

**ASSEMBLY, No. 4644**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Prohibits sale of cats, dogs, or rabbits by pet shops; prohibits certain transactions between animal shelters, pounds, animal rescue organizations, and animal breeders or brokers; repeals “Pet Purchase Protection Act.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/14/2020)**

1   **AN ACT** concerning the adoption of animals and the sourcing of  
2   animals to animal shelters, pounds, and animal rescue  
3   organizations, supplementing Title 4 of the Revised Statutes,  
4   amending P.L.1941, c.151, and repealing various parts of the  
5   statutory law.

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

9  
10    1. (New section) The Legislature finds and declares that it is  
11   an important public policy to support the adoption of homeless  
12   animals from animal rescue organizations, animal shelters, and  
13   pounds; that consumers have the right to choose responsible  
14   breeders from whom to purchase healthy cats, dogs, or rabbits; that  
15   despite the consumer protections enacted by the State, pet shops  
16   continue to obtain unhealthy cats and dogs from kitten and puppy  
17   mills; that with so many adoptable cats and dogs available, it is  
18   unnecessary to have pet shops continue to sell cats or dogs; and that  
19   rabbits continue to be sold by pet shops in the spring and often end  
20   up abandoned at animal rescues, shelters, or pounds.

21    The Legislature furthermore finds and declares that responsible  
22   breeders are ones that do not engage in disreputable practices such  
23   as selling puppies sight unseen; that responsible dog breeders can  
24   play a vital role in the effort to stop the mistreatment that occurs at  
25   puppy mills by offering guidance on the humane breeding and care  
26   of dogs and puppies, and educate prospective buyers about the  
27   importance of humane breeding and care; that responsible breeders  
28   are attentive to the health of their animals, scrutinize pedigrees, test  
29   for genetic disease, and breed animals in order to improve the  
30   health and well-being of offspring in the animal's blood lines; that  
31   responsible breeders keep adult animals and the offspring in  
32   quarters that allow for optimal exercise; that they feed the animals  
33   nutritious foods and provide appropriate general and veterinary  
34   care; that they interview prospective owners and sell kittens and  
35   puppies with contracts which promise to take back the cat or dog if  
36   the new owner cannot continue to care for the animal; that  
37   responsible breeders do not raise and keep their animals in  
38   inhumane conditions and seldom sell animals to pet stores or ship  
39   animals directly via Internet sales; that unlike responsible breeders,  
40   commercial kitten and puppy mills do not perform adequate genetic  
41   screening, or provide proper housing and veterinary care; that kitten  
42   and puppy mills breed large volumes of kittens and puppies and  
43   engage in disreputable practices that are harmful to the health of the  
44   animals they breed and their offspring; that some puppy mills  
45   maintain misleading websites, make false promises, and redirect the

**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 public away from responsible breeders; and that while many kitten  
2 and puppy mills in the United States are not licensed as required by  
3 the United States Department of Agriculture (USDA), even those  
4 commercial breeder puppy mills that are licensed by the USDA do  
5 not provide humane care because the license only requires minimal  
6 standards for animal care and breeding practices.

7 The Legislature therefore determines that it is in the best interest  
8 of the citizens of the State to prohibit the sale of cats, dogs, and  
9 rabbits by pet shops; that establishing a prohibition would close an  
10 avenue to the sale of kitten and puppy mill cats and dogs to  
11 consumers; that it is also in the best interest of the citizens of the  
12 State to encourage pet shops to facilitate and achieve more  
13 successful adoptions by collaborating with animal rescue  
14 organizations, shelters, and pounds and showcasing cats and dogs  
15 available for adoption; that successful adoptions would be further  
16 supported by veterinary examinations and the establishment of  
17 animal health histories and animal health certificates for animals  
18 being offered for adoption; that responsible breeding would be  
19 encouraged by prohibiting breeders and brokers from receiving  
20 compensation from pet shops, animal rescue organizations, shelters,  
21 or pounds to which the breeders or brokers provide animals; and  
22 that it is important to reaffirm consumer rights under consumer  
23 fraud laws and hold all pet dealers responsible for the health of the  
24 animals they sell.

