

ASSEMBLY, No. 5397

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires pet shops to display information on availability of pet insurance in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the display of information on the availability of
2 pet insurance and amending P.L.1999, c.336

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
8 as follows:

9 4. a. Notwithstanding the provisions of any rule or regulation
10 adopted pursuant to Title 56 of the Revised Statutes as such
11 provisions are applied to pet shops, and without limiting the
12 prosecution of any other practices which may be unlawful pursuant
13 to Title 56 of the Revised Statutes, it shall be a deceptive practice
14 for any owner or operator of a pet shop, or employee thereof, to sell
15 animals within the State without complying with the provisions and
16 requirements of this section and section 3 of P.L.2015, c.7 (C.56:8-
17 95.1).

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

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

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

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

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

43 (4) The first and last name of the breeder of the animal, the full
44 street address of where the breeder is doing business, an email
45 address, if available, by which to contact the breeder, the breeder's

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 USDA license number, and, if the breeder is required to be licensed
2 in the state in which the breeder is located, the breeder's state
3 license number;

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

10 (6) The statement "Know Your Rights" in bold type face and no
11 less than 12 point type, followed by the statement in no less than 10
12 point type, "State law requires that every pet shop offering cats or
13 dogs for sale post in a conspicuous location on or near each cat or
14 dog's cage or enclosure the USDA inspection reports for the breeder
15 and broker of each cat or dog for the two years prior to the first day
16 that the cat or dog is offered for sale. If you do not see a required
17 inspection report, please request the report from the pet shop. If you
18 have any concerns, please contact the New Jersey Division of
19 Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-
20 6200. You may also view these and other USDA inspection reports
21 for the breeder and broker of each cat or dog on the USDA Animal
22 and Plant Health Inspection Service (APHIS) website. You are
23 entitled to receive additional information from APHIS about the
24 breeder's or broker's history through the federal Freedom of
25 Information Act."

26 Every pet shop offering animals for sale shall also post, in a
27 conspicuous location on or near the cage or enclosure for each
28 animal in the cage or enclosure, the USDA inspection reports for
29 the breeder and the broker of the animal for the two years prior to
30 the first day that the animal is offered for sale by the pet shop.
31 Every pet shop shall also post, in a conspicuous location, a notice
32 concerning the availability of pet insurance. The notice shall
33 include a link to the New Jersey Department of Banking and
34 Insurance webpage addressing pet health insurers. If a pet shop
35 maintains a website, it shall post a notice on its homepage
36 concerning the availability of pet insurance, which shall also
37 include a link to the New Jersey Department of Banking and
38 Insurance webpage addressing pet health insurers.

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

44 d. The owner or operator of a pet shop, or employee thereof,
45 shall quarantine any animal diagnosed as suffering from a
46 contagious or infectious disease, illness, or condition and may not
47 sell such an animal until such time as a veterinarian licensed to
48 practice in the State treats the animal and determines that such

1 animal is free of clinical signs of infectious disease or that the
2 animal is fit for sale. All animals required to be quarantined
3 pursuant to this subsection shall be placed in a quarantine area,
4 separated from the general animal population of the pet shop.

5 e. The owner or operator of a pet shop, or designated employee
6 thereof, may inoculate and vaccinate animals prior to purchase only
7 upon the order of a veterinarian. No owner or operator of a pet
8 shop, or employee thereof, may represent, directly or indirectly, that
9 the owner or operator of the pet shop, or any employee thereof,
10 other than a veterinarian, is qualified to, directly or indirectly,
11 diagnose, prognose, treat, or administer for, prescribe any treatment
12 for, operate concerning, manipulate or apply any apparatus or
13 appliance for addressing, any disease, pain, deformity, defect,
14 injury, wound, or physical condition of any animal after purchase of
15 the animal, for the prevention of, or to test for, the presence of any
16 disease, pain, deformity, defect, injury, wound, or physical
17 condition in an animal after its purchase. These prohibitions
18 include, but are not limited to, the giving of inoculations or
19 vaccinations after purchase, the diagnosing, prescribing, and
20 dispensing of medication to animals, and the prescribing of any diet
21 or dietary supplement as treatment for any disease, pain, deformity,
22 defect, injury, wound, or physical condition.

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

29 (1) The full text of the rights and responsibilities provided for in
30 subsection h. of this section;

31 (2) The full text and description of the recourse to which the
32 consumer is entitled pursuant to subsection i. of this section;

33 (3) The statement that it is the responsibility of the consumer to
34 obtain such certification within the required amount of time
35 provided by subsection h. of this section;

36 (4) The full text of the rights and responsibilities of the owner or
37 operator of the pet shop, and the employees thereof, and the
38 consumer provided in subsection l. of this section;

39 (5) The notification, reporting and enforcement provisions
40 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
41 name and address of the local health authority with jurisdiction over
42 the pet shop;

43 (6) The name, full street address, email address, if available, and
44 USDA license number of the breeder of the animal and the broker
45 of the animal, if the broker is different from the breeder;

46 (7) The breeder's state license number, if the breeder is required
47 to be licensed in the state in which the breeder is located, and, if the
48 broker is different from the breeder and the broker is required to be

1 licensed in the state in which the broker is located, the broker's state
2 license number; **[and]**

3 (8) An attestation by the owner or operator of the pet shop that,
4 as of the date of purchase of the animal by the pet shop, which shall
5 be specified in the attestation, the breeder and the broker of the
6 animal were in compliance with the requirements concerning the
7 maintenance and care of animals and the sanitary operation of
8 kennels, pet shops, shelters and pounds established in rules and
9 regulations adopted pursuant to section 14 of P.L.1941, c.151
10 (C.4:19-15.14), as required pursuant to section 3 of P.L.2015, c.7
11 (C.56:8-95.1); and

12 (9) A notice to consumers concerning the availability of pet
13 insurance. The notice shall include a link to the New Jersey
14 Department of Banking and Insurance webpage addressing pet
15 health insurers.

