

ASSEMBLY, No. 2612

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblymen FELICE, DALTON, R. Smith, Assemblywoman Quigley, Assemblyman Greenwald, Assemblywoman Weinberg, Assemblyman Zisa, Assemblywoman Cruz-Perez, Assemblyman Roberts, Assemblywoman Turner, Assemblymen Gusciora, Romano, Charles, Impreduto and Garcia

1 AN ACT concerning the breeding, raising and selling of cats and dogs
2 and supplementing P.L.1941, c.151 (C.4:19-15.1 et seq.).
3

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

7 1. As used in this act:

8 "Animal shelter" means any establishment that receives, houses and
9 distributes animals that have been abandoned or lost or are in physical
10 danger and are in need of temporary care and housing until the animal
11 is relocated to permanent care and housing or is euthanized. The term
12 "animal shelter" shall include, but shall not be limited to, shelters as
13 defined pursuant to P.L.1941, c.151 (C.4:19-15.1), and facilities that
14 are contracted by municipalities as animal control facilities to which
15 the animal control officer of the municipality may deliver animals that
16 are found abandoned, lost or in physical danger.

17 "Breeder" means any person who owns or operates a breeding
18 facility and sells or offers for sale more than five cats or dogs per
19 year, regardless of whether the person is exempted from having a
20 license issued by the United States Department of Agriculture pursuant
21 to the "Animal Welfare Act," 7 U.S.C. §2131 et seq., or any rule or
22 regulation adopted pursuant thereto, or does not have a valid United
23 States Department of Agriculture breeder license for any reason.

24 "Breeding facility" means any building or other structure, or area
25 whether indoor or outdoor, in which more than two cats or dogs are
26 housed and bred for the purposes of selling the resulting kittens or
27 puppies for any purpose. The term "breeding facility" shall include
28 kennels as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1)
29 except if the kennel is used exclusively for the boarding of cats or
30 dogs.

31 "Commissioner" means the Commissioner of the Department of
32 Health.

33 "Department" means the Department of Health.

1 "Pet" means a domestic companion animal, as defined in section 1
2 of P.L.1995, c.145 (C.4:19A-16).

3 "Pet dealer" means any person who sells or offers for sale cats or
4 dogs at retail in the State for use as pets, or at wholesale to persons or
5 businesses that sell cats or dogs at retail for use as pets. The term "pet
6 dealer" shall include, but shall not be limited to, breeders as defined in
7 this section and Class A and Class B breeders licensed by the United
8 States Department of Agriculture pursuant to the "Animal Welfare
9 Act," 7 U.S.C. §2131 et seq., who sell cats or dogs to individuals or
10 to kennels or pet shops as defined in section 1 of P.L.1941, c.151
11 (C.4:19-15.1). The term "pet dealer" shall also include, but shall not
12 be limited to, kennels or pet shops as defined in section 1 of P.L.1941,
13 c.151 (C.4:19-15.1), persons selling more than five cats or dogs per
14 year who are otherwise exempted from the federal license
15 requirements established pursuant to the "Animal Welfare Act," 7
16 U.S.C. §2131 et seq., and the rules or regulations adopted pursuant
17 thereto, and all pet dealers regulated pursuant to subchapter 12 of
18 chapter 45A of Title 13 of the New Jersey Administrative Code.
19 Individuals that sell five or fewer animals per year and animal shelters
20 shall not be considered pet dealers under this act.

21

22 2. a. No person may breed a cat or a dog from a litter with another
23 cat or dog from the same litter. No person may breed a cat or a dog
24 more than once per calendar year.

25 b. No person may sell more than 25 cats or dogs per year for use as
26 pets to individuals, kennels or pet shops in the State.

27 c. No person may deliver to a pet shop for sale at the pet shop any
28 cat or dog that is less than 10 weeks old.

29

30 3. a. Upon the effective date of this act and every year thereafter,
31 each breeder doing business in the State as a pet dealer shall register
32 with the Department of Health, and shall at that time, sign a document
33 that attests to the breeder's knowledge of State law, rules and
34 regulations concerning the care, treatment, and sale of animals in the
35 State, and to the breeder's compliance with the requirements of
36 subsection c. of this section. The department may charge the breeder
37 a reasonable fee for the administrative and processing costs of the
38 registration.

