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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)
AN ACT concerning the sale of cats and dogs, amending and
supplementing P.L.1999, c.336, and amending P.L.1941, c.151,

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

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

In addition, the Legislature finds and declares that sight-unseen
dog sales have increased dramatically in recent years due, in
particular, to the Internet providing a new platform through which
to sell dogs; that the United States Department of Agriculture
(USDA) recently estimated that there are between 8,400 and 15,000
breeders selling dogs over the Internet; that breeders selling dogs
over the Internet have largely been unregulated and, according to a
2010 USDA study, 81 percent of them are unlicensed; that when the
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.
in 2013, it noted that there was a parallel increase in consumer
complaints related to the inhumane treatment of animals and the
dramatic rise in sight-unseen sales; that, despite the recently
established requirement that people engaging in sight-unseen sales
of cats and dogs obtain a USDA license, the majority of these
people remain unlicensed and unregulated and only a few hundred
new licenses have been issued since the rule took effect in 2013;
that, even if all breeders selling cats or dogs sight-unseen were
licensed and regulated by the USDA, this alone would not ensure
the humane treatment and health of the animals because of under-
enforcement of USDA requirements and lax federal regulatory
standards of care; that a 2010 audit by the USDA Office of the
Inspector General found that the agency’s enforcement of the
federal Animal Welfare Act was ineffective in ensuring compliance
with the minimal standards of care governing the humane treatment
of animals in these facilities; and that pet shops remain unregulated
by the USDA and current federal and State regulations do not
properly address the sale of kitten mill cats or puppy mill dogs in
New Jersey pet shops.

The Legislature further finds and declares that New Jersey
consumers routinely report purchasing sick dogs from pet dealers
and pet shops; that hundreds of the dogs sold annually in New
Jersey pet shops come from large-scale commercial breeders with
significant and multiple USDA violations; that current federal
Animal Welfare Act regulations promulgated by the USDA are
inadequate to protect the health and welfare of breeding cats and
their kittens or breeding dogs and their puppies; that, due in large
part to overpopulation, every year approximately 21,000 cats and
dogs are euthanized in New Jersey; that restructuring the regulation
of the retail sale of kittens and puppies in the State would have a
potentially large positive impact on the reduction of sales of sick
animals and unnecessary euthanasia of animals; that this reduction
would be achieved by extending to all pet dealers the requirements
connected to USDA inspection violations and the sourcing of
animals currently applied to pet shops under the “Pet Purchase
Protection Act”; that the regulation of cat and dog sales as
prescribed in P.L.1999, c.336 (C.56:8-92 et al.) would not affect a
consumer’s ability to obtain the consumer’s choice of a cat or dog
directly from a breed-specific animal rescue organization or a
shelter or pound, or from a breeder that meets basic standards of
animal welfare.

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

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

"Animal" means a cat or dog.

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

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

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

“Broker” means a person, business, firm, corporation, or organization who [sells] transfers a cat or dog [to a pet shop, whether or not the broker is also the breeder of the cat or dog] for the purpose of resale by another person, business, firm, corporation, or organization.

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

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

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

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

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

"Pet dealer” means any person, located within or outside of the State, who is engaged in the ordinary course of business in the sale of cats or dogs to [the public] consumers in the State for profit; or [any person] who sells [or offers for sale] more than [five] 10 cats or dogs in one year to consumers in the State. “Pet dealer” shall include a kennel or pet shop that is engaged in the ordinary course of business in the sale of cats or dogs to consumers in the State for profit, or that sells more than 10 cats or dogs in one year to consumers in the State.
"Pet shop" means a pet shop as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

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

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

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

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

"USDA" means the United States Department of Agriculture.