25

26 2. (New section) As used in P.L. , c. (C. ) (pending  
27 before the Legislature as this bill):

28 “Animal rescue organization” means an animal rescue  
29 organization, 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, or is a  
32 nonprofit organization established for the purpose of rescuing  
33 animals and is exempt from federal taxation pursuant to section  
34 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C.  
35 s.501(c)(3).

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

38 “Broker” means any person, firm, corporation, or organization  
39 who transfers a cat or dog for resale by another.

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

42 “Department” means the Department of Health.

43 “Director” means the Director of the Division of Consumer  
44 Affairs in the Department of Law and Public Safety.

45 “Division” means the Division of Consumer Affairs in the  
46 Department of Law and Public Safety.

47 “Pet dealer” means any person engaged in the ordinary course of  
48 business in the sale of cats or dogs to the public for profit or any

1 person who sells or offers for sale more than five cats or dogs in  
2 one year. The term “pet dealer” shall not include a pet shop.

3 “Pet shop” means a pet shop as defined in section 1 of  
4 P.L.1941, c.151 (C.4:19-15.1).

5 “Pound” means a pound as defined in section 1 of  
6 P.L.1941, c.151 (C.4:19-15.1).

7 “Shelter” means an establishment where dogs or other animals  
8 are received, housed, and distributed, whose primary mission and  
9 practice is the placement of abandoned, unwanted, neglected or  
10 abused animals, that does not obtain cats or dogs from a breeder or  
11 broker for payment or compensation, and that is either maintained  
12 by or under contract with a state, county, or municipality or is a  
13 nonprofit organization established for the purpose of sheltering  
14 animals and is exempt from federal taxation pursuant to section  
15 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C.  
16 s.501(c)(3).

17 “Unfit for purchase” means having any disease, deformity,  
18 injury, 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.

22 “Veterinarian” means a veterinarian licensed to practice in the  
23 State of New Jersey.

24

25 3. (New section) a. No provision of P.L. , c. (C. )  
26 (pending before the Legislature as this bill) shall be construed in  
27 any way to alter, diminish, replace, or revoke the requirements for  
28 pet dealers that are not pet shops or the rights of a consumer  
29 purchasing an animal from a pet dealer that is not a pet shop, as  
30 may be provided elsewhere in law or any rule or regulation adopted  
31 pursuant thereto. Any provision of law pertaining to pet shops, or  
32 rule or regulation adopted pursuant thereto, that does not pertain to  
33 the sale of cats, dogs, or rabbits shall continue to apply to pet shops.  
34 No provision of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill) shall be construed in any way to alter,  
36 diminish, replace, or revoke any recourse or remedy that is  
37 otherwise available to a consumer purchasing a cat, dog, rabbit, or  
38 any other type of animal provided under any other law.

39 b. Without limiting the prosecution of any other practices  
40 which may be unlawful pursuant to Title 56 of the Revised Statutes,  
41 it shall be an unlawful practice and a violation of P.L.1960, c.39  
42 (C.56:8-1 et seq.) for any breeder or broker to knowingly sell a cat  
43 or dog that is unfit for purchase. The death of an animal within 14  
44 days after the date of its delivery to the consumer, except by death  
45 by accident or as a result of injuries sustained during that period,  
46 shall be construed to mean the animal was unfit for purchase.

1       4. (New section) No animal rescue organization or animal  
2 rescue organization facility, pet shop, shelter, or pound may obtain  
3 a cat, dog, or rabbit from a breeder or broker in exchange for  
4 payment or compensation, monetary or otherwise.

