

# SENATE, No. 3041

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 27, 2017

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

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**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Assemblymen DeAngelo, Singleton, Diegnan, Assemblywomen McKnight, Caride, Jasey, Assemblymen Wisniewski and Caputo**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/17/2017)**

S3041 LESNIAK

2

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 extending to all pet dealers the requirements  
34 connected to USDA inspection violations and the sourcing of  
35 animals currently applied to pet shops under the "Pet Purchase  
36 Protection Act"; that the regulation of cat and dog sales as  
37 prescribed in P.L.1999, c.336 (C.56:8-92 et al.) would not affect a  
38 consumer's ability to obtain the consumer's choice of a cat or dog  
39 directly from a breed-specific animal rescue organization or a  
40 shelter or pound, or from a breeder that meets basic standards of  
41 animal welfare.

42 The Legislature therefore determines that it is in the best  
43 interests of the State and its citizens to reduce costs to the State,  
44 local government, and taxpayers, including the financial and  
45 emotional costs inflicted on the people who own and care for cats  
46 and dogs from kitten mills or puppy mills; promote community  
47 awareness of animal welfare; and foster a more humane  
48 environment in the State by adopting reasonable laws, policies, and  
49 regulations to better monitor and restrict the sources of cats and

S3041 LESNIAK

4

1 dogs sold by pet dealers doing business with New Jersey  
2 consumers, including pet shops.

3

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

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

7 "Animal" means a cat or dog.

8 "Animal rescue organization" means an animal rescue  
9 organization, as defined in section 1 of P.L.1941, c.151 (C.4:19-  
10 15.1), which is involved in the placement of abandoned, unwanted,  
11 neglected, or abused animals, and that is also a tax exempt  
12 organization under paragraph (3) of subsection (c) of section 501 of  
13 the federal Internal Revenue Code (26 U.S.C. s.501), or any  
14 subsequent corresponding sections of the federal Internal Revenue  
15 Code, as from time to time amended.

16 "Animal rescue organization facility" means the home or other  
17 facility in which an animal rescue organization houses and cares for  
18 an animal.

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

21 "Broker" means a person, business, firm, corporation, or  
22 organization who **【sells】** transfers a cat or dog **【to a pet shop,**  
23 **whether or not the broker is also the breeder of the cat or dog】** for  
24 the purpose of resale by another person, business, firm,  
25 corporation, or organization.

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

28 "Director" means the Director of the Division of Consumer  
29 Affairs in the Department of Law and Public Safety.

30 "Division" means the Division of Consumer Affairs in the  
31 Department of Law and Public Safety.

32 "Kennel" means a kennel as defined in section 1 of P.L.1941,  
33 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,  
34 c.151 (C.4:19-15.8).

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

38 "Pet dealer" means any person, located within or outside of the  
39 State, who is engaged in the ordinary course of business in the sale  
40 of cats or dogs to **【the public】** consumers in the State for profit, or  
41 **【any person】** who sells **【or offers for sale】** more than **【five】** 10  
42 cats or dogs in one year to consumers in the State. "Pet dealer"  
43 shall include a kennel or pet shop that is engaged in the ordinary  
44 course of business in the sale of cats or dogs to consumers in the  
45 State for profit, or that sells more than 10 cats or dogs in one year to  
46 consumers in the State.

S3041 LESNIAK

5

1 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,  
2 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,  
3 c.151 (C.4:19-15.8).

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

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

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

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

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

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

30 "Veterinarian" means a veterinarian licensed to practice in the  
31 **[State of New Jersey]** state where the pet shop or other pet dealer is  
32 located.

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

34  
35 3. Section 3 of P.L.1999, c.336 (C.56:8-94) is amended to read  
36 as follows:

37 3. No provision of this act shall be construed in any way to  
38 alter, diminish, replace, or revoke **[the requirements for pet dealers**  
39 **that are not pet shops or the rights of a consumer purchasing an**  
40 **animal from a pet dealer that is not a pet shop, as may be provided**  
41 **elsewhere in law or any rule or regulation adopted pursuant thereto.**  
42 **Except as provided in section 4 and section 5 of P.L.1999, c.336**  
43 **(C.56:8-95 and C.56:8-96), any provision of law pertaining to pet**  
44 **shops, or rule or regulation adopted pursuant thereto, shall continue**  
45 **to apply to pet shops. No provision of this act shall be construed in**  
46 **any way to alter, diminish, replace, or revoke]** any recourse or  
47 remedy that is otherwise available to a consumer purchasing a cat or

S3041 LESNIAK

6

1 a dog from a pet dealer or pet shop under any other law.  
2 (cf: P.L.1999, c.336, s.3)

3

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

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

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

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

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

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

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

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

1 in the state in which the breeder is located, the breeder's state  
2 license number;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (8) An attestation by the owner or operator of the pet shop that,  
48 as of the date of purchase of the animal by the pet shop, which shall  
49 be specified in the attestation, the breeder and the broker of the



1 animal were 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), as required pursuant to section 3 of P.L.2015, c.7  
6 (C.56:8-95.1).

