

SENATE, No. 3421

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 19, 2022

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

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.



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 an
11 important public policy to support the adoption of homeless animals
12 from animal rescue organizations, animal shelters, and pounds; that
13 consumers have the right to choose responsible breeders from
14 whom to purchase healthy cats, dogs, or rabbits; that despite the
15 consumer protections enacted by the State, pet shops continue to
16 obtain unhealthy cats and dogs from kitten and puppy mills; that
17 with so many adoptable cats and dogs available, it is unnecessary to
18 have pet shops continue to sell cats or dogs; and that rabbits
19 continue to be sold by pet shops in the spring and often end up
20 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 P.L.1941,
4 c.151 (C.4:19-15.1).

5 “Pound” means a pound as defined in section 1 of P.L.1941,
6 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.

47
48 4. (New section) No animal rescue organization or animal
49 rescue organization facility, pet shop, shelter, or pound may obtain

1 a cat, dog, or rabbit from a breeder or broker in exchange for
2 payment or compensation, monetary or otherwise.

3
4 5. (New section) a. No pet shop shall sell or offer for sale a
5 cat, dog, or rabbit. A pet shop may sell or offer for sale any other
6 type of animal as may be otherwise permitted pursuant to State law,
7 or rules or regulations adopted pursuant thereto, or pet supplies for
8 any type of animal, including a cat, dog, or rabbit.

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

16
17 6. (New section) No provision of P.L. , c. (C.)
18 (pending before the Legislature as this bill) shall be construed to
19 interfere with the implementation of, or otherwise invalidate, or
20 limit or restrict any municipality, county, local health agency, or
21 municipal or county board of health from enacting or enforcing, any
22 law, ordinance, rule, or regulation that places additional obligations
23 or restrictions on pet shops, pet shop sales, breeders, brokers, or
24 breeder or broker sales.

25
26 7. (New section) a. In addition to any applicable requirements
27 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16) or section
28 6 of P.L.2011, c.142 (C.4:19-15.33), when an animal first becomes
29 available for adoption, the owner or operator of an animal rescue
30 organization facility, shelter, pound, or employee thereof, or, if a
31 pet shop is showcasing the animals for adoption, the owner or
32 operator of the pet shop, or employee thereof, shall have the animal
33 examined by a veterinarian licensed to practice in the State.

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

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

44 (2) documenting any suspected congenital or hereditary disease,
45 deformity, injury, physical condition, illness or defect that may not
46 be fully manifest in the animal on the date of the examination but
47 may severely affect the health of the animal in the future.

48 c. If the animal is not adopted within 14 days after the initial
49 veterinarian examination is performed pursuant to subsection a. of

1 this section, the owner or operator of an animal rescue organization
2 facility, shelter, pound, or employee thereof, or if a pet shop is
3 showcasing the animals for adoption, the owner or operator of the
4 pet shop, or employee thereof, shall have the animal re-examined by
5 a veterinarian licensed to practice in the State, and the veterinarian
6 shall update the animal health history and animal health certificate
7 accordingly, no more than five days before releasing the animal to
8 an adoptive owner.

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

18
19 8. (New section) In addition to any penalties imposed pursuant
20 to the State consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.),
21 any person who violates P.L. , c. (C.) (pending before the
22 Legislature as this bill), including, but not limited to, any owner or
23 operator who fails to provide information or provides false
24 information pursuant to the requirements of P.L. , c. (C.)
25 (pending before the Legislature as this bill), shall be subject to a
26 fine of \$500 for each violation, to be collected by the division in a
27 civil action by a summary proceeding under the "Penalty
28 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

29
30 9. (New section) The Department of Health may adopt,
31 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), any rules or regulations necessary for the
33 implementation of P.L. , c. (C.) (pending before the
34 Legislature as this bill).

35
36 10. (New section) The Director of the Division of Consumer
37 Affairs in the Department of Law and Public Safety may adopt,
38 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
39 (C.52:14B-1 et seq.), any rules or regulations necessary for the
40 implementation of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

42
43 11. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
44 read as follows:

45 8. a. Any person who keeps or operates or proposes to
46 establish a kennel, a pet shop, a shelter or a pound shall apply to the
47 clerk or other official designated to license dogs in the municipality
48 where such establishment is located, for a license entitling **[him]**
49 the licensee to keep or operate such establishment.

