The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 960 (1R).

The bill codifies in State consumer fraud law the protections currently provided under Department of Law and Public Safety regulations to people purchasing cats or dogs from pet shops, with certain modifications. The bill also provides additional oversight and enforcement of these protections through the Division of Consumer Affairs in the Department of Law and Public Safety and local health authorities.

The bill applies only to purchases of a cat or a dog from a pet shop, and specifies certain requirements concerning veterinary care and caging of the cats and dogs in pet shops. Current law defines pet shop 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.

The Division of Consumer Affairs is directed to provide notification forms to each pet shop in the State that the owner or operator of the pet shop, or an employee thereof, must give to a consumer purchasing a cat or a dog. The form provides the full text of the rights and responsibilities of the consumer and the owner or operator of the pet shop, and the employees thereof. These rights and responsibilities include the recourse to which the consumer is entitled if the cat or dog becomes sick or dies.

The bill would provide consumers recourse for the following:

(1) 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 if a veterinarian certifies, within the 14 days after the date of purchase of the animal, 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.
(2) If the animal becomes sick or dies within 180 days after the date of purchase, and if a veterinarian certifies, within the 180 days after the date of purchase of the animal, 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 either such a cause or condition or sickness.

It is the responsibility of the consumer to obtain the certification within the time provided, unless the owner or operator of the pet shop, or the employee thereof selling the animal to the consumer, fails to provide the proper notification form at the time of purchase, in which case the consumer has the right to select a recourse provided.

The recourse provided in the bill is that a consumer may return the cat or dog for a full refund, exchange the cat or dog for a comparable animal, or keep the cat or dog. Whichever recourse is selected, the consumer is also entitled to reimbursement of all veterinary fees up to an amount equal to twice the original cost of the original cat or dog, including sales tax. The owner or operator of the pet shop, or an employee thereof, may contest the claim to recourse and may request that the cat or dog be examined by another veterinarian. Any contested claim will be decided pursuant to a hearing held by the Division of Consumer Affairs and following any appeals, the parties involved shall comply with the final decision.

The bill specifies that the owner of a pet shop is responsible and liable for any recourse or reimbursement due to a consumer because of violations by the owner or operator of the pet shop, or any employee thereof, of any provisions of the bill, or because of any document signed pursuant to the bill by the owner or operator of the pet shop, or any employee thereof.

Further, the bill establishes a pet shop reporting and license review process for local health authorities. A consumer who purchases a cat or dog that becomes sick or dies may report the incident to the local health authority with jurisdiction over the pet shop. The local health authority is directed to maintain records of these reports and to review the files on pet shops over which the authority has jurisdiction annually. The local health authority is further directed to recommend to the municipality that the license, or the part of the license, that authorizes the pet shop to sell cats or dogs be revoked or suspended where a certain percentage of animals sold by a licensee are deemed unfit for purchase or die from a congenital or hereditary cause each year. The bill also provides that the clerk may use the records of the local health authority to deny a license to sell cats or dogs to an applicant.