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

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

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

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

44 It shall be the responsibility of the consumer to obtain such  
45 certification within the required amount of time provided by this  
46 subsection, unless the owner or operator of the pet shop, or the  
47 employee thereof selling the animal to the consumer, fails to  
48 provide the notice required pursuant to subsection f. of this section.  
49 If the owner or operator of the pet shop, or the employee thereof,

1 fails to provide the required notice, the consumer shall be entitled to  
2 the recourse provided for in subsection i. of this section.

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

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

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

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

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

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

32 j. The veterinarian shall provide to the consumer in writing  
33 and within the seven days after the consumer consults with the  
34 veterinarian any certification that is appropriate pursuant to this  
35 section upon the determination that such certification is appropriate.

36 The certification shall include:

37 (1) The name of the owner;

38 (2) The date or dates of examination;

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

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

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

43 (6) An itemized statement of veterinary fees incurred as of the  
44 date of certification;

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

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

1 (9) The name and address of the certifying veterinarian and the  
2 date of the certification.

3 k. Upon the presentation of the veterinarian certification  
4 required in subsection j. of this section to the pet shop, the  
5 consumer shall select the recourse to be provided and the owner or  
6 operator of the pet shop, or the employee thereof, shall confirm the  
7 selection of recourse in writing. The confirmation of the selection  
8 shall be signed by the owner or operator of the pet shop, or an  
9 employee thereof, and the consumer and a copy of the signed  
10 confirmation shall be given to the consumer and retained by the  
11 owner or operator of the pet shop, or employee thereof, on the pet  
12 shop premises. The confirmation of the selection shall be in the  
13 form established by the director by regulation.

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

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

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

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

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

14  
15 5. Section 3 of P.L.2015, c.7 (C.56:8-95.1) is amended to read  
16 as follows:

17 3. a. No pet **[shop]** dealer shall sell **[or offer for sale,]** or  
18 purchase for resale **[whether or not actually offered for sale by the**  
19 **pet shop,]** any animal **[purchased from any breeder or broker]**  
20 bred, raised, transferred, or brokered by any person, including the  
21 pet dealer if the pet dealer bred or raised the animal, who:

22 (1) is not in compliance with the requirements concerning the  
23 maintenance and care of animals and the sanitary operation of  
24 kennels, pet shops, shelters, and pounds established in rules and  
25 regulations adopted pursuant to section 14 of P.L.1941, c.151  
26 (C.4:19-15.14) **[at the time of purchase of the animal by the pet**  
27 **shop]** , unless the pet dealer bred or raised the animal, sells the  
28 animal directly to the consumer without the use of a broker or other  
29 intermediary, and is not required to be licensed by the USDA on the  
30 date upon which the pet dealer obtains the animal or sells the  
31 animal, whichever date is earlier;

32 (2) is not in possession of a current license issued by the USDA  
33 pursuant to 9 C.F.R. s.1.1 et seq. , unless the pet dealer bred or  
34 raised the animal, sells the animal directly to the consumer without  
35 the use of a broker or other intermediary, and is not required to be  
36 licensed by the USDA;

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

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

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

8       (6) is cited on the two most recent USDA inspection reports  
9 prior to the purchase of the animal by the pet shop for no-access  
10 violations pursuant to enforcement of the federal "Animal Welfare  
11 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal  
12 welfare regulations at 9 C.F.R. s.1.1 et seq.; or

13       (7) (5) is required to be licensed by the USDA and is not in  
14 compliance with section 10 of P.L. , c. (C. ) (pending before  
15 the Legislature as this bill; or

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

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

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

25       (a) a publicly operated animal control facility,

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

29       (c) a shelter as defined in **【section 1 of P.L.1941, c.151 (C.4:19-**  
30 **15.1) whose primary mission and practice is the placement of**  
31 **abandoned, unwanted, neglected, or abused animals and that is also**  
32 **a tax exempt organization under paragraph (3) of subsection (c) of**  
33 **section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),**  
34 **or any subsequent corresponding sections of the federal Internal**  
35 **Revenue Code, as from time to time amended】** section 2 of  
36 P.L.1999, c.336 (C.56:8-93) ; or

37       (2) transferring adopted animals to or from any entity  
38 enumerated in paragraph (1) of this subsection or to or from any pet  
39 dealer or pet shop.