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

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

20 Any person holding a license shall not be required to secure
21 individual licenses for dogs owned by a licensee and kept at the
22 establishments; the licenses shall not be transferable to another
23 owner or different premises.

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

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

43 d. The municipality may issue a license for a pet shop that
44 permits the pet shop to sell pet supplies for all types of animals,
45 including cats **【and】**, dogs, and rabbits, and sell animals other than
46 cats **【and】**, dogs **【but restricts the pet shop from selling cats or**
47 **dogs, or both】**, and rabbits.

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

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

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

18
19 12. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
20 read as follows:

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

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

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

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

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

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

39 b. If an animal taken into custody and impounded pursuant to
40 subsection a. of this section has a collar or harness with
41 identification of the name and address of any person, or has a
42 registration tag, or has a microchip with an identification number
43 that can be traced to the owner or person charged with the care of
44 the animal, or the owner or the person charged with the care of the
45 animal is otherwise known, the certified animal control officer shall
46 ascertain the name and address of the owner or the person charged
47 with the care of the animal, and serve to the identified person as
48 soon as practicable, a notice in writing that the animal has been

1 seized and will be liable to be offered for adoption or euthanized if
2 not claimed within seven days after the service of the notice.

3 c. A notice required pursuant to this section may be served: (1)
4 by delivering it to the person on whom it is to be served, or by
5 leaving it at the person's usual or last known place of residence or
6 the address given on the collar, harness, or microchip identification;
7 or (2) by mailing the notice to that person at the person's usual or
8 last known place of residence, or to the address given on the collar,
9 harness or microchip identification.

10 d. A shelter, pound, or kennel operating as a shelter or pound
11 receiving an animal from a certified animal control officer pursuant
12 to subsection a. of this section, or from any other individual, group,
13 or organization, shall hold the animal for at least seven days before
14 offering it for adoption, or euthanizing, relocating, or sterilizing the
15 animal, except if:

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

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

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

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

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

31 f. Except as otherwise provided for under subsection e. of this
32 section, no shelter, pound, or kennel operating as a shelter or pound
33 receiving an animal from a certified animal control officer may
34 transfer the animal to an animal rescue organization facility or a
35 foster home until the shelter, pound, or kennel operating as a shelter
36 or pound has held the animal for at least seven days.

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

41 (1) shall, in the case of a cat or dog, release it to the owner or
42 person charged with its care, provided the owner or person charged
43 with the care of the animal provides proof of ownership, which may
44 include a valid cat or dog license, registration, rabies inoculation
45 certificate, or documentation from the owner's veterinarian that the
46 cat or dog has received regular care from that veterinarian;

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

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

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

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

29 j. Any animal seized under this section suspected of being
30 rabid shall be immediately reported to the executive officer of the
31 local board of health and to the Department of Health, and shall be
32 quarantined, observed, and otherwise handled and dealt with as
33 appropriate for an animal suspected of being rabid or as required by
34 the Department of Health for the animals.

35 k. When a certified animal control officer takes into custody
36 and impounds, or causes to be taken into custody and impounded,
37 an animal, the certified animal control officer may place the animal
38 in the custody of, or cause the animal to be placed in the custody of,
39 only a licensed shelter, pound, or kennel operating as a shelter or
40 pound. The certified animal control officer may not place the
41 animal in the custody of, or cause the animal to be placed in the
42 custody of, any animal rescue organization facility, foster home, or
43 other unlicensed facility. However, the licensed shelter, pound, or
44 kennel operating as a shelter or pound may place the animal in an
45 animal rescue organization facility, foster home, or other unlicensed
46 facility if necessary pursuant to subsection e. or h. of this section.

47 l. Notwithstanding the provisions of this section and sections 3
48 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
49 contrary, no cat or dog being transferred between shelters, pounds,

1 or kennels operating as shelters or pounds, or being transferred to
2 an animal rescue organization facility or placed in a foster home,
3 shall be required to be sterilized prior to that transfer.