5  
6       5. (New section) a. No pet shop shall sell or offer for sale a  
7 cat, dog, or rabbit. A pet shop may sell or offer for sale any other  
8 type of animal as may be otherwise permitted pursuant to State law,  
9 or rules or regulations adopted pursuant thereto, or pet supplies for  
10 any type of animal, including a cat, dog, or rabbit.

11       b. A pet shop may, in collaboration with an animal rescue  
12 organization, shelter, or pound, offer space in the pet shop to  
13 showcase cats, dogs, or rabbits that are available for adoption,  
14 provided that no payment or compensation, monetary or otherwise,  
15 is exchanged between the pet shop and animal rescue organization,  
16 shelter, or pound, for the use of the pet shop or for the adoption of  
17 any cat, dog, rabbit, or any other animal.

18  
19       6. (New section) No provision of P.L.     , c.     (C.     )  
20 (pending before the Legislature as this bill) shall be construed to  
21 interfere with the implementation of, or otherwise invalidate, or  
22 limit or restrict any municipality, county, local health agency, or  
23 municipal or county board of health from enacting or enforcing, any  
24 law, ordinance, rule, or regulation that places additional obligations  
25 or restrictions on pet shops, pet shop sales, breeders, brokers, or  
26 breeder or broker sales.

27  
28       7. (New section) a. In addition to any applicable requirements  
29 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16) or section  
30 6 of P.L.2011, c.142 (C.4:19-15.33), when an animal first becomes  
31 available for adoption, the owner or operator of an animal rescue  
32 organization facility, shelter, pound, or employee thereof, or, if a  
33 pet shop is showcasing the animals for adoption, the owner or  
34 operator of the pet shop, or employee thereof, shall have the animal  
35 examined by a veterinarian licensed to practice in the State.

36       b. The veterinarian shall establish and issue an animal health  
37 history and animal health certificate based on the examination  
38 required pursuant to subsection a. of this section. The animal health  
39 history and animal health certificate shall document the name and  
40 address of the examining veterinarian and the health and condition  
41 of the animal:

42       (1) identifying any disease, deformity, injury, physical  
43 condition, illness or defect which was manifest, capable of  
44 diagnosis, or severely affects the health of the animal on or before  
45 the date of the examination; and

46       (2) documenting any suspected congenital or hereditary disease,  
47 deformity, injury, physical condition, illness or defect that may not

1 be fully manifest in the animal on the date of the examination but  
2 may severely affect the health of the animal in the future.

3 c. If the animal is not adopted within 14 days after the initial  
4 veterinarian examination is performed pursuant to subsection a. of  
5 this section, the owner or operator of an animal rescue organization  
6 facility, shelter, pound, or employee thereof, or if a pet shop is  
7 showcasing the animals for adoption, the owner or operator of the  
8 pet shop, or employee thereof, shall have the animal re-examined by  
9 a veterinarian licensed to practice in the State, and the veterinarian  
10 shall update the animal health history and animal health certificate  
11 accordingly, no more than five days before releasing the animal to  
12 an adoptive owner.

13 d. An animal rescue organization, shelter, or pound providing an  
14 animal for adoption, or a pet shop that is showcasing the adoptions  
15 and providing for the veterinarian examination required pursuant to  
16 subsection b. of this section, may charge the adoptive owner a  
17 reasonable fee to defray the cost of the examination and issuance of  
18 the animal health history and animal health certificate by the  
19 veterinarian. A copy of the current animal health history and  
20 animal health certificate for the animal shall be provided to the  
21 adoptive owner.

22  
23 8. (New section) In addition to any penalties imposed pursuant  
24 to the State consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.),  
25 any person who violates P.L. , c. (C. ) (pending before the  
26 Legislature as this bill), including, but not limited to, any owner or  
27 operator who fails to provide information or provides false  
28 information pursuant to the requirements of P.L. , c. (C. )  
29 (pending before the Legislature as this bill), shall be subject to a  
30 fine of \$500 for each violation, to be collected by the division in a  
31 civil action by a summary proceeding under the "Penalty  
32 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

33  
34 9. (New section) The Department of Health may adopt,  
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
36 (C.52:14B-1 et seq.), any rules or regulations necessary for the  
37 implementation of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill).