40       c. **【Every pet shop shall submit, annually and no later than**  
41 **May 1 of each year, a report to the municipality in which it is**  
42 **located and licensed, providing:**

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

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

- 1 (b) any breeder that bred an animal that the pet shop purchased  
2 from a broker, whether or not the pet shop offered the animal for  
3 sale, and
- 4 (c) any broker from which the pet shop purchased an animal,  
5 whether or not the pet shop offered the animal for sale;
- 6 (2) if a breeder whose identity the pet shop is required to report  
7 pursuant to subparagraph (a) or (b) of paragraph (1) of this  
8 subsection is required to be licensed in the state in which the  
9 breeder is located, the breeder's state license number;
- 10 (3) if a broker whose identity the pet shop is required to report  
11 pursuant to subparagraph (c) of paragraph (1) of this subsection is  
12 different from any breeder whose identity the pet shop is required to  
13 report pursuant to subparagraph (a) or (b) of paragraph (1) of this  
14 subsection, and the broker is required to be licensed in the state in  
15 which the broker is located, the broker's state license number; and
- 16 (4) the total number of animals for each breeder and broker for  
17 which the pet shop has reporting requirements pursuant to  
18 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection ]
- 19 Every pet dealer shall maintain a record of each cat or dog bred and  
20 raised by the pet dealer and the source of every cat or dog sold by  
21 the pet dealer, including the information required pursuant to  
22 subsection b. of section 9 of P.L. , c. (C. ) (pending before  
23 the Legislature as this bill). The pet dealer shall retain the record  
24 for at least three years after the birth or acquisition of the cat or  
25 dog, as applicable. The record shall be: (1) made available,  
26 immediately upon request, to the Division of Consumer Affairs in  
27 the Department of Law and Public Safety, the Department of  
28 Health, or the local health authority; and (2) shall be part of the  
29 report submitted annually pursuant to subsection d. of this section.
- 30 d. Every pet dealer shall submit annually and no later than May  
31 1 of each year, a report to the Director of the Division of Consumer  
32 Affairs in the Department of Law and Public Safety providing the  
33 following information regarding animals sold to consumers in the  
34 State:
- 35 (1) the name, full street address, email address, if available, and  
36 USDA license number of the breeder or broker from which the pet  
37 dealer obtained or arranged transfer of the animal, and any breeder  
38 that bred an animal that the pet dealer purchased from a broker;
- 39 (2) state license numbers of the breeder or broker from which the  
40 pet dealer obtained the animal or arranged transfer of the animal,  
41 and any breeder that bred an animal that the pet dealer purchased  
42 from a broker, if the breeder or broker is required to have a state  
43 license;
- 44 (3) identification of each cat or dog bred and raised by the pet  
45 dealer with the pet dealer's name and address;
- 46 (4) the total number of animals sold to consumers in the State  
47 and the date of each purchase for each breeder and broker for which  
48 the pet dealer has reporting requirements pursuant to this  
49 subsection; and

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

3       If the pet dealer is a pet shop, the pet shop shall also submit the  
4 report required pursuant to this subsection to the municipality in  
5 which it is located and licensed.

6       e. Any pet dealer that, after a contested case hearing heard by  
7 the Division of Consumer Affairs pursuant to the “Administrative  
8 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), is found  
9 liable for a third violation of subsection a. of this section, shall be  
10 permanently prohibited from selling cats or dogs to any consumer in  
11 the State. If the violator possesses a license authorizing the violator  
12 to sell cats or dogs in the State, the license providing that authority  
13 shall also be revoked pursuant to any applicable law.

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

15  
16       6. Section 4 of P.L.2015, c.7 (C.56:8-95.2) is amended to read as  
17 follows:

18       4. No provision of **【P.L.2015, c.7 (C.56:8-95.1 et al.)】** P.L.1999,  
19 c.336 (C.56:8-92 et al.) shall be construed to limit or restrict any  
20 municipality, county, local health agency, or municipal or county  
21 board of health from enacting or enforcing, or interfere with the  
22 implementation of, or otherwise invalidate, any law, ordinance, rule, or  
23 regulation that places additional obligations on pet shops or other pet  
24 dealers or restrictions on pet shops , other pet dealers, or pet shop or  
25 other pet dealer sales.