39 b. The Department of Health, in consultation with professional
40 veterinarian associations, the Humane Society of the United States, the
41 New Jersey Society for the Prevention of Cruelty to Animals, and
42 other groups, associations and organizations involved in the proper
43 care and treatment of animals, shall adopt, pursuant to the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), rules and regulations establishing a standardized program of
46 responsible veterinary care to be implemented by breeding facilities.

1 The program shall include, but shall not be limited to, provisions for
2 vaccinations, internal and external parasite control, disease prevention
3 and control, grooming, spaying, neutering and care of pregnant
4 animals, first aid and emergency care protocols, housing
5 considerations associated with illness and injury, and humane
6 euthanasia methods.

7 c. Each breeder doing business in the State as a pet dealer shall be
8 required to comply with the federal requirements established by the
9 "Animal Welfare Act," 7 U.S.C. §2131 et seq., and any rules and
10 regulations adopted pursuant thereto, section 14 of P.L.1941, c.151
11 (C.4:19-15.14), and the rules and regulations adopted pursuant
12 thereto, and the following requirements:

13 (1) Indoor temperatures of breeding facilities shall be maintained
14 at a minimum of 50 degrees and a maximum of 80 degrees Fahrenheit
15 for cats or dogs older than eight weeks, and a minimum of 65 degrees
16 and a maximum of 80 degrees Fahrenheit for cats or dogs eight weeks
17 old or younger;

18 (2) Air shall be constantly circulated at a rate of at least eight to 12
19 times per hour;

20 (3) Flooring in animal cages or other types of enclosures used to
21 house animals shall be made of substances that are nonporous and can
22 be sanitized;

23 (4) Wire flooring shall be used only if it is plastic-coated and is
24 spaced at intervals that prevent the possibility of foot or leg injury and
25 allow for waste to fall through the flooring onto a surface or into an
26 area where no animals are held or housed;

27 (5) Each enclosure for a dog shall have a height of not less than
28 six inches above the head of the dog being held in the enclosure when
29 the dog is standing on its hind legs and shall provide access to an
30 outdoor run. Enclosures for dogs shall have, for large-sized breeds
31 of 50 pounds per animal or more, a minimum size of 4 feet by 8 feet,
32 or 32 square feet, and an outdoor run of 4 feet by 15 feet; for medium-
33 sized breeds of 21 to 50 pounds per animal, a minimum of 4 feet by 6
34 feet, or 24 square feet, and an outdoor run of 4 feet by 10 feet; and
35 for small-sized breeds of less than 21 pounds, a minimum of 3 feet by
36 5 feet and an outdoor run of 3 feet by 10 feet;

37 (6) Individual enclosures for cats shall provide an area of no less
38 than 9 cubic feet or a ground area of 3 feet by 3 feet with a height of
39 3 feet, and no more than one cat shall be housed per cage except a cat
40 that is a nursing mother shall share the enclosure with its offspring;

41 (7) Ground areas shall be cleaned daily and dry bedding shall be
42 provided, such as straw or hay, but newspaper is prohibited;

43 (8) Constant access to potable water shall be provided, in mounted
44 feeders whenever possible, and food shall be nutritionally balanced and
45 kept dry at all times;

46 (9) Cages, enclosures, mounted feeders and other containers

1 providing food and water shall be cleaned and sanitized daily;

2 (10) All dogs shall be allowed the opportunity for exercise daily and
3 be allowed to run unleashed for at least 20 minutes daily in an area no
4 smaller than 4 feet by 10 feet; and

5 (11) A standardized program of veterinarian care consistent with
6 the program established pursuant to subsection b. of this section shall
7 be implemented in breeding facilities.

8 d. The department shall annually compile, publish and make
9 available to the public a list of the breeders doing business as pet
10 dealers who are registered in the State. The department shall also
11 provide, upon request, a summary of the requirements established
12 under subsection b. and information on how a complaint may be filed
13 against a pet dealer that appears to be violating State law, rules or
14 regulations.

15

16 4. a. Any person who falsely attests to compliance with any item
17 attested to in the signed document required pursuant to subsection a.
18 of section 3 of this act is in violation of this act.