39  
40 10. (New section) The Director of the Division of Consumer  
41 Affairs in the Department of Law and Public Safety may adopt,  
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
43 (C.52:14B-1 et seq.), any rules or regulations necessary for the  
44 implementation of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill).

46  
47 11. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to  
48 read as follows:

1        8. a. Any person who keeps or operates or proposes to  
2 establish a kennel, a pet shop, a shelter or a pound shall apply to the  
3 clerk or other official designated to license dogs in the municipality  
4 where such establishment is located, for a license entitling **【him】**  
5 the licensee to keep or operate such establishment.

6        The application shall describe the premises where the  
7 establishment is located or is proposed to be located, the purpose or  
8 purposes for which it is to be maintained, and shall be accompanied  
9 by the written approval of the local municipal and health authorities  
10 showing compliance with the local and State rules and regulations  
11 governing location of and sanitation at such establishments,  
12 provided that any license for a pet shop issued or renewed on or  
13 after the effective date of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill) shall not permit the pet shop to sell cats,  
15 dogs, or rabbits.

16        b. All licenses issued for a kennel, pet shop, shelter, or pound  
17 shall state the purpose for which the establishment is maintained,  
18 and all licenses shall expire on the last day of June of each year, and  
19 be subject to revocation by the municipality on recommendation of  
20 the Department of Health or the local board of health for failure to  
21 comply with the rules and regulations of the State department or  
22 local board governing the same, after the owner has been afforded a  
23 hearing by either the State department or local board **【**, except as  
24 provided in subsection c. of this section**】**.

25        Any person holding a license shall not be required to secure  
26 individual licenses for dogs owned by a licensee and kept at the  
27 establishments; the licenses shall not be transferable to another  
28 owner or different premises.

29        c. **【**The license for a pet shop shall be subject to review by the  
30 municipality, upon recommendation by the Department of Health or  
31 the local health authority for failure by the pet shop to comply with  
32 the rules and regulations of the State department or local health  
33 authority governing pet shops or if the pet shop meets the criteria  
34 for recommended suspension or revocation provided under  
35 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after  
36 the owner of the pet shop has been afforded a hearing pursuant to  
37 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

38        The municipality, based on the criteria for the recommendation  
39 of the local health authority provided under subsections c. and d. of  
40 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license  
41 for 90 days or may revoke the license if it is determined at the  
42 hearing that the pet shop: (1) failed to maintain proper hygiene and  
43 exercise reasonable care in safeguarding the health of animals in its  
44 custody or (2) sold a substantial number of animals that the pet shop  
45 knew, or reasonably should have known, to be unfit for purchase.**】**

46 (Deleted by amendment, P.L. , c. ) (pending before the  
47 Legislature as this bill)

1 d. The municipality may issue a license for a pet shop that  
2 permits the pet shop to sell pet supplies for all types of animals,  
3 including cats ~~and~~, dogs, and rabbits, and sell animals other than  
4 cats ~~and~~, dogs ~~but restricts the pet shop from selling cats or~~  
5 dogs, or both~~], and rabbits.~~

6 e. ~~Every pet shop licensed in the State shall submit annually~~  
7 ~~and no later than May 1 of each year records of the total number of~~  
8 ~~cats and dogs, respectively, sold by the pet shop each year to the~~  
9 ~~municipality in which it is located, and the municipality shall~~  
10 ~~provide this information to the local health authority.~~ ~~(Deleted by~~  
11 ~~amendment, P.L. , c. ) (pending before the Legislature as this~~  
12 ~~bill)~~

13 f. The license for a kennel, pet shop, shelter, or pound may be  
14 subject to review for suspension or revocation if the kennel, pet  
15 shop, shelter, or pound fails to comply with the rules and  
16 regulations governing the sanitary conduct and operation of  
17 kennels, pet shop shelter, or pound adopted pursuant to  
18 P.L.1941, c.151 (C.4:19-15.14) or the provisions of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill)  
20 that are applicable to the facility. No license shall be suspended or  
21 revoked without a hearing.