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

27  
28       7. Section 5 of P.L.2015, c.7 (C.56:8-95.3) is amended to read  
29 as follows:

30       5. **【Any】** In addition to any other penalties that may be  
31 imposed pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) for an  
32 unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et  
33 seq.) as established in subsection a. of section 4 of P.L.1999, c.336  
34 (C.56:8-95), any person who violates subsection c. of section 4 of  
35 P.L.1999, c.336 (C.56:8-95) or section 3 of P.L.2015, c.7 (C.56:8-  
36 95.1), any animal rescue organization that violates section 9 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
38 any owner or operator of a pet shop who fails to provide  
39 information or provides false information pursuant to the  
40 requirements of subsection f. of section 4 of P.L.1999, c.336  
41 (C.56:8-95) , shall be subject to a fine of \$500 for each violation, to  
42 be collected by the division in a civil action by a summary  
43 proceeding under the "Penalty Enforcement Law of 1999,"  
44 P.L.1999, c.274 (C.2A:58-10 et seq.).

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

46  
47       8. Section 7 of P.L.1999, c.336 (C.56:8-97) is amended to read as  
48 follows:

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

8           b. The Division of Consumer Affairs, the Department of Health,  
9 or the local health authority may investigate and pursue enforcement  
10 against any pet dealer for a violation of P.L.1999, c.336 (C.56:8-92 et  
11 al.).

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

13  
14           9. (New section) a. Notwithstanding the provisions of any rule  
15 or regulation adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)  
16 or any other law, and without limiting the prosecution of any other  
17 practices which may be unlawful pursuant to P.L.1960, c.39  
18 (C.56:8-1 et seq.) or any other law, it shall be an unlawful practice  
19 and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any pet  
20 dealer, or employee thereof, to sell an animal to a consumer in the  
21 State without complying with the provisions and requirements of  
22 this section, section 3 of P.L.2015, c.7 (C.56:8-95.1), and any other  
23 applicable provisions, requirements, and prohibitions of P.L.1999,  
24 c.336 (C.56:8-92 et al.).

25           b. Every pet dealer, including any pet shop, shall maintain  
26 records containing the following information:

27           (1) The date and place of birth of each animal, and the actual  
28 age, or approximate age as established by a veterinarian, of the  
29 animal;

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

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

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

42           (5) If the broker is different from the breeder, the first and last  
43 name of the broker of the animal, the full street address of where  
44 the broker is doing business, an email address, if available, by  
45 which to contact the broker, the USDA license number of the  
46 broker, and, if the broker is required to be licensed in the state in  
47 which the broker is located, the broker's state license number; and



S3041 LESNIAK

17

1 (6) The USDA inspection reports for the breeder and the broker  
2 of the animal for the three years prior to the first day that the animal  
3 is offered for sale by the pet dealer.

4 The information required pursuant to this subsection shall be  
5 provided to any interested party upon request, and shall be provided  
6 to the consumer at the time of sale. Pursuant to subsection c. of  
7 section 4 of P.L.1999, c.336 (C.56:8-95), a pet dealer that is a pet  
8 shop shall post the required information.

9  
10 10. (New section) No breeder or broker who is required to be  
11 licensed by the USDA shall sell or transfer any animal to a pet  
12 dealer, and no pet dealer shall sell or purchase for resale any animal  
13 obtained from a breeder or broker required to be licensed by the  
14 USDA, unless the USDA inspection reports for the breeder or  
15 broker are available to the public on the USDA website; except, if  
16 the USDA website does not allow for public access to those reports,  
17 then the breeder or broker shall submit the reports to the Division of  
18 Consumer Affairs, which shall post them on its website for public  
19 access.

20  
21 11. (New section) No animal rescue organization, shelter, or  
22 pound may obtain cats or dogs from a breeder or broker for  
23 payment or compensation.

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

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

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

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

36 c. Any person who violates subsection a. of this section shall be  
37 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 "Penalty  
39 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

40  
41 13. (New section) The provisions of P.L.1999, c.336 (C.56:8-92  
42 et al.) shall not apply to any guide dog or service dog as defined in  
43 section 5 of P.L.1945, c.169 (C.10:5-5), search and rescue dog as  
44 defined in section 1 of P.L. 1983, c.261 (C.2C:29-3.1), or dog  
45 owned or used by a law enforcement agency or used for law  
46 enforcement activities.

