

# ASSEMBLY, No. 5715

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 17, 2021

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes “Rescue Animal Disclosure Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning oversight of animal rescue organization  
2 facilities, amending P.L.2011, c.142, and supplementing Title 56  
3 of the Revised Statutes.

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

7  
8 1. (New section) Sections 1 through 4 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) shall be known as, and  
10 may be cited as, the “Rescue Animal Disclosure Act.”

11  
12 2. (New section) The Legislature finds and declares that animal  
13 rescue organizations provide an important safety net for the care of  
14 animals in the State; that animal rescue organizations care for  
15 homeless animals that might otherwise be euthanized by shelters or  
16 pounds; that often the animals cared for by animal rescue  
17 organizations are animals abandoned by previous owners because of  
18 health issues, behavioral problems, or other care challenges that the  
19 animal presents for an owner; that animal rescue organizations and  
20 animal rescue organization facilities have been generally  
21 unregulated by the State and by health authorities that otherwise  
22 oversee the care and treatment of animals in kennels, pet shops,  
23 shelters and pounds; and that, despite the many reputable and  
24 compassionate animal rescue organizations and the ethical people  
25 who run them, the operation of animal rescue organization facilities  
26 warrants some regulation.

27 The Legislature therefore determines that people adopting  
28 animals in the State would benefit from the registration of animal  
29 rescue organizations and animal rescue organization facilities with  
30 the Department of Health, the disclosure of information about the  
31 animals they adopt, and the establishment of consumer protections  
32 to ensure successful adoptions from animal rescue organizations.

33  
34 3. (New section) As used in sections 1 through 4 of P.L. , c.  
35 (C. ) (pending before the Legislature as this bill):

36 “Animal rescue organization” means the same as that term is  
37 defined by section 1 of P.L.1941, c.151 (C.4:19-15.1).

38 “Animal rescue organization facility” means the same as that  
39 term is defined by section 1 of P.L.1941, c.151 (C.4:19-15.1).

40 “Division” means the Division of Consumer Affairs in the  
41 Department of Law and Public Safety.

42 "Domestic companion animal" means any animal commonly  
43 referred to as a pet or that has been bought, bred, raised or  
44 otherwise acquired, in accordance with local ordinances and State  
45 and federal law for the primary purpose of providing  
46 companionship to the owner, rather than for business or agricultural  
47 purposes.

**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.

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1 4. (New section) a. It shall be an unlawful practice and a  
2 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any animal rescue  
3 organization facility to fail to comply with the requirements of this  
4 section.

5 b. An animal rescue organization facility operating in the State  
6 shall provide temporary care and housing for cats, dogs, or other  
7 animals permitted pursuant to State law to be kept as domestic  
8 companion animals, and shall offer the cats, dogs, or other animals  
9 in its care for adoption. An animal rescue organization facility shall  
10 not sell any animal in its care, but may charge reasonable adoption  
11 fees to a person adopting an animal in order to offset the costs of  
12 care and housing of animals kept at the animal rescue organization  
13 facility. The animal rescue organization facility may also charge a  
14 kennel, pet shop, shelter, pound, or other facility reasonable transfer  
15 fees for transferring an animal to the care of the animal rescue  
16 organization facility.

17 c. Whenever a person adopts an animal from an animal rescue  
18 organization facility, the person may, no more than 21 days after  
19 adopting the animal, return it to the animal rescue organization  
20 facility for a full refund of the adoption fees paid to the animal  
21 rescue organization facility if (a) a licensed veterinarian assesses  
22 the animal's health and physical condition and the person adopting  
23 the animal cannot care for the animal in its assessed health and  
24 physical condition, or (b) the person adopting the animal cannot  
25 care for the animal because of the animal's behavioral temperament  
26 or any other reason that would prevent the person from properly  
27 caring for the animal.

28 Verbal and written notification of the recourse established  
29 pursuant to this subsection shall be provided to the person adopting  
30 the animal at the time of adoption as required pursuant to  
31 subsection g. of this section.

32 d. (1) Whenever an animal is returned to an animal rescue  
33 organization facility, the animal rescue organization facility shall  
34 request that the person returning the animal provide an anonymous  
35 statement describing the reason the animal is being returned, as well  
36 as a copy of any veterinarian reports that have been provided to the  
37 person. The animal rescue organization facility shall redact from  
38 any anonymous statement or veterinarian's report submitted  
39 pursuant to this subsection any personal identifying information  
40 about the person returning the animal that is contained in such  
41 documentation.