19 b. The department shall deny registration to, or revoke the
20 registration of, any breeder doing business in the State as a pet dealer
21 who is found in violation of this act, or who has been found guilty of:

22 (1) Cruelty to animals in the State or another jurisdiction; or

23 (2) Any animal protection laws in any state concerning the proper
24 breeding, care, housing, raising or treatment of animals.

25 c. Any breeder who sells or offers for sale a cat or a dog without
26 valid registration is in violation of this act. Any pet dealer who
27 knowingly purchases a cat or a dog from a breeder who is without
28 valid registration is in violation of this act.

29

30 5. No pet dealer may purchase any cats or dogs from any person
31 who is not a registered breeder named on the list compiled and
32 published by the Department of Health pursuant to subsection d. of
33 section 3 of this act, except if that person has documentation that each
34 of the cats or dogs being sold were bred by a registered breeder named
35 on the list compiled and published by the department pursuant to
36 subsection d. of section 3 of this act, or if the person signs a notarized
37 affidavit attesting to the fact that the individual is not a breeder or a
38 pet dealer regulated by this act.

39

40 6. a. Every pet dealer shall provide the purchaser of each cat or
41 dog sold by the pet dealer at the time of sale a written statement, in a
42 standardized form prescribed by the Department of Health, containing
43 the following information:

44 (1) The name and street address of the person from whom the cat
45 or dog was obtained and, if the person is a dealer licensed by the
46 United States Department of Agriculture, the person's federal dealer

1 identification number;

2 (2) The breeder's and pet dealer's name, street address, if different
3 from the information required in paragraph (1) of this subsection, and,
4 if licensed by the United States Department of Agriculture, the
5 breeder's and pet dealer's federal dealer identification number.

6 (3) The date of birth of the cat or dog, or an approximation
7 provided by a licensed veterinarian;

8 (4) If purebred or registerable with a cat or dog registry, the sire's
9 and the dam's registration, if any, from the Orthopedic Foundation for
10 Animals.

11 (5) A record of the immunizations administered to the cat or dog
12 as of the time of sale, including the dates of administration and the
13 type of vaccine;

14 (6) A record of any veterinarian treatment or medication received
15 by a cat or dog while in the possession of a pet dealer to treat any
16 disease, illness, or condition that required hospitalization or surgical
17 procedures, and one of the following;

18 (a) A statement that the cat or dog has no known disease, illness,
19 or condition that requires hospitalization, surgical procedures or
20 ongoing treatment at the time of sale, dated and signed by a licensed
21 veterinarian no more than 14 days prior to the sale, that also
22 authorizes the sale of the cat or dog; or

23 (b) A record of any known disease, illness, or condition that
24 requires hospitalization, surgical procedures or ongoing treatment with
25 which the cat or dog is afflicted at the time of sale, and a statement,
26 dated and signed by a licensed veterinarian no more than 14 days prior
27 to the sale, that recommends a course of treatment, authorizes the sale
28 of the cat or dog afflicted with the disease, illness or condition, and
29 states that the recommended course of treatment is necessary for the
30 good health and survival of the cat or dog being sold; or

31 (c) A record of any known disease, illness, or condition with which
32 the cat or dog is afflicted at the time of sale, and a statement, dated
33 and signed by a licensed veterinarian no more than 14 days prior to
34 the sale, that recommends a course of treatment, verifies that the
35 disease, illness or condition does not require hospitalization or surgical
36 procedures, and authorizes the sale of the cat or dog.

37 The statement dated and signed by a licensed veterinarian required
38 pursuant to this paragraph shall not be required to address the
39 presence of external parasites unless their presence makes the cat or
40 dog ill to the point of requiring hospitalization or surgical procedures,
41 or is likely to make the cat or dog ill to the point or requiring
42 hospitalization or surgical procedures within the foreseeable future if
43 left untreated. The statement shall include confirmation from the
44 licensed veterinarian that the veterinarian has checked the cat or dog
45 and its feces for internal parasites and has found none, or if internal
46 parasites are found, the statement shall report the type of internal

1 parasite and the recommended treatment, and shall confirm that
2 hospitalization or surgical procedures are not likely to be required as
3 a result of the presence of the internal parasites if the recommended
4 treatment is provided.