47  
48 14. (New section) Except for sections 11 or 12 of P.L. , c.  
49 (C. ) (pending before the Legislature as this bill), as applicable,

1 the provisions of P.L.1999, c.336 (C.56:8-92 et al.) shall not apply  
2 to any sale, transfer, exchange, or barter of a cat or dog for purposes  
3 related to the conduct of biomedical research by a research facility  
4 registered with the United States Department of Agriculture  
5 pursuant to the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et  
6 seq., or at a facility conducting biomedical research in compliance  
7 with the “Public Health Service Policy on Humane Care and Use of  
8 Laboratory Animals” issued by the United States National Institutes  
9 of Health.

10  
11 15. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to  
12 read as follows:

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

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

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

36 Any person holding a license shall not be required to secure  
37 individual licenses for dogs owned by a licensee and kept at the  
38 establishments **[; the licenses]** . The license for an animal rescue  
39 organization facility, kennel, pet shop, shelter, or pound shall not be  
40 transferable to another owner or different premises.

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

44 (1) for failure by the pet shop to comply with the provisions of  
45 P.L.1999, c.336 (C.56:8-92 et al.), or the rules and regulations of  
46 the **[State department]** Department of Health or local health  
47 authority governing pet shops **[or]** ;

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

6       (3) for committing an unlawful practice and a violation of P.L.  
7 1960, c.39 (C.56:8-1 et seq.) as established pursuant to section 4 of  
8 P.L.1999, c.336 (C.56:8-95) .

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

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

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

33       f. (1) The license for an animal rescue organization facility shall  
34 be subject to review by the municipality that issued the license,  
35 upon recommendation by the Department of Health or the local  
36 health authority, if the animal rescue organization that owns and  
37 operates the animal rescue organization facility or the animal rescue  
38 organization facility:

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

42       (b) fails to comply with the Department of Health rules and  
43 regulations governing animal rescue organizations or animal rescue  
44 organization facilities; or

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

47       (2) After affording the animal rescue organization that owns and  
48 operates the animal rescue organization facility a hearing, the  
49 municipality may suspend the animal rescue organization license

S3041 LESNIAK

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1 for 90 days or may revoke the license if it is determined at the  
2 hearing that the animal rescue organization or animal rescue  
3 organization facility: (a) failed to comply with the provisions of  
4 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue  
5 organizations or animal rescue organization facilities;

6 (b) failed to comply with the Department of Health rules and  
7 regulations governing animal rescue organizations or animal rescue  
8 organization facilities; or

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

11 g. Any animal rescue organization or animal rescue organization  
12 facility that is found liable for a third violation of the provisions of  
13 P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue  
14 organizations or animal rescue organization facilities shall have its  
15 license for any animal rescue organization facility permanently  
16 revoked and the animal rescue organization shall be permanently  
17 prohibited from operating in the State, after a hearing establishing  
18 the animal rescue organization or animal rescue organization  
19 facility has been found liable for the third violation.

20 h. Any kennel or pet shop found liable for a third violation of  
21 subsection a. of section 3 of P.L.2015, c.7 (C.56:8-95.1) shall have  
22 its license permanently revoked and shall be permanently prohibited  
23 from operating in the State, after a hearing establishing that the  
24 kennel or pet shop has been found liable for the third violation.

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

26

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

29 9. The annual license fee for a kennel providing  
30 accommodations for **ten** 10 or less dogs shall be **ten** dollars  
31 (\$10.00) \$10 and for more than **ten** 10 dogs **twenty-five** dollars  
32 (\$25.00) \$25 . The annual license fee for a pet shop shall be **ten**  
33 dollars (\$10.00) \$10 . The annual license fee for an animal rescue  
34 organization facility shall be \$5. No fee shall be charged for a  
35 shelter or pound.

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

37

38 17. Section 10 of P.L.1941, c.151 (C.4:19-15.10) is amended to  
39 read as follows:

40 10. No dog kept in **a** an animal rescue organization facility,  
41 kennel, pet shop, shelter, or pound shall be permitted off such  
42 premises, except on leash or in a crate or other safe control.