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

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

8 6. a. The Department of Health shall establish a registry of
9 animal rescue organizations and their facilities in the State. **Any**
10 Every animal rescue organization **may** voluntarily participate in
11 the registry operating in the State shall register with the
12 department.

13 b. The department, pursuant to the “Administrative Procedure
14 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), **may** shall adopt rules
15 and regulations for the operation of animal rescue organization
16 facilities, and any rules and regulations determined necessary to
17 implement the **voluntary** registry , the provisions of P.L. ,
18 c. (C.) (pending before the Legislature as this bill),
19 **establish** and to coordinate its the use of the registry and
20 implementation of P.L. , c. (C.) (pending before the
21 Legislature as this bill) with the provisions of P.L.2011, c.142
22 (C.4:19-15.30 et al.) and section 16 of P.L.1941, c.151 (C.4:19-
23 15.16).

24 c. The Department of Health shall establish and provide on the
25 department’s website a contact telephone number and email address
26 for contacting the department with concerns and questions in
27 regards to animal rescue organizations and their facilities in the
28 State.

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

30
31 14. The following sections are repealed: Sections 1 through 5,
32 and section 7 of P.L.1999, c.331 (C.56:8-92 through C.56:8-95,
33 C.56:8-96, and C.56:8-97); and sections 3 through 5 of P.L.2015,
34 c.7 (C.56:8-95.1 through C.56:8-95.3).

35
36 15. This act shall take effect immediately.

STATEMENT

40
41 This bill repeals the “Pet Purchase Protection Act,” P.L.1999,
42 c.336 (C.56:8-92 et seq.) and replaces it with a prohibition on the
43 sale of cats, dogs, and rabbits by pet shops. The bill also imposes
44 several other requirements concerning the sale and adoption of
45 animals.

46 The bill provides that, without limiting the prosecution of any
47 other practices which may be unlawful pursuant to State consumer
48 fraud laws, it would be an unlawful practice and a violation of State

1 consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), for any
2 breeder or broker to knowingly sell a cat or dog that is unfit for
3 purchase. The bill defines “unfit for purchase” as having any
4 disease, deformity, injury, physical condition, illness or defect
5 which is congenital or hereditary and severely affects the health of
6 the animal, or which was manifest, capable of diagnosis or likely
7 contracted on or before the sale and delivery of the animal to the
8 consumer. The bill specifies that the death of an animal within 14
9 days of its delivery to the consumer, except by death by accident or
10 as a result of injuries sustained during that period, would be
11 construed to mean the animal was unfit for purchase.

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

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

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

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

29 The bill establishes additional requirements concerning animal
30 adoptions.

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

38 The bill requires the animal be re-examined and the history and
39 certificate updated accordingly if the animal is not adopted within
40 14 days after the initial veterinary examination, but no more than
41 five days before the animal is released to the adoptive owner. The
42 bill requires that the adoptive owner receive a copy of the current
43 animal health history and animal health certificate of the animal.
44 The bill also authorizes charging the adoptive owner a reasonable
45 fee to defray the costs of the examination and the issuance of the
46 animal health history and animal health certificate of the animal.

47 The bill specifies that:

48 1) no provision of the bill can be construed to alter, diminish,
49 replace, or revoke the requirements for pet dealers that are not pet

1 shops or the rights of a consumer purchasing an animal from a pet
2 dealer that is not a pet shop, as may be provided elsewhere in law or
3 any rule or regulation;

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

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

11 The bill specifies that the bill's provisions cannot be construed to
12 interfere with the implementation of, or otherwise invalidate, or
13 limit or restrict any municipality, county, local health agency, or
14 municipal or county board of health from enacting or enforcing, any
15 law, ordinance, rule, or regulation that places additional obligations
16 or restrictions on pet shops, pet shop sales, breeders, brokers, or
17 breeder or broker sales.

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

24 Finally, the bill authorizes the Department of Health and the
25 Director of the Division of Consumer Affairs in the Department of
26 Law and Public Safety to adopt any rules or regulations necessary
27 to implement the bill's provisions.