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

"Veterinarian" means a veterinarian licensed to practice in the state where the pet shop or other pet dealer is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The owner or operator of a pet shop, or employee thereof,
shall quarantine any animal diagnosed as suffering from a
contagious or infectious disease, illness, or condition and may not
sell such an animal until such time as a veterinarian licensed to
practice in the State treats the animal and determines that such
animal is free of clinical signs of infectious disease or that the
animal is fit for sale. All animals required to be quarantined
pursuant to this subsection shall be placed in a quarantine area,
separated from the general animal population of the pet shop.
e. The owner or operator of a pet shop, or designated employee thereof, may inoculate and vaccinate animals prior to purchase only upon the order of a veterinarian. No owner or operator of a pet shop, or employee thereof, may represent, directly or indirectly, that the owner or operator of the pet shop, or any employee thereof, other than a veterinarian, is qualified to, directly or indirectly, diagnose, prognose, treat, or administer for, prescribe any treatment for, operate concerning, manipulate or apply any apparatus or appliance for addressing, any disease, pain, deformity, defect, injury, wound, or physical condition of any animal after purchase of the animal, for the prevention of, or to test for, the presence of any disease, pain, deformity, defect, injury, wound, or physical condition in an animal after its purchase. These prohibitions include, but are not limited to, the giving of inoculations or vaccinations after purchase, the diagnosing, prescribing, and dispensing of medication to animals, and the prescribing of any diet or dietary supplement as treatment for any disease, pain, deformity, defect, injury, wound, or physical condition.

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

1. The full text of the rights and responsibilities provided for in subsection h. of this section;
2. The full text and description of the recourse to which the consumer is entitled pursuant to subsection i. of this section;
3. The statement that it is the responsibility of the consumer to obtain such certification within the required amount of time provided by subsection h. of this section;
4. The full text of the rights and responsibilities of the owner or operator of the pet shop, and the employees thereof, and the consumer provided in subsection l. of this section;
5. The notification, reporting and enforcement provisions provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the name and address of the local health authority with jurisdiction over the pet shop;
6. The name, full street address, email address, if available, and USDA license number of the breeder of the animal and the broker of the animal, if the broker is different from the breeder;
7. The breeder's state license number, if the breeder is required to be licensed in the state in which the breeder is located, and, if the broker is different from the breeder and the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and
8. An attestation by the owner or operator of the pet shop that, as of the date of purchase of the animal by the pet shop, which shall be specified in the attestation, the breeder and the broker of the
animal were in compliance with the requirements concerning the
maintenance and care of animals and the sanitary operation of
kennels, pet shops, shelters and pounds established in rules and
regulations adopted pursuant to section 14 of P.L.1941, c.151
(C.4:19-15.14), as required pursuant to section 3 of P.L.2015, c.7
(C.56:8-95.1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

l. The owner or operator of the pet shop, or an employee
thereof, shall comply with the selection of recourse by the consumer
no later than 10 days after the receipt of the veterinarian
certification and the signed confirmation of selection of recourse
form. In the event the owner or operator of the pet shop, or an
employee thereof, wishes to contest the selection of recourse of the
consumer, the owner or operator of the pet shop, or an employee
thereof, shall notify the consumer and the director in writing within
the five days after the receipt of the veterinarian certification and
the signed confirmation of selection of recourse form. After
notification to the consumer and the director of the division, the
owner or operator of the pet shop, or an employee thereof, may
require the consumer to produce the animal for examination by a
veterinarian chosen by the owner or operator of the pet shop, or
employee thereof, at a mutually convenient time and place, except
if the animal has died and was required to be cremated for public
health reasons. The director shall set, upon receipt of such notice of
contest on the part of the owner or operator of the pet shop, or an
employee thereof, a hearing date and hold a hearing, pursuant to the
seq.) and the Uniform Administrative Procedure Rules adopted
pursuant thereto, to determine whether the recourse selected by the
consumer should be allowed. The consumer and the owner or
operator of the pet shop, or employee thereof, shall be entitled to
any appeal of the decision resulting from the hearing as may be
provided for under the law, or any rule or regulation adopted
pursuant thereto, but upon the exhaustion of such remedies and
recourse, the consumer and the owner or operator of the pet shop
shall comply with the final decision rendered.

m. Any owner or operator of a pet shop, or employee thereof,
shall be guilty of [a deceptive] an unlawful practice and a violation
of P.L.1960, c.39 (C.56:8-1 et seq.), if the owner or operator, or
employee thereof, secures or attempts to secure a waiver of any of
the provisions of this section except as specifically authorized under
subsection g. of this section.
n. The owner of a pet shop shall be responsible and liable for any recourse or reimbursement due to a consumer because of violations of any provisions of this section by the owner or operator of the pet shop, or any employee thereof, or because of any document signed pursuant to this section by the owner or operator of the pet shop, or any employee thereof.

