regulation.

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

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

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

28 The pet shop shall also accept the return of a cat or dog for any
29 reason within one year after the date of purchase if purchased at the
30 pet shop, but the recourse provided in subsection i. of this section
31 shall only apply to an animal that is unfit for sale or dies for the
32 reasons described in this subsection.

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

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

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

46 (3) The right to return the animal and to receive in exchange an
47 animal of the consumer's choice, of equivalent value, plus
48 reimbursement of veterinary fees, including the cost of the

1 veterinarian certification, incurred prior to the consumer's receipt of
2 the veterinarian certification; or

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

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

14 j. The veterinarian shall provide to the consumer in writing
15 and within the seven days after the consumer consults with the
16 veterinarian any certification that is appropriate pursuant to this
17 section upon the determination that such certification is appropriate.

18 The certification shall include:

19 (1) The name of the owner;

20 (2) The date or dates of examination;

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

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

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

25 (6) An itemized statement of veterinary fees incurred as of the
26 date of certification;

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

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

31 (9) The name and address of the certifying veterinarian and the
32 date of the certification.

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

44 l. The owner or operator of the pet shop, or an employee
45 thereof, shall comply with the selection of recourse by the consumer
46 no later than 10 days after the receipt of the veterinarian
47 certification and the signed confirmation of selection of recourse
48 form. In the event the owner or operator of the pet shop, or an

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

25 m. Any owner or operator of a pet shop, or employee thereof,
26 shall be guilty of a deceptive practice if the owner or operator, or
27 employee thereof, secures or attempts to secure a waiver of any of
28 the provisions of this section except as specifically authorized under
29 subsection g. of this section.

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

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

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

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44 6. This act shall take effect immediately.

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STATEMENT

This bill requires:

1) all cats and dogs brought into the State from other jurisdictions to have an animal history and health certificate certified by a licensed veterinarian providing the information about the cat or dog specified in subsection a. of section 1 of the bill; and

2) animal rescue organizations, shelters, and pounds to accept the return of a cat or dog received from the facility for up to one year after the receipt of the animal from the facility.

The bill authorizes shelters, pounds, and animal rescue organizations to charge a fee of up to \$100 for such a return.