42 (2) The animal rescue organization shall maintain in the records  
43 of a returned animal all anonymous statements and veterinarians'  
44 reports received pursuant to this paragraph, and shall provide, to  
45 any person who is adopting an animal returned pursuant to this  
46 subsection, a copy of any anonymous statements and veterinarians'  
47 reports concerning the animal, which were submitted to the animal  
48 rescue organization facility pursuant to this subsection.

1 e. An animal rescue organization shall maintain records for each  
2 animal held by the animal rescue organization facility, and shall  
3 provide such records, in writing, to the person adopting an animal  
4 and, upon request, to any government inspector. The records  
5 maintained pursuant to this subsection shall include any information  
6 about the animal that is known to the animal rescue organization,  
7 including, but not limited to:

8 (1) the health and health history of the animal, including any  
9 abnormality, ailment, birth defect, congenital condition, disease, or  
10 injury manifest or previously manifested in the animal;

11 (2) the breed and sex of the animal;

12 (3) the date and place of birth of the animal;

13 (4) the animal's actual age or approximate age and the basis  
14 upon which this age is determined;

15 (5) color markings, and other identifying information of the  
16 animal, including any tag, tattoo, collar number, or microchip  
17 information;

18 (6) full name, street address, contact information, and United  
19 States Department of Agriculture license number or other license  
20 number of the breeder and any broker, if applicable, of the animal;

21 (7) if the animal was found beyond the custody of an owner  
22 when the animal was placed in the care of the animal rescue  
23 organization facility, the location of where the animal was found or  
24 the location from which the animal was placed in the care of the  
25 animal rescue organization facility; and

26 (8) A copy of any statement and veterinarian report concerning  
27 the animal submitted to the animal rescue organization facility  
28 pursuant to subsection d. of this section.

29 f. The Director of the Division of Consumer Affairs in the  
30 Department of Law and Public Safety shall develop and provide  
31 each owner or operator of an animal rescue organization facility  
32 with notification forms, to be signed by the owner or operator of the  
33 animal rescue organization facility, or employee thereof, and the  
34 person adopting the animal at the time of the adoption. The  
35 notification form shall include the following information:

36 (1) a statement indicating that the animal rescue organization is  
37 not subject to the "Pet Purchase Protection Act," P.L.1999, c.336  
38 (C.56:8-92 et al.);

39 (2) a description of the provisions of the "Pet Purchase  
40 Protection Act" and the consumer protections provided pursuant to  
41 the act that are not extended to persons adopting animals from  
42 animal rescue organizations;

43 (3) a statement indicating that the animal provided for adoption  
44 by the animal rescue organization facility may be unfit for sale  
45 under the provisions of P.L.1999, c.336 (C.56:8-92 et al.) or  
46 commonly accepted veterinary standards;

1 (4) a statement indicating that the information provided to the  
2 person adopting the animal is the information that is available to the  
3 animal rescue organization facility concerning the animal and may  
4 not include a full or accurate assessment of the animal's health,  
5 physical condition, behavioral history or temperament, or other  
6 information pertinent to the care of the animal;

7 (5) a statement indicating that it would be advisable for the  
8 person to have the animal examined by a licensed veterinarian to  
9 assess the animal's health and physical condition upon adoption of  
10 the animal;

11 (6) a description of the provisions of P.L. , c. (C. )  
12 (pending before the Legislature as this bill) including, but not  
13 limited to, the consumer protections established in this section, for  
14 persons adopting animals from animal rescue organization, and the  
15 penalties for unlawful practices, which apply pursuant to subsection  
16 a. of this section;

17 (7) the name, address, and email of the office in the division  
18 where a complaint regarding unlawful practice may be filed, and the  
19 procedures for contacting the office and filing the complaint;

20 (8) an attestation, to be signed by the owner or operator of the  
21 animal rescue organization averring that the owner or operator has  
22 complied with the provisions of this section and subsection b. of  
23 P.L.2011, c.142 (C.4:19-15.33), and that the person adopting the  
24 animal has received a written copy of the information and records  
25 required to be provided pursuant to subsections e. and g. of this  
26 section; and

27 (9) a statement indicating that, no more than 21 days after  
28 adopting the animal, a person may return the animal to the animal  
29 rescue organization for a full refund of the adoption fees paid to the  
30 facility if: (a) a licensed veterinarian assesses the animal's health  
31 and physical condition, and the person adopting the animal cannot  
32 care for the animal in its assessed health and physical condition; or  
33 (b) the person adopting the animal cannot care for the animal  
34 because of the animal's behavioral temperament or for any other  
35 reason that would prevent the person from properly caring for the  
36 animal.