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

44

45 18. Section 13 of P.L.1941, c.151 (C.4:19-15.13) is amended to  
46 read as follows:

47 13. The clerk or other official designated to license dogs in the  
48 municipality shall forward to the **State** Department of Health a

1 list of all animal rescue organization facilities, kennels, pet shops,  
2 shelters, and pounds licensed within thirty days after the licenses  
3 therefor are issued, which list shall include the name and address of  
4 the licensee and the kind of license issued.

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

6

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

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

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

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

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

29

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

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

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

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

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

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

45 (5) Any dog or other animal off the premises of the owner or the  
46 person charged with its care that is reported to, or observed by, a  
47 certified animal control officer to be ill, injured, or creating a threat to

1 public health, safety, or welfare, or otherwise interfering with the  
2 enjoyment of property.

3 b. If an animal taken into custody and impounded pursuant to  
4 subsection a. of this section has a collar or harness with identification  
5 of the name and address of any person, or has a registration tag, or has  
6 a microchip with an identification number that can be traced to the  
7 owner or person charged with the care of the animal, or the owner or  
8 the person charged with the care of the animal is otherwise known, the  
9 certified animal control officer shall ascertain the name and address of  
10 the owner or the person charged with the care of the animal, and serve  
11 to the identified person as soon as practicable, a notice in writing that  
12 the animal has been seized and will be liable to be offered for  
13 adoption , transferred, or euthanized if not claimed within seven days  
14 after the service of the notice.

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

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

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

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

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

37 (1) shall offer the animal for adoption for at least seven days  
38 before euthanizing **[it]** the animal ; or

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

43 f. Except as otherwise provided for under subsection e. of this  
44 section, no shelter, pound, or kennel operating as a shelter or pound  
45 receiving an animal from a certified animal control officer may  
46 transfer the animal to an animal rescue organization facility or a foster  
47 home until the shelter, pound, or kennel operating as a shelter or pound  
48 has held the animal for at least seven days.

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

1 of, or cause the animal to be placed in the custody of, any animal  
2 rescue organization facility, foster home, or other unlicensed facility.  
3 However, the licensed shelter, pound, or kennel operating as a shelter  
4 or pound may place the animal in an animal rescue organization  
5 facility, a foster home, or other unlicensed facility if necessary  
6 pursuant to subsection e. or h. of this section.

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

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

14  
15 21. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to  
16 read as follows:

17 6. a. The Department of Health shall establish a registry of  
18 animal rescue organizations and their facilities in the State. **【Any**  
19 animal rescue organization may voluntarily participate in the  
20 registry**】**.

21 b. The department, pursuant to the "Administrative Procedure  
22 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules  
23 and regulations determined necessary to implement the **【voluntary】**  
24 registry and coordinate its use with the provisions of P.L.2011,  
25 c.142 (C.4:19-15.30 et al.) , section of 8 of P.L.1941, c.151 (C.4:19-  
26 15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).

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

28  
29 22. This act shall take effect on the 180th day following the date  
30 of enactment.

### 31 32 33 STATEMENT

34  
35 This bill revises the "Pet Purchase Protection Act" to require pet  
36 dealers to comply with the same sourcing and reporting  
37 requirements for cats and dogs as are currently required for pet  
38 shops. Any violation of the bill's provisions is a violation of  
39 N.J.S.A.56:8-1 et seq. (the State consumer fraud law), punishable  
40 by a monetary penalty of up to \$10,000 for a first offense and up to  
41 \$20,000 for any subsequent offense. In addition, such violations can  
42 result in cease and desist orders issued by the Attorney General, the  
43 assessment of punitive damages, and the awarding of treble  
44 damages and costs to the injured party.

45 The bill clarifies that a pet shop licensed in the State is a type of  
46 pet dealer. Under the bill, "pet dealer" is defined as, including a pet  
47 shop, any person, located within or outside of the State, who is  
48 engaged in the ordinary course of business in the sale of cats or  
49 dogs to consumers in the State for profit, or sells more than 10 cats



1 or dogs in one year to consumers in the State. “Pet shop” is defined  
2 as a business licensed by a municipality in the State and, per the  
3 definition in chapter 19 of Title 4 of the Revised Statutes, as any  
4 place of business which is not part of a kennel, wherein animals,  
5 including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits,  
6 hamsters or gerbils, are kept or displayed chiefly for the purpose of  
7 sale to individuals for personal appreciation and companionship  
8 rather than for business or research purposes. Also, the revisions in  
9 the definition of “pet dealer” made by the bill result in some  
10 kennels being pet dealers under the bill.