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

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

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

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

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

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

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

(4) has been cited on [a] one or more USDA inspection [report] reports, issued during the three-year period prior to the date upon which the pet dealer obtains the animal or sells the animal, whichever date is earlier, for a [direct violation of] total of three or more noncompliant items on the inspection reports pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq. [i. during the two-year period prior to the purchase of the animal by the pet shop];
(5) has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9 of the Code of Federal Regulations;
(6) is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq.; or
(7) (5) is required to be licensed by the USDA and is not in compliance with section 10 of P.L. , c. (C. ) (pending before the Legislature as this bill; or
(6) directly or indirectly obtained the animal from a breeder, broker, or other person, firm, corporation, or organization to whom paragraph the number and type of violations described in paragraphs (1), (2), (3), or (4) [ , (5), or (6) ] of this subsection applies apply.
b. Nothing in this subsection section shall be construed as prohibiting or otherwise preventing a pet shop dealer from:
(1) purchasing for resale or adoption, selling, or offering for adoption, an animal purchased or otherwise obtained from -
(a) a publicly operated animal control facility,
(b) an animal rescue organization or pound as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) section 2 of P.L.1999, c.336 (C.56:8-93) , or
(c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) whose primary mission and practice is the placement of abandoned, unwanted, neglected, or abused animals and that is also a tax exempt organization under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501), or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended section 2 of P.L.1999, c.336 (C.56:8-93) ; or
(2) transferring adopted animals to or from any entity enumerated in paragraph (1) of this subsection or to or from any pet dealer or pet shop.
c. Every pet shop shall submit, annually and no later than May 1 of each year, a report to the municipality in which it is located and licensed, providing:
(1) the name, full street address, email address, if available, and USDA license number of --
(a) any breeder from which the pet shop purchased an animal, whether or not the pet shop offered the animal for sale,
(b) any breeder that bred an animal that the pet shop purchased from a broker, whether or not the pet shop offered the animal for sale, and
(c) any broker from which the pet shop purchased an animal, whether or not the pet shop offered the animal for sale;

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

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

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

Every pet dealer shall maintain a record of each cat or dog bred and raised by the pet dealer and the source of every cat or dog sold by the pet dealer, including the information required pursuant to subsection b. of section 9 of P.L. 19__, c. __ (pending before the Legislature as this bill). The pet dealer shall retain the record for at least three years after the birth or acquisition of the cat or dog, as applicable. The record shall be: (1) made available, immediately upon request, to the Division of Consumer Affairs in the Department of Law and Public Safety, the Department of Health, or the local health authority; and (2) shall be part of the report submitted annually pursuant to subsection d. of this section.

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

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

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

(3) identification of each cat or dog bred and raised by the pet dealer with the pet dealer’s name and address;

(4) the total number of animals sold to consumers in the State and the date of each purchase for each breeder and broker for which the pet dealer has reporting requirements pursuant to this subsection.
(5) the USDA inspection reports for each breeder and broker reported pursuant to paragraphs (1) and (2) of this subsection.

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

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

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

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

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

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

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

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

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

8. Section 7 of P.L.1999, c.336 (C.56:8-97) is amended to read as follows:
7. a. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, with the cooperation and assistance of the Department of Health, may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), any rules or regulations as the director deems necessary for the implementation of this act to implement and enforce P.L.1999, c.336 (C.56:8-92 et al).

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

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

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

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

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

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

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

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

(5) If the broker is different from the breeder, the first and last name of the broker of the animal, the full street address of where the broker is doing business, an email address, if available, by which to contact the broker, the USDA license number of the broker, and, if the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and
(6) The USDA inspection reports for the breeder and the broker of the animal for the three years prior to the first day that the animal is offered for sale by the pet dealer.

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

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

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

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

b. This section shall not apply to the following:

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

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

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

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

14. (New section) Except for sections 11 or 12 of P.L. , c. (C. ) (pending before the Legislature as this bill), as applicable,
the provisions of P.L.1999, c.336 (C.56:8-92 et al.) shall not apply to any sale, transfer, exchange, or barter of a cat or dog for purposes related to the conduct of biomedical research by a research facility registered with the United States Department of Agriculture pursuant to the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et seq., or at a facility conducting biomedical research in compliance with the “Public Health Service Policy on Humane Care and Use of Laboratory Animals” issued by the United States National Institutes of Health.

