

ASSEMBLY, No. 3401

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JULY 4, 2006

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/31/2006)

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

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

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

33 "Commissioner" means the Commissioner of the Department of
34 Health.

35 "Department" means the Department of Health.

36 "Pet" means a domestic companion animal, as defined in section
37 1 of P.L.1995, c.145 (C.4:19A-16).

38 "Pet dealer" means any person who sells or offers for sale cats or
39 dogs at retail in the State for use as pets, or at wholesale to persons
40 or businesses that sell cats or dogs at retail for use as pets. The
41 term "pet dealer" shall include, but shall not be limited to, breeders
42 as defined in this section and Class A and Class B breeders licensed
43 by the United States Department of Agriculture pursuant to the
44 "Animal Welfare Act," 7 U.S.C. §2131 et seq., who sell cats or dogs
45 to individuals or to kennels or pet shops as defined in section 1 of
46 P.L.1941, c.151 (C.4:19-15.1). The term "pet dealer" shall also
47 include, but shall not be limited to, kennels or pet shops as defined
48 in section 1 of P.L.1941, c.151 (C.4:19-15.1), persons selling more

1 than five cats or dogs per year who are otherwise exempted from
2 the federal license requirements established pursuant to the "Animal
3 Welfare Act," 7 U.S.C. §2131 et seq., and the rules or regulations
4 adopted pursuant thereto, and all pet dealers regulated pursuant to
5 subchapter 12 of chapter 45A of Title 13 of the New Jersey
6 Administrative Code. Individuals that sell five or fewer animals per
7 year and animal shelters shall not be considered pet dealers under
8 this act.

9
10 2. a. No person may breed a cat or a dog from a litter with
11 another cat or dog from the same litter. No person may breed a cat
12 or a dog more than once per calendar year.

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

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

17
18 3. a. Upon the effective date of this act and every year
19 thereafter, each breeder doing business in the State as a pet dealer
20 shall register with the Department of Health, and shall at that time,
21 sign a document that attests to the breeder's knowledge of State law,
22 rules and regulations concerning the care, treatment, and sale of
23 animals in the State, and to the breeder's compliance with the
24 requirements of subsection c. of this section. The department may
25 charge the breeder a reasonable fee for the administrative and
26 processing costs of the registration.

27 b. The Department of Health, in consultation with professional
28 veterinarian associations, the Humane Society of the United States,
29 the New Jersey Society for the Prevention of Cruelty to Animals,
30 and other groups, associations and organizations involved in the
31 proper care and treatment of animals, shall adopt, pursuant to the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), rules and regulations establishing a standardized program of
34 responsible veterinary care to be implemented by breeding
35 facilities. The program shall include, but shall not be limited to,
36 provisions for vaccinations, internal and external parasite control,
37 disease prevention and control, grooming, spaying, neutering and
38 care of pregnant animals, first aid and emergency care protocols,
39 housing considerations associated with illness and injury, and
40 humane euthanasia methods.

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

47 (1) Indoor temperatures of breeding facilities shall be
48 maintained at a minimum of 50 degrees and a maximum of 80
49 degrees Fahrenheit for cats or dogs older than eight weeks, and a