5 The statement dated and signed by a licensed veterinarian required
6 pursuant to this paragraph is invalid if the cat or dog is not purchased
7 within 14 days following the date of the statement. Any cat or dog
8 subject to the provisions of this paragraph may not be sold without a
9 valid veterinarian statement as required pursuant to this subparagraph.
10 Any disclosure made pursuant to this paragraph shall be signed by both
11 the pet dealer certifying the accuracy of the statement, and the
12 purchaser of the cat or dog acknowledging receipt of the statement.

13 b. Any pet dealer selling a cat or dog to another pet dealer shall
14 provide the purchasing pet dealer with the documentation and
15 information required in subsection a. of this section. The purchasing
16 pet dealer shall retain the documentation and information and shall
17 update the documentation and information required during the period
18 of time that the purchasing pet dealer is in possession of the cat or
19 dog.

20 c. All information required to be disclosed pursuant to this section
21 may be made orally to the purchaser prior to the purchase of the cat
22 or dog, but shall be provided in writing to the purchaser at the time of
23 purchase.

24 d. Any pet dealer that fails to provide or misrepresents any
25 documentation or information required pursuant to subsection a. of
26 this section shall be guilty of fraud and violation of this act, and shall
27 be subject to the penalties provided pursuant to section 10 of this act
28 and P.L.1960, c.39 (C.56:8-1 et seq.) as well as any other penalties
29 applicable under State or federal law.

30
31 7. a. Except as provided for in subsection a. of section 6 of this
32 act, no pet dealer shall knowingly sell a cat or dog which is diseased,
33 ill, or has a condition that requires hospitalization or surgical
34 procedures. Every pet dealer shall comply with, and every purchaser
35 of a pet shall be entitled to the protections provided under P.L.1960,
36 c.39 (C.56:8-1 et seq.) and any rules or regulations adopted pursuant
37 thereto concerning the sale of animals.

38 b. At the time of the sale of a cat or dog, the pet dealer shall
39 provide in writing to the purchaser a copy of the return policy of the
40 pet dealer. The return policy shall comply with the rules and
41 regulations adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)
42 concerning the sale of animals, and shall include a 14-day guarantee
43 to accept the return of the cat or dog for a full refund for any reason,
44 including, but not limited to, illness discovered in the cat or dog, or
45 inability on the part of the purchaser to properly care for the cat or
46 dog. The return policy shall also include a 26-month guarantee to

1 accept the cat or dog for a full refund if the cat or dog is sold as a
2 pedigree and congenital or genetic defects are discovered in the cat or
3 dog during that time period and the defects are certified by a licensed
4 veterinarian.

5 c. No pet dealer shall keep a cat or dog in a pet shop for more than
6 eight consecutive weeks. Every pet dealer shall establish procedures
7 and methods for the return of cats or dogs for any reason that shall
8 include the humane transfer of cats or dogs to pounds, shelters or
9 other municipal animal control facility. Any cat or dog that has not
10 been sold after eight consecutive weeks in the pet shop shall be
11 delivered in a humane manner and at no cost to the pound, shelter,
12 or other municipal animal control facility with which the municipality
13 in which the pet shop is located has contracted for the holding of
14 animals.

15

16 8. a. Every pet dealer shall post conspicuously on the cage of each
17 cat or dog offered for sale a notice indicating the state in which the cat
18 or dog was bred and brokered.

19 b. Every pet dealer shall post conspicuously within close proximity
20 to the cages of cats or dogs offered for sale, a notice containing the
21 following language in 100-point type:

22 "Information on the source of these cats or dogs and the veterinary
23 treatments received by these cats or dogs is available for review."

24

25 9. a. Whenever the commissioner finds that a person has violated
26 any provision of this act, or any rule or regulation adopted pursuant
27 to this act, the commissioner may:

28 (1) Issue an order requiring the person found to be in violation to
29 comply in accordance with subsection b. of this section;

30 (2) Bring a civil action in accordance with subsection c. of this
31 section;

32 (3) Levy a civil administrative penalty in accordance with
33 subsection d. of this section; or

34 (4) Bring an action for a civil penalty in accordance with
35 subsection e. of this section.