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

23  
24 12. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to  
25 read as follows:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

47 (1) shall, in the case of a cat or dog, release it to the owner or  
48 person charged with its care, provided the owner or person charged

1 with the care of the animal provides proof of ownership, which may  
2 include a valid cat or dog license, registration, rabies inoculation  
3 certificate, or documentation from the owner's veterinarian that the  
4 cat or dog has received regular care from that veterinarian;

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

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

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

23 i. Prior to the release of a cat or dog to an adoptive owner, the  
24 shelter or pound shall comply with the requirements of section 7 of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill)  
26 and shall provide the adoptive owner with a copy of the current  
27 animal health history and animal health certificate issued pursuant  
28 thereto. At the time of adoption, the right of ownership in the  
29 animal shall transfer to the new owner. No dog or other animal  
30 taken into custody, impounded, sent or otherwise brought to a  
31 shelter, pound, or kennel operating as a shelter or pound shall be  
32 sold or otherwise be made available for the purpose of  
33 experimentation. Any person who sells or otherwise makes  
34 available any such dog or other animal for the purpose of  
35 experimentation shall be guilty of a crime of the fourth degree.

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

42 k. When a certified animal control officer takes into custody  
43 and impounds, or causes to be taken into custody and impounded,  
44 an animal, the certified animal control officer may place the animal  
45 in the custody of, or cause the animal to be placed in the custody of,  
46 only a licensed shelter, pound, or kennel operating as a shelter or

1 pound. The certified animal control officer may not place the  
2 animal in the custody of, or cause the animal to be placed in the  
3 custody of, any animal rescue organization facility, foster home, or  
4 other unlicensed facility. However, the licensed shelter, pound, or  
5 kennel operating as a shelter or pound may place the animal in an  
6 animal rescue organization facility, foster home, or other unlicensed  
7 facility if necessary pursuant to subsection e. or h. of this section.

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

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

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

18 6. a. The Department of Health shall establish a registry of  
19 animal rescue organizations and their facilities in the State. **【Any】**  
20 Every animal rescue organization **【may voluntarily participate in**  
21 **the registry】** operating in the State shall register with the  
22 department.

23 b. The department, pursuant to the “Administrative Procedure  
24 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), **【may】** shall adopt rules  
25 and regulations for the operation of animal rescue organization  
26 facilities, and any rules and regulations determined necessary to  
27 implement the **【voluntary】** registry , the provisions of  
28 P.L. , c. (C. ) (pending before the Legislature as this bill),  
29 **【establish】** and to coordinate **【its】** the use of the registry and  
30 implementation of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill) with the provisions of P.L.2011, c.142  
32 (C.4:19-15.30 et al.) and section 16 of P.L.1941, c.151 (C.4:19-  
33 15.16).

34 c. The Department of Health shall establish and provide on the  
35 department’s website a contact telephone number and email address  
36 for contacting the department with concerns and questions in  
37 regards to animal rescue organizations and their facilities in the  
38 State.

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

40  
41 14. The following sections are repealed: Sections 1 through 5,  
42 and section 7 of P.L.1999, c.331 (C.56:8-92 through C.56:8-95,  
43 C.56:8-96, and C.56:8-97); and sections 3 through 5 of  
44 P.L.2015, c.7 (C.56:8-95.1 through C.56:8-95.3).

45  
46 15. This act shall take effect immediately.

## STATEMENT

This bill repeals the “Pet Purchase Protection Act,” P.L.1999, c.336 (C.56:8-92 et seq.) and replaces it with a prohibition on the sale of cats, dogs, and rabbits by pet shops. The bill also imposes several other requirements concerning the sale and adoption of animals.