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

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

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

45 If the animal becomes sick or dies within 180 days after the date
46 of purchase and a veterinarian certifies, within the 180 days after
47 the date of purchase of the animal by the consumer, that the animal
48 is unfit for sale due to a congenital or hereditary cause or condition,

1 or a sickness brought on by a congenital or hereditary cause or
2 condition, or died from such a cause or condition or sickness, the
3 consumer shall be entitled to the recourse provided in subsection i.
4 of this section.

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

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

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

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

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

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

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

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

- 47 (1) The name of the owner;
48 (2) The date or dates of examination;

- 1 (3) The breed, color, sex, and age of the animal;
 - 2 (4) A statement of the findings of the veterinarian;
 - 3 (5) A statement that the veterinarian certifies the animal to be
 - 4 "unfit for purchase";
 - 5 (6) An itemized statement of veterinary fees incurred as of the
 - 6 date of certification;
 - 7 (7) If the animal may be curable, an estimate of the possible cost
 - 8 to cure, or attempt to cure, the animal;
 - 9 (8) If the animal has died, a statement establishing the probable
 - 10 cause of death; and
 - 11 (9) The name and address of the certifying veterinarian and the
 - 12 date of the certification.
- 13 k. Upon the presentation of the veterinarian certification
- 14 required in subsection j. of this section to the pet shop, the
- 15 consumer shall select the recourse to be provided and the owner or
- 16 operator of the pet shop, or the employee thereof, shall confirm the
- 17 selection of recourse in writing. The confirmation of the selection
- 18 shall be signed by the owner or operator of the pet shop, or an
- 19 employee thereof, and the consumer and a copy of the signed
- 20 confirmation shall be given to the consumer and retained by the
- 21 owner or operator of the pet shop, or employee thereof, on the pet
- 22 shop premises. The confirmation of the selection shall be in the
- 23 form established by the director by regulation.
- 24 l. The owner or operator of the pet shop, or an employee
- 25 thereof, shall comply with the selection of recourse by the consumer
- 26 no later than 10 days after the receipt of the veterinarian
- 27 certification and the signed confirmation of selection of recourse
- 28 form. In the event the owner or operator of the pet shop, or an
- 29 employee thereof, wishes to contest the selection of recourse of the
- 30 consumer, the owner or operator of the pet shop, or an employee
- 31 thereof, shall notify the consumer and the director in writing within
- 32 the five days after the receipt of the veterinarian certification and
- 33 the signed confirmation of selection of recourse form. After
- 34 notification to the consumer and the director of the division, the
- 35 owner or operator of the pet shop, or an employee thereof, may
- 36 require the consumer to produce the animal for examination by a
- 37 veterinarian chosen by the owner or operator of the pet shop, or
- 38 employee thereof, at a mutually convenient time and place, except
- 39 if the animal has died and was required to be cremated for public
- 40 health reasons. The director shall set, upon receipt of such notice of
- 41 contest on the part of the owner or operator of the pet shop, or an
- 42 employee thereof, a hearing date and hold a hearing, pursuant to the
- 43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
- 44 seq.) and the Uniform Administrative Procedure Rules adopted
- 45 pursuant thereto, to determine whether the recourse selected by the
- 46 consumer should be allowed. The consumer and the owner or
- 47 operator of the pet shop, or employee thereof, shall be entitled to
- 48 any appeal of the decision resulting from the hearing as may be

1 provided for under the law, or any rule or regulation adopted
2 pursuant thereto, but upon the exhaustion of such remedies and
3 recourse, the consumer and the owner or operator of the pet shop
4 shall comply with the final decision rendered.

5 m. Any owner or operator of a pet shop, or employee thereof,
6 shall be guilty of a deceptive practice if the owner or operator, or
7 employee thereof, secures or attempts to secure a waiver of any of
8 the provisions of this section except as specifically authorized under
9 subsection g. of this section.

10 n. The owner of a pet shop shall be responsible and liable for
11 any recourse or reimbursement due to a consumer because of
12 violations of any provisions of this section by the owner or operator
13 of the pet shop, or any employee thereof, or because of any
14 document signed pursuant to this section by the owner or operator
15 of the pet shop, or any employee thereof.

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

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

23
24 2. This act shall take effect of the first day of the fourth month
25 next following enactment but the Division of Consumer Affairs may
26 take anticipatory administrative action in advance thereof as shall
27 be necessary for the implementation of this act.

30 STATEMENT

31
32 This bill requires pet shops to display a notice in a conspicuous
33 location in the shop concerning the availability of pet insurance.
34 The notice is to include a link to the New Jersey Department of
35 Banking and Insurance webpage addressing pet health insurers. The
36 notification forms issued by the Division of Consumer Affairs to
37 pet shop owners or operators to use when a consumer is purchasing
38 a pet are to also include a notice concerning pet insurance
39 availability. The link to the New Jersey Department of Banking and
40 Insurance webpage on pet health insurers is to be part of the notice
41 in the forms.