36 b. Whenever the commissioner finds that a person has violated any
37 provision of this act, or any rule or regulation adopted pursuant to this
38 act, the commissioner may issue an order specifying the provision or
39 provisions of this act or of any rule or regulation of which the person
40 is in violation, citing the action which constituted the violation, and
41 ordering abatement of the violation. Whenever a breeder has violated
42 any provision of this act, or any rule or regulation adopted pursuant
43 thereto, the commissioner shall include in the order the following
44 prohibitions on the retail or wholesale sale of cats or dogs:

45 (1) For a first offense, a prohibition from selling or offering for sale
46 cats or dogs for 5 years;

1 (2) For a second and subsequent offenses, a prohibition from
2 selling or offering for sale cats or dogs at retail or wholesale for an
3 additional 5 years for each offense.

4 The order shall give notice to the person of the person's right to a
5 hearing on the matters contained in the order. The ordered party shall
6 have 20 calendar days from receipt of the order within which to deliver
7 to the commissioner a written request for a hearing. Such order shall
8 be effective upon receipt and any person to whom such order is
9 directed shall comply with the order immediately. A request for
10 hearing shall not automatically stay the effect of the order.

11 c. The commissioner, a local board of health or county health
12 department may institute an action or proceeding in the Superior Court
13 for injunctive and other relief, including the appointment of a receiver
14 for any violation of this act, or of any rule or regulation adopted
15 thereto, or order issued pursuant to this act, and the court may
16 proceed in the action in a summary manner. In any such proceeding
17 the court may grant temporary or interlocutory relief.

18 Such relief may include, singly or in combination:

19 (1) A temporary or permanent injunction, including for any breeder
20 in violation of this act an injunction from selling or offering for sale
21 at retail or wholesale cats or dogs for 5 years for a first offense, and
22 for a second offense and subsequent offenses, a prohibition from
23 selling or offering for sale cats or dogs at retail or wholesale for an
24 additional 5 years for each offense; and

25 (2) Assessment of the violator for the costs of any investigation or
26 inspection which led to the establishment of the violation, and for the
27 reasonable costs of preparing and litigating the case under this
28 subsection. Assessments under this subsection shall be paid to the
29 State Treasurer, or to the local board of health, or to the county health
30 department, as the case may be.

31 If a proceeding is instituted by a local board of health or county
32 health department, notice thereof shall be served upon the
33 commissioner in the same manner as if the commissioner were a named
34 party to the action or proceeding. The department may intervene as
35 a matter of right in any proceeding brought by a local board of health
36 or county health department.

37 d. The commissioner is authorized to assess civil administrative
38 penalties as follows:

39 (1) For a first offense by a breeder, a penalty of \$5,000.

40 (2) For a second or subsequent offense by a breeder, a penalty of
41 \$10,000 for each offense.

42 (3) For a first offense by any person other than a breeder, a penalty
43 of \$1,000, except that a pet dealer who knowingly purchases cats or
44 dogs from a breeder whose registration has been revoked or who is
45 not properly registered with the Department of Health shall be subject
46 to a penalty of \$5,000 per animal purchased for the first offense.

1 (4) For a second offense by any person other than a breeder, a
2 penalty of \$2,500, except that a pet dealer who knowingly purchases
3 cats or dogs from a breeder whose registration has been revoked or
4 who is not properly registered with the Department of Health shall be
5 subject to a penalty of \$10,000 per animal purchased under a second
6 or subsequent offense.

7 (5) For a third offense by any person other than a breeder, a
8 penalty of \$5,000, except that a pet dealer who knowingly purchases
9 cats or dogs from a breeder whose registration has been revoked or
10 who is not properly registered with the Department of Health shall be
11 subject to a penalty of \$10,000 per animal purchased under a third or
12 subsequent offense.

13 (6) For a fourth offense or subsequent offenses by any person other
14 than a breeder, a penalty of not less than \$5,000 nor more than
15 \$10,000, except that a pet dealer who knowingly purchases cats or
16 dogs from a breeder whose registration has been revoked or who is
17 not properly registered with the Department of Health shall be subject
18 to a penalty of \$10,000 per animal purchased under a fourth or
19 subsequent offense.