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

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

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

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

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

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

(1) for failure by the pet shop to comply with the provisions of P.L.1999, c.336 (C.56:8-92 et al.), or the rules and regulations of the [State department] Department of Health or local health authority governing pet shops.
(2) if the pet shop meets the criteria for recommended suspension or revocation provided under subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after the owner of the pet shop has been afforded a hearing pursuant to subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96) ; or
(3) for committing an unlawful practice and a violation of P.L. 1960, c.39 (C.56:8-1 et seq.) as established pursuant to section 4 of P.L.1999, c.336 (C.56:8-95) .

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

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

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

f. (1) The license for an animal rescue organization facility shall be subject to review by the municipality that issued the license, upon recommendation by the Department of Health or the local health authority, if the animal rescue organization that owns and operates the animal rescue organization facility or the animal rescue organization facility:
    (a) fails to comply with the provisions of P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue organizations or animal rescue organization facilities;
    (b) fails to comply with the Department of Health rules and regulations governing animal rescue organizations or animal rescue organization facilities; or
    (c) commits an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1) et seq.
(2) After affording the animal rescue organization that owns and operates the animal rescue organization facility a hearing, the municipality may suspend the animal rescue organization license
for 90 days or may revoke the license if it is determined at the hearing that the animal rescue organization or animal rescue organization facility: (a) failed to comply with the provisions of P.L.1999, c.336 (C.56:8-92 et al.) pertaining to animal rescue organizations or animal rescue organization facilities; (b) failed to comply with the Department of Health rules and regulations governing animal rescue organizations or animal rescue organization facilities; or (c) committed an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1) et seq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Such] The rules and regulations adopted pursuant to this section shall be enforced by the [State] Department of Health and [by] local boards of health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. Except as otherwise provided for under subsection e. of this
section, no shelter, pound, or kennel operating as a shelter or pound
receiving an animal from a certified animal control officer may
transfer the animal to an animal rescue organization facility or a foster
home until the shelter, pound, or kennel operating as a shelter or pound
has held the animal for at least seven days.
g. If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven days have elapsed but before the animal has been adopted, transferred, or euthanized, the shelter, pound, or kennel operating as a shelter or pound:

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

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

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

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

i. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal taken into custody, impounded, sent or otherwise brought to a shelter, pound, or kennel operating as a shelter or pound, or transferred to an animal rescue organization facility, shall be sold or otherwise be made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.

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

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

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

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

21. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
read as follows:
6.  a.  The Department of Health shall establish a registry of
animal rescue organizations and their facilities in the State. [Any
animal rescue organization may voluntarily participate in the
registry].

b. The department, pursuant to the "Administrative Procedure
Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
and regulations determined necessary to implement the [voluntary]
registry and coordinate its use with the provisions of P.L.2011,
c.142 (C.4:19-15.30 et al.), section of 8 of P.L.1941, c.151 (C.4:19-
15.8), and section 16 of P.L.1941, c.151 (C.4:19-15.16).
(cf:  P.L.2012, c.17, s.13)

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

STATEMENT

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

The bill clarifies that a pet shop licensed in the State is a type of
pet dealer. Under the bill, “pet dealer” is defined as, including a pet
shop, any person, located within or outside of the State, who is
engaged in the ordinary course of business in the sale of cats or
dogs to consumers in the State for profit, or sells more than 10 cats
or dogs in one year to consumers in the State. “Pet shop” is defined as a business licensed by a municipality in the State and, per the definition in chapter 19 of Title 4 of the Revised Statutes, as any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes. Also, the revisions in the definition of “pet dealer” made by the bill result in some kennels being pet dealers under the bill.

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

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

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

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

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

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

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

Section 10 of the bill prohibits any breeder or broker who is required to be licensed by the USDA from selling or transferring any animal to a pet dealer, or any pet dealer from selling or purchasing for resale any animal obtained from a breeder or broker required to be licensed by the USDA, unless the USDA inspection
reports for the breeder or broker are available to the public on the USDA website except, if the USDA website does not allow for public access to those reports, then the breeder or broker is required to submit the reports to the Division of Consumer Affairs for posting on its website for public access.

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

The information required to be recorded and reported annually includes:

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

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

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

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

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

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

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

8) The total number of cats and dogs sold to consumers in the State for each breeder, broker, and the pet dealer.
Furthermore, the bill establishes the following penalties for any pet dealer found liable for a third violation of the sourcing or reporting requirements established under the bill and the “Pet Purchase Protection Act”:

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

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

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

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

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

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

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

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

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


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

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

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

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