37 g. At the time of adoption, the owner or operator of the animal  
38 rescue organization facility, or an employee thereof, shall:

39 (1) provide verbal notification to the person adopting the animal  
40 (a) of the recourse established pursuant to subsection c. of this  
41 section, (b) that as an animal rescue organization facility, the  
42 facility is not subject to the "Pet Purchase Protection Act,"  
43 P.L.1999, c.336 (C.56:8-92 et al.), (c) that the animal provided by  
44 the facility may be unfit for sale under the provisions of P.L.1999,  
45 c.336 (C.56:8-92 et al.) or commonly accepted veterinary standards,  
46 and (d) that it would be advisable for the person to have the animal  
47 examined by a licensed veterinarian to assess the animal's health  
48 and physical condition;

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1 (2) attach to the notification form developed and provided  
2 pursuant to subsection f. of this section, a copy of the records,  
3 statements, reports, and other information required to be provided  
4 to the person adopting the animal pursuant to subsection e. of this  
5 section;

6 (3) obtain the signature of the person adopting the animal on the  
7 notification form developed pursuant to subsection f. of this section;

8 (4) sign and date the notification form at the time of releasing  
9 the animal to the person adopting the animal;

10 (5) provide the person adopting the animal with a signed copy of  
11 the notification form and copies of the records, statements, reports,  
12 and other information required to be attached pursuant to paragraph  
13 (2) of this subsection; and

14 (6) retain on the animal rescue organization facility premises a  
15 copy of the signed notification form and copies of the required  
16 attachments provided to the person adopting the animal.

17 h. Copies of all forms and records required pursuant to this  
18 section shall be retained by the animal rescue organization facility  
19 electronically or in hard copy. All forms and records shall be  
20 readily available for inspection by an authorized representative of  
21 the division or the Department of Health.

22 i. The Division of Consumer Affairs in the Department of Law  
23 and Public Safety shall enforce the provisions of this section in  
24 collaboration with the Department of Health pursuant to section 6  
25 of P.L.2011, c.142 (C.4:19-15.33).

26

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

29 6. a. The Department of Health shall establish a registry of  
30 animal rescue organizations and their facilities in the State. **【Any】**  
31 Every animal rescue organization **【may voluntarily participate in**  
32 **the registry】** and animal rescue organization facility operating in  
33 the State shall register with the department and shall comply with  
34 the requirements for animal rescue organization facilities  
35 established pursuant to this section, section 16 of P.L.1941, c.151  
36 (C.4:19-15.16), and P.L. , c. (C. ) (pending before the  
37 Legislature as this bill).

38 b. The department, pursuant to the “Administrative Procedure  
39 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), **【may】** shall adopt  
40 **【any】** rules and regulations determined necessary to implement the  
41 **【voluntary】** registry and coordinate its use with the provisions of  
42 P.L.2011, c.142 (C.4:19-15.30 et al.) **【and】** , section 16 of  
43 P.L.1941, c.151 (C.4:19-15.16), and P.L. , c. (C. ) (pending  
44 before the Legislature as this bill).

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

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1       6. This act shall take effect 180 days following enactment,  
2 except that the Director of the Division of Consumer Affairs in the  
3 Department of Law and Public Safety and the Department of Health  
4 shall immediately take any necessary regulatory action to  
5 implement the provisions of this act.

6

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**STATEMENT**

8

9       This bill establishes the “Rescue Animal Disclosure Act.” The  
10 bill establishes requirements for the disclosure of information  
11 concerning the health and condition of a domestic companion  
12 animal that is adopted from an animal rescue organization facility,  
13 as provided in section 4 of the bill. The bill also amends current law  
14 to require the registration of animal rescue organizations and their  
15 facilities with the Department of Health. Registration for animal  
16 rescue organizations and animal rescue facilities is voluntary under  
17 current law.

18       Animal rescue organizations provide an important safety net for  
19 the care of animals in the State. They provide care for homeless  
20 animals that might otherwise be euthanized and for animals  
21 abandoned by previous owners because of health issues, behavioral  
22 problems, or other care challenges that the animal presents.  
23 Nevertheless, animal rescue organizations and their facilities have  
24 been generally unregulated. Regulation would ensure that people  
25 adopting animals from animal rescue organization facilities have  
26 some of the recourse provided to people purchasing animals from  
27 licensed kennels or pet shops under current law. This bill requires  
28 the registration of animal rescue organization facilities with the  
29 Department of Health and establishes specific information  
30 disclosure requirements and consumer protections to ensure that  
31 successful adoptions occur from animal rescue organizations.