- 1 minimum of 65 degrees and a maximum of 80 degrees Fahrenheit
2 for cats or dogs eight weeks old or younger;
- 3 (2) Air shall be constantly circulated at a rate of at least eight to
4 12 times per hour;
- 5 (3) Flooring in animal cages or other types of enclosures used to
6 house animals shall be made of substances that are nonporous and
7 can be sanitized;
- 8 (4) Wire flooring shall be used only if it is plastic-coated and is
9 spaced at intervals that prevent the possibility of foot or leg injury
10 and allow for waste to fall through the flooring onto a surface or
11 into an area where no animals are held or housed;
- 12 (5) Each enclosure for a dog shall have a height of not less than
13 six inches above the head of the dog being held in the enclosure
14 when the dog is standing on its hind legs and shall provide access to
15 an outdoor run. Enclosures for dogs shall have, for large-sized
16 breeds of 50 pounds per animal or more, a minimum size of 4 feet
17 by 8 feet, or 32 square feet, and an outdoor run of 4 feet by 15 feet;
18 for medium-sized breeds of 21 to 50 pounds per animal, a minimum
19 of 4 feet by 6 feet, or 24 square feet, and an outdoor run of 4 feet
20 by 10 feet; and for small-sized breeds of less than 21 pounds, a
21 minimum of 3 feet by 5 feet and an outdoor run of 3 feet by 10
22 feet;
- 23 (6) Individual enclosures for cats shall provide an area of no less
24 than 9 cubic feet or a ground area of 3 feet by 3 feet with a height of
25 3 feet, and no more than one cat shall be housed per cage except a
26 cat that is a nursing mother shall share the enclosure with its
27 offspring;
- 28 (7) Ground areas shall be cleaned daily and dry bedding shall be
29 provided, such as straw or hay, but newspaper is prohibited;
- 30 (8) Constant access to potable water shall be provided, in
31 mounted feeders whenever possible, and food shall be nutritionally
32 balanced and kept dry at all times;
- 33 (9) Cages, enclosures, mounted feeders and other containers
34 providing food and water shall be cleaned and sanitized daily;
- 35 (10) All dogs shall be allowed the opportunity for exercise daily
36 and be allowed to run unleashed for at least 20 minutes daily in an
37 area no smaller than 4 feet by 10 feet; and
- 38 (11) A standardized program of veterinarian care consistent with
39 the program established pursuant to subsection b. of this section
40 shall be implemented in breeding facilities.
- 41 d. The department shall annually compile, publish and make
42 available to the public a list of the breeders doing business as pet
43 dealers who are registered in the State. The department shall also
44 provide, upon request, a summary of the requirements established
45 under subsection b. and information on how a complaint may be
46 filed against a pet dealer that appears to be violating State law, rules
47 or regulations.

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

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

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

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

11 c. Any breeder who sells or offers for sale a cat or a dog without
12 valid registration is in violation of this act. Any pet dealer who
13 knowingly purchases a cat or a dog from a breeder who is without
14 valid registration is in violation of this act.

15

16 5. No pet dealer may purchase any cats or dogs from any person
17 who is not a registered breeder named on the list compiled and
18 published by the Department of Health pursuant to subsection d. of
19 section 3 of this act, except if that person has documentation that
20 each of the cats or dogs being sold were bred by a registered
21 breeder named on the list compiled and published by the department
22 pursuant to subsection d. of section 3 of this act, or if the person
23 signs a notarized affidavit attesting to the fact that the individual is
24 not a breeder or a pet dealer regulated by this act.

25

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

30 (1) The name and street address of the person from whom the cat
31 or dog was obtained and, if the person is a dealer licensed by the
32 United States Department of Agriculture, the person's federal dealer
33 identification number;

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

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

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

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

47 (6) A record of any veterinarian treatment or medication received
48 by a cat or dog while in the possession of a pet dealer to treat any

1 disease, illness, or condition that required hospitalization or surgical
2 procedures, and one of the following;

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

8 (b) A record of any known disease, illness, or condition that
9 requires hospitalization, surgical procedures or ongoing treatment
10 with which the cat or dog is afflicted at the time of sale, and a
11 statement, dated and signed by a licensed veterinarian no more than
12 14 days prior to the sale, that recommends a course of treatment,
13 authorizes the sale of the cat or dog afflicted with the disease,
14 illness or condition, and states that the recommended course of
15 treatment is necessary for the good health and survival of the cat or
16 dog being sold; or

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

23 The statement dated and signed by a licensed veterinarian
24 required pursuant to this paragraph shall not be required to address
25 the presence of external parasites unless their presence makes the
26 cat or dog ill to the point of requiring hospitalization or surgical
27 procedures, or is likely to make the cat or dog ill to the point of
28 requiring hospitalization or surgical procedures within the
29 foreseeable future if left untreated. The statement shall include
30 confirmation from the licensed veterinarian that the veterinarian has
31 checked the cat or dog and its feces for internal parasites and has
32 found none, or if internal parasites are found, the statement shall
33 report the type of internal parasite and the recommended treatment,
34 and shall confirm that hospitalization or surgical procedures are not
35 likely to be required as a result of the presence of the internal
36 parasites if the recommended treatment is provided.