20 No assessment shall be levied pursuant to this section until after the
21 violator has been notified by certified mail or personal service. The
22 notice shall include a reference to the section of the statute, rule,
23 regulation, or order violated, a concise statement of the facts alleged
24 to constitute a violation, a statement of the amount of the civil
25 administrative penalties to be imposed, and a statement of the party's
26 right to a hearing. The ordered party shall have 20 calendar days from
27 receipt of the notice within which to deliver to the commissioner a
28 written request for a hearing. After the hearing and upon finding that
29 a violation has occurred, the commissioner may issue a final order
30 after assessing the amount of the fine specified in the notice. If no
31 hearing is requested, the notice shall become a final order after the
32 expiration of the 20-day period. Payment of the assessment is due
33 when a final order is issued or the notice becomes a final order. The
34 authority to levy a civil administrative penalty is in addition to all other
35 enforcement provisions in this act, and the payment of any assessment
36 shall not be deemed to affect the availability of any other enforcement
37 provisions in connection with the violation for which the assessment
38 is levied. The department may compromise any civil administrative
39 penalty assessed under this section in to any amount the department
40 determines appropriate.

41 e. Any person who violates the provisions of this act or any rule or
42 regulation adopted pursuant thereto, shall be liable to the following
43 penalties, to be collected in a civil action commenced by a local board
44 of health, a county health department, or the commissioner:

45 (1) For a first offense by a breeder, a penalty of \$5,000.

46 (2) For a second or subsequent offense by a breeder, a penalty of

1 \$10,000 for each offense.

2 (3) For a first offense by any person other than a breeder, a penalty
3 of \$1,000, except that a pet dealer who knowingly purchases cats or
4 dogs from a breeder whose registration has been revoked or who is
5 not properly registered with the Department of Health shall be subject
6 to a penalty of \$5,000 per animal purchased for the first offense.

7 (4) For a second offense by any person other than a breeder, a
8 penalty of \$2,500, except that a pet dealer who knowingly purchases
9 cats or dogs from a breeder whose registration has been revoked or
10 who is not properly registered with the Department of Health shall be
11 subject to a penalty of \$10,000 per animal purchased under a second
12 or subsequent offense.

13 (5) For a third offense by any person other than a breeder, a
14 penalty of \$5,000, except that a pet dealer who knowingly purchases
15 cats or dogs from a breeder whose registration has been revoked or
16 who is not properly registered with the Department of Health shall be
17 subject to a penalty of \$10,000 per animal purchased under a third or
18 subsequent offense.

19 (6) For a fourth offense or subsequent offenses by any person other
20 than a breeder, a penalty of not less than \$5,000 nor more than
21 \$10,000, except that a pet dealer who knowingly purchases cats or
22 dogs from a breeder whose registration has been revoked or who is
23 not properly registered with the Department of Health shall be subject
24 to a penalty of \$10,000 per animal purchased under a fourth or
25 subsequent offense.

26 Any person who violates an administrative order issued pursuant to
27 subsection b. of this section, or a court order issued pursuant to
28 subsection c. of this section, or who fails to comply with an
29 administrative assessment in full pursuant to subsection d. of this
30 section is subject upon order of a court to a civil penalty not to exceed
31 \$10,000 per day of such violation.

32 Any penalty imposed pursuant to this subsection may be collected
33 with costs in a summary proceeding pursuant to "the penalty
34 enforcement law" (N.J.S. 2A:58-1 et seq.). The Superior Court and
35 the municipal court shall have jurisdiction to enforce the provisions of
36 "the penalty enforcement law" in connection with this act.

37
38 10. A member of the public who supplies information to an
39 enforcing authority which proximately results in the imposition and
40 collection of a civil penalty as the result of a civil action brought
41 pursuant to subsection e. of section 9 of this act, or any rule or
42 regulation adopted, administrative order issued, or assessment
43 imposed pursuant thereto, shall be entitled to a reward of 10% of the
44 civil penalty collected, or \$250, whichever amount is greater. The
45 reward shall be paid by the department from any money received by
46 the department pursuant to subsection e. of section 9 of this act. The

1 Attorney General shall adopt, pursuant to the "Administrative
2 Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), rules and
3 regulations necessary to implement this section.