11 Currently, pet shops are required under the “Pet Purchase  
12 Protection Act” not to sell cats or dogs from certain breeders or  
13 brokers. The bill clarifies these requirements and imposes them on  
14 all pet dealers. The bill prohibits any pet dealer from selling or  
15 purchasing for resale any cat or dog bred, raised, transferred, or  
16 brokered by any person, including the pet dealer’s own cats or dogs,  
17 if the person:

18 1) is not in compliance with Department of Health  
19 requirements concerning the maintenance and care of animals and  
20 the sanitary operation of kennels, pet shops, shelters, and pounds  
21 established in State regulations, unless the pet dealer bred or raised  
22 the animal, sells the animal directly to the consumer without the use  
23 of a broker or other intermediary, and is not required to be licensed  
24 by the United States Department of Agriculture (USDA) on the date  
25 upon which the pet dealer obtains the animal or sells the animal,  
26 whichever date is earlier;

27 2) is not in possession of a current federal license issued by the  
28 USDA, unless the pet dealer bred or raised the animal, sells the  
29 animal directly to the consumer without the use of a broker or other  
30 intermediary, and is not required to be licensed by the USDA;

31 3) is not in possession of all other licenses required for a breeder  
32 or broker by the state in which the breeder or broker is located;

33 4) has been cited on one or more USDA inspection reports,  
34 issued during the three-year period prior to the date upon which the  
35 pet dealer obtains the animal or sells the animal, whichever date is  
36 earlier, for a total of three or more noncompliant items on the  
37 inspection reports pursuant to the federal "Animal Welfare Act" or  
38 its corresponding federal animal welfare regulations;

39 5) directly or indirectly obtained the cat or dog from a breeder,  
40 broker, or other person, firm, corporation, or organization cited for  
41 these violations or is not in compliance with the other requirements  
42 listed in above; or

43 6) is required to be licensed by the USDA and is not in  
44 compliance with section 10 of the bill.

45 Section 10 of the bill prohibits any breeder or broker who is  
46 required to be licensed by the USDA from selling or transferring  
47 any animal to a pet dealer, or any pet dealer from selling or  
48 purchasing for resale any animal obtained from a breeder or broker  
49 required to be licensed by the USDA, unless the USDA inspection

1 reports for the breeder or broker are available to the public on the  
2 USDA website except, if the USDA website does not allow for  
3 public access to those reports, then the breeder or broker is required  
4 to submit the reports to the Division of Consumer Affairs for  
5 posting on its website for public access.

6 Current law also requires every pet shop to submit to the  
7 municipality in which it is located and licensed, annually and no  
8 later than May 1 of each year, a report of the information required  
9 by the “Pet Purchase Protection Act” concerning the cats and dogs  
10 it sells. The bill maintains this requirement for pet shops and  
11 requires all pet dealers, including pet shops, to report this  
12 information to the Division of Consumer Affairs in the Department  
13 of Law and Public Safety. The bill also requires all pet dealers to:  
14 maintain the records on all cats and dogs sold for at least three years  
15 from the date of the birth or acquisition of the cat or dog, as  
16 applicable; and provide the Division of Consumer Affairs, the  
17 Department of Health, or the local health authority access to these  
18 records upon request.

19 The information required to be recorded and reported annually  
20 includes:

21 1) The date and place of birth of each cat or dog, and the actual  
22 age, or approximate age as established by a veterinarian, of the cat  
23 or dog;

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

27 3) The name and address of the veterinarian attending to the cat  
28 or dog while the cat or dog is in the custody of the pet dealer,  
29 breeder, or broker, and the date of the initial examination of the cat  
30 or dog;

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

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

43 6) The USDA inspection reports for the breeder and the broker  
44 of the cat or dog for the two years prior to the first day that the cat  
45 or dog is offered for sale by the pet dealer;

46 7) Identification of each cat or dog bred and raised by the pet  
47 dealer with the pet dealer's name and address; and

48 8) The total number of cats and dogs sold to consumers in the  
49 State for each breeder, broker, and the pet dealer.

1 Furthermore, the bill establishes the following penalties for any  
2 pet dealer found liable for a third violation of the sourcing or  
3 reporting requirements established under the bill and the “Pet  
4 Purchase Protection Act”:

5 1) The pet dealer would be permanently prohibited from selling  
6 cats or dogs to consumers in the State; and

7 2) If the pet dealer has a license to sell cats or dogs in the State,  
8 that license would also be subject to revocation.