37 The statement dated and signed by a licensed veterinarian
38 required pursuant to this paragraph is invalid if the cat or dog is not
39 purchased within 14 days following the date of the statement. Any
40 cat or dog subject to the provisions of this paragraph may not be
41 sold without a valid veterinarian statement as required pursuant to
42 this subparagraph. Any disclosure made pursuant to this paragraph
43 shall be signed by both the pet dealer certifying the accuracy of the
44 statement, and the purchaser of the cat or dog acknowledging
45 receipt of the statement.

46 b. Any pet dealer selling a cat or dog to another pet dealer shall
47 provide the purchasing pet dealer with the documentation and
48 information required in subsection a. of this section. The
49 purchasing pet dealer shall retain the documentation and

1 information and shall update the documentation and information
2 required during the period of time that the purchasing pet dealer is
3 in possession of the cat or dog.

4 c. All information required to be disclosed pursuant to this
5 section may be made orally to the purchaser prior to the purchase of
6 the cat or dog, but shall be provided in writing to the purchaser at
7 the time of purchase.

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

14
15 7. a. Except as provided for in subsection a. of section 6 of this
16 act, no pet dealer shall knowingly sell a cat or dog which is
17 diseased, ill, or has a condition that requires hospitalization or
18 surgical procedures. Every pet dealer shall comply with, and every
19 purchaser of a pet shall be entitled to the protections provided under
20 P.L.1960, c.39 (C.56:8-1 et seq.) and any rules or regulations
21 adopted pursuant thereto concerning the sale of animals.

22 b. At the time of the sale of a cat or dog, the pet dealer shall
23 provide in writing to the purchaser a copy of the return policy of the
24 pet dealer. The return policy shall comply with the rules and
25 regulations adopted pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)
26 concerning the sale of animals, and shall include a 14-day guarantee
27 to accept the return of the cat or dog for a full refund for any
28 reason, including, but not limited to, illness discovered in the cat or
29 dog, or inability on the part of the purchaser to properly care for the
30 cat or dog. The return policy shall also include a 26-month
31 guarantee to accept the cat or dog for a full refund if the cat or dog
32 is sold as a pedigree and congenital or genetic defects are
33 discovered in the cat or dog during that time period and the defects
34 are certified by a licensed veterinarian.

35 c. No pet dealer shall keep a cat or dog in a pet shop for more
36 than eight consecutive weeks. Every pet dealer shall establish
37 procedures and methods for the return of cats or dogs for any reason
38 that shall include the humane transfer of cats or dogs to pounds,
39 shelters or other municipal animal control facility. Any cat or dog
40 that has not been sold after eight consecutive weeks in the pet shop
41 shall be delivered in a humane manner and at no cost to the pound,
42 shelter, or other municipal animal control facility with which the
43 municipality in which the pet shop is located has contracted for the
44 holding of animals.

45
46 8. a. Every pet dealer shall post conspicuously on the cage of
47 each cat or dog offered for sale a notice indicating the state in
48 which the cat or dog was bred and brokered.

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

4 "Information on the source of these cats or dogs and the
5 veterinary treatments received by these cats or dogs is available for
6 review."
7

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

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

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

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

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

19 b. Whenever the commissioner finds that a person has violated
20 any provision of this act, or any rule or regulation adopted pursuant
21 to this act, the commissioner may issue an order specifying the
22 provision or provisions of this act or of any rule or regulation of
23 which the person is in violation, citing the action which constituted
24 the violation, and ordering abatement of the violation. Whenever a
25 breeder has violated any provision of this act, or any rule or
26 regulation adopted pursuant thereto, the commissioner shall include
27 in the order the following prohibitions on the retail or wholesale
28 sale of cats or dogs:

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

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

34 The order shall give notice to the person of the person's right to a
35 hearing on the matters contained in the order. The ordered party
36 shall have 20 calendar days from receipt of the order within which
37 to deliver to the commissioner a written request for a hearing. Such
38 order shall be effective upon receipt and any person to whom such
39 order is directed shall comply with the order immediately. A
40 request for hearing shall not automatically stay the effect of the
41 order.

42 c. The commissioner, a local board of health or county health
43 department may institute an action or proceeding in the Superior
44 Court for injunctive and other relief, including the appointment of a
45 receiver for any violation of this act, or of any rule or regulation
46 adopted thereto, or order issued pursuant to this act, and the court
47 may proceed in the action in a summary manner. In any such
48 proceeding the court may grant temporary or interlocutory relief.