4
5 11. All fees and penalties collected pursuant to this act shall be
6 placed in a special dedicated fund to be known as the "Kitten and
7 Puppy Protection Fund," which shall be separate from the General
8 Fund of the State. All moneys in the "Kitten and Puppy Protection
9 Fund" shall be used by the commissioner exclusively for the control of
10 animal populations, and the administration, enforcement and
11 implementation of this act, and shall be allocated in the following
12 manner:

13 (1) 50 percent to the "Animal Population Control Fund,"
14 established pursuant to P.L.1983, c.172 (C.4:19A-5); and

15 (2) 50 percent to the Department of Health for the purposes of
16 administering, enforcing and implementing this act.

17
18 12. The Department of Health shall adopt, pursuant to the
19 provisions of the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
21 to implement the provisions of this act.

22
23 13. This act shall take effect on the 180th day after enactment, but
24 the Commissioner of the Department of Health may take such
25 anticipatory administrative action in advance as shall be necessary for
26 the implementation of the act.

27 28 29 STATEMENT

30
31 This bill prohibits certain breeding practices and limits the selling
32 of cats or dogs as pets to 25 animals per year per breeder. "Breeder"
33 is defined under the bill as any person who owns or operates a
34 breeding facility and sells more than five cats or dogs per year,
35 regardless of whether or not the person holds a valid breeder license
36 issued by the United States Department of Agriculture.

37 Currently, many diseased or abused dogs are sold in the State as
38 pets that come from breeding facilities nicknamed "puppy mills," and
39 there is evidence that similar mills to breed cats exist as well. Puppy
40 mills are mass breeding dog farms which engage in widespread abuse
41 of the dogs they breed. Because many of these operations are located
42 outside the State and may not have valid United States Department of
43 Agriculture breeder licenses, it is difficult to discern which breeders
44 are puppy mill operations and furthermore detect abuse and its effects
45 at the time of sale of the cats or dogs. Therefore, the bill broadly
46 defines breeder, restricts the number of animals to be sold in the State,

1 and requires disclosure of essential information about a cat's or dog's
2 origins and health at the time of sale.

3 The bill also requires breeders selling cats or dogs as pets in the
4 State to annually register with the Department of Health, and the
5 Department of Health to annually publish the list of breeders registered
6 in the State. At that time, the breeder would be required to sign a
7 document attesting to the breeder's compliance with federal and State
8 law concerning the proper breeding, care and treatment of animals and
9 the rules and regulations adopted pursuant to these laws, as well as
10 more specific requirements. The specific requirements are changes to
11 federal regulations being recommended by the Humane Society of the
12 United States. The bill authorizes the Department of Health to deny
13 or revoke the registration of any breeder who falsely attests to items
14 in the registration document or who has been found guilty of cruelty
15 to animals or in violation on any other laws concerning the proper
16 breeding, care, housing, raising or treatment of animals in any state or
17 jurisdiction.

18 The bill prohibits any "pet dealer," which includes pet shops and
19 individuals selling more than five cats or dogs as pets per year, from
20 buying cats or dogs from any breeder that does not have valid
21 registration and is not on the list published by the Department of
22 Health annually. The bill also requires pet dealers to make information
23 on the cats and dogs available and notice the public that it is available.

24 Finally, the bill provides extensive civil administrative penalties and
25 civil penalties for violations of the act, with the heaviest penalties
26 falling on breeders who violate the law. Individuals who provide
27 information that leads to the collection of these penalties are eligible
28 for a reward of 10% of the penalty collected or \$250, whichever
29 amount is greater. The bill also provides that any misrepresentation,
30 misinformation or failure to properly disclose information about a cat
31 or dog constitutes fraud, a violation of this bill, and P.L.1960, c.39
32 (C.56:8-1 et seq.), commonly referred to and known as the Consumer
33 Fraud Act, and the violator is subject to all the applicable penalties
34 under State and federal law.

35 It is the sponsor's intent that, by requiring registration of breeders,
36 providing the retail purchaser with information about the cats and
37 dogs, and by imposing heavy penalties on violators, individuals and
38 pet shops would be encouraged to purchase cat or dogs from reputable
39 breeders, thus eliminating the market for cats or dogs from mass
40 breeding establishments with poor and unhealthy conditions.

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45 Prohibits certain breeding and sales practices; requires persons selling
46 cats or dogs to provide certain information; and provides penalties.