9 The bill requires pet shops to post the USDA inspection reports  
10 for the breeder and the broker for each cat or dog for the three years  
11 prior to the cat or dog first being offered for sale at the pet shop,  
12 and provides that failure to post the required information, post it in  
13 the right place, or deny it to someone who requests it is a violation  
14 of the State consumer fraud law. The bill also requires pet dealers to  
15 maintain the same identifying and breeder and broker information  
16 and provide the same access to records as the pet shops, but they are  
17 not required to post information.

18 In addition, the bill makes changes to State law concerning  
19 animal rescue organizations and their facilities. The Department of  
20 Health currently maintains a voluntary registry of animal rescue  
21 organizations and their facilities. The bill requires animal rescue  
22 organizations to be registered with the Department of Health, and  
23 their facilities to be licensed by the municipality in which they are  
24 located for a license fee of \$5. The bill provides for permanent  
25 revocation of animal rescue organization facility licenses and  
26 permanent prohibition against operating in the State for an animal  
27 rescue organization or animal rescue organization facility that is  
28 found liable for a third violation of “Pet Purchase Protection Act”  
29 provisions pertaining to animal rescue organizations or animal  
30 rescue organization facilities. The bill also prohibits animal rescue  
31 organizations, shelters, and pounds from obtaining cats or dogs  
32 from breeders or brokers for payment or compensation.

33 The bill revises P.L.1941, c.151 (C.4:19-15.1 et seq.) to:

34 1) provide for kennel, pet shop, shelter, or pound licenses to  
35 expire one year from the date they are issued;

36 2) stipulate that the renewal of licenses for those establishments  
37 is at the discretion of the municipality in which it is located; and

38 3) extend similar licensing requirements to previously unlicensed  
39 animal rescue organization facilities.

40 There are certain exemptions provided under the bill. The bill  
41 exempts from the provisions of the “Pet Purchase Protection Act”  
42 any guide dog, service dog, search or rescue dog, or dog owned or  
43 used by a law enforcement agency or used for law enforcement  
44 activities. Also, except for prohibitions under current law and the  
45 bill concerning animal rescue, shelter, and pound animals and  
46 roadside transactions and displays, the bill exempts from the  
47 provisions of the “Pet Purchase Protection Act” sales, transfers,  
48 exchanges, and barter of cats or dogs for conducting biomedical  
49 research by USDA research facilities or facilities in compliance

1 with the federal policy for humane care and use of laboratory  
2 animals specified in the bill.

3 With regard to roadside transactions and displays, the bill  
4 prohibits a person from selling, exchanging, trading, bartering,  
5 leasing, or displaying for commercial purposes a cat or dog on any  
6 roadside, public right-of-way, parkway, median, park, other  
7 recreation area, flea market or other outdoor market, or commercial  
8 or retail parking lot regardless of whether such access is authorized.  
9 The bill exempts from this prohibition: the transfer of a cat or dog  
10 by or to a shelter, pound, or animal rescue organization; or the  
11 display of a cat or dog as part of a state or county fair exhibition, 4-  
12 H program, or similar exhibition or educational program.

13 In addition to penalties for violations of the State consumer fraud  
14 law, the bill clarifies imposition of other penalties. It applies the  
15 established fine of \$500 for certain violations of the "Pet Purchase  
16 Protection Act" to any animal rescue organization that obtains a cat  
17 or dog from a breeder or broker for payment or compensation. It  
18 also clarifies that the fine is to be imposed for any of the applicable  
19 violations of the "Pet Purchase Protection Act" in addition to other  
20 penalties that may be imposed pursuant to the State consumer fraud  
21 law, State animal control, dog licensing, and kennel, pet shop,  
22 shelter, and pound laws (N.J.S.A.4:19-15.1 et seq.), or the State  
23 criminal code (Title 2C of the New Jersey Statutes). Current law  
24 provides for the fine to be collected by the Division of Consumer  
25 Affairs in the Department of Law and Public Safety in a civil action  
26 by a summary proceeding under the "Penalty Enforcement Law of  
27 1999."

28 Finally, the bill authorizes the Director of the Division of  
29 Consumer Affairs, with the cooperation and assistance of the  
30 Department of Health, to adopt regulations necessary for  
31 implementation and enforcement. The bill authorizes the Division  
32 of Consumer Affairs, the Department of Health, and local health  
33 authorities to enforce the provisions of the bill.