The bill provides that, without limiting the prosecution of any other practices which may be unlawful pursuant to State consumer fraud laws, it would be an unlawful practice and a violation of State consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), for any breeder or broker to knowingly sell a cat or dog that is unfit for purchase. The bill defines “unfit for purchase” as having 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 bill specifies that the death of an animal within 14 days of its delivery to the consumer, except by death by accident or as a result of injuries sustained during that period, would be construed to mean the animal was unfit for purchase.

The bill establishes a prohibition on the sale of cats, dogs, or rabbits by pet shops. The bill authorizes a pet shop to:

1) sell or offer for sale any other type of animal as may be otherwise permitted pursuant to State law or regulation, or sell or offer for sale pet supplies for any type of animal, including a cat, dog, or rabbit, if it is licensed by its municipality to do so; and

2) offer, in collaboration with an animal rescue organization, shelter, or pound, space in the pet shop to showcase cats, dogs, and rabbits that are available for adoption, provided that no payment or compensation, monetary or otherwise, is exchanged between the pet shop and animal rescue organization, shelter, or pound, for the use of the pet shop or for the adoption of any cat, dog, rabbit, or any other animal.

The bill prohibits animal rescue organizations, animal rescue organization facilities, pet shops, shelters, or pounds from obtaining a cat, dog, or rabbit from a breeder or broker in exchange for any type of compensation.

The bill establishes additional requirements concerning animal adoptions.

The bill requires that, when the animal is first available for adoption, the animal be examined by a veterinarian. The veterinarian is required to establish an animal health history and issue an animal health certificate based on the examination that documents the name and address of the examining veterinarian and the health and condition of the animal, including the health information specified in subsection b. of section 7 of the bill.

1       The bill requires the animal be re-examined and the history and  
2       certificate updated accordingly if the animal is not adopted within  
3       14 days after the initial veterinary examination, but no more than  
4       five days before the animal is released to the adoptive owner. The  
5       bill requires that the adoptive owner receive a copy of the current  
6       animal health history and animal health certificate of the animal.  
7       The bill also authorizes charging the adoptive owner a reasonable  
8       fee to defray the costs of the examination and the issuance of the  
9       animal health history and animal health certificate of the animal.

10      The bill specifies that:

11      1) no provision of the bill can be construed to alter, diminish,  
12      replace, or revoke the requirements for pet dealers that are not pet  
13      shops or the rights of a consumer purchasing an animal from a pet  
14      dealer that is not a pet shop, as may be provided elsewhere in law or  
15      any rule or regulation;

16      2) any provision of law or regulation pertaining to pet shops  
17      that does not pertain to the sale of cats, dogs, or rabbits would  
18      continue to apply to pet shops; and

19      3) no provision of the bill can be construed to alter, diminish,  
20      replace, or revoke any recourse or remedy that is otherwise  
21      available to a consumer purchasing a cat, dog, rabbit, or any other  
22      type of animal and provided under any other law.

23      The bill specifies that the bill's provisions cannot be construed to  
24      interfere with the implementation of, or otherwise invalidate, or  
25      limit or restrict any municipality, county, local health agency, or  
26      municipal or county board of health from enacting or enforcing, any  
27      law, ordinance, rule, or regulation that places additional obligations  
28      or restrictions on pet shops, pet shop sales, breeders, brokers, or  
29      breeder or broker sales.

30      The bill establishes, in addition to any penalties imposed  
31      pursuant to the State consumer fraud law, a fine of \$500 for each  
32      violation of the bill, including failing to provide required  
33      information or providing false information, to be collected in a civil  
34      action under the "Penalty Enforcement Law of 1999,"  
35      P.L.1999, c.274 (C.2A:58-10 et seq.).

36      Finally, the bill authorizes the Department of Health and the  
37      Director of the Division of Consumer Affairs in the Department of  
38      Law and Public Safety to adopt any rules or regulations necessary  
39      to implement the bill's provisions.