49 Such relief may include, singly or in combination:

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

7 (2) Assessment of the violator for the costs of any investigation
8 or inspection which led to the establishment of the violation, and for
9 the reasonable costs of preparing and litigating the case under this
10 subsection. Assessments under this subsection shall be paid to the
11 State Treasurer, or to the local board of health, or to the county
12 health department, as the case may be.

13 If a proceeding is instituted by a local board of health or county
14 health department, notice thereof shall be served upon the
15 commissioner in the same manner as if the commissioner were a
16 named party to the action or proceeding. The department may
17 intervene as a matter of right in any proceeding brought by a local
18 board of health or county health department.

19 d. The commissioner is authorized to assess civil administrative
20 penalties as follows:

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

22 (2) For a second or subsequent offense by a breeder, a penalty of
23 \$10,000 for each offense.

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

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

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

42 (6) For a fourth offense or subsequent offenses by any person
43 other than a breeder, a penalty of not less than \$5,000 nor more than
44 \$10,000, except that a pet dealer who knowingly purchases cats or
45 dogs from a breeder whose registration has been revoked or who is
46 not properly registered with the Department of Health shall be
47 subject to a penalty of \$10,000 per animal purchased under a fourth
48 or subsequent offense.

1 No assessment shall be levied pursuant to this section until after
2 the violator has been notified by certified mail or personal service.
3 The notice shall include a reference to the section of the statute,
4 rule, regulation, or order violated, a concise statement of the facts
5 alleged to constitute a violation, a statement of the amount of the
6 civil administrative penalties to be imposed, and a statement of the
7 party's right to a hearing. The ordered party shall have 20 calendar
8 days from receipt of the notice within which to deliver to the
9 commissioner a written request for a hearing. After the hearing and
10 upon finding that a violation has occurred, the commissioner may
11 issue a final order after assessing the amount of the fine specified in
12 the notice. If no hearing is requested, the notice shall become a
13 final order after the expiration of the 20-day period. Payment of the
14 assessment is due when a final order is issued or the notice becomes
15 a final order. The authority to levy a civil administrative penalty is
16 in addition to all other enforcement provisions in this act, and the
17 payment of any assessment shall not be deemed to affect the
18 availability of any other enforcement provisions in connection with
19 the violation for which the assessment is levied. The department
20 may compromise any civil administrative penalty assessed under
21 this section in to any amount the department determines
22 appropriate.

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

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

29 (2) For a second or subsequent offense by a breeder, a penalty of
30 \$10,000 for each offense.

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

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

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

1 (6) For a fourth offense or subsequent offenses by any person
2 other than a breeder, a penalty of not less than \$5,000 nor more than
3 \$10,000, 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
6 subject to a penalty of \$10,000 per animal purchased under a fourth
7 or subsequent offense.

8 Any person who violates an administrative order issued pursuant
9 to subsection b. of this section, or a court order issued pursuant to
10 subsection c. of this section, or who fails to comply with an
11 administrative assessment in full pursuant to subsection d. of this
12 section is subject upon order of a court to a civil penalty not to
13 exceed \$10,000 per day of such violation.

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

20

21 10. A member of the public who supplies information to an
22 enforcing authority which proximately results in the imposition and
23 collection of a civil penalty as the result of a civil action brought
24 pursuant to subsection e. of section 9 of this act, or any rule or
25 regulation adopted, administrative order issued, or assessment
26 imposed pursuant thereto, shall be entitled to a reward of 10% of
27 the civil penalty collected, or \$250, whichever amount is greater.
28 The reward shall be paid by the department from any money
29 received by the department pursuant to subsection e. of section 9 of
30 this act. The Attorney General shall adopt, pursuant to the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), rules and regulations necessary to implement this section.

33

34 11. All fees and penalties collected pursuant to this act shall be
35 placed in a special dedicated fund to be known as the "Kitten and
36 Puppy Protection Fund," which shall be separate from the General
37 Fund of the State. All moneys in the "Kitten and Puppy Protection
38 Fund" shall be used by the commissioner exclusively for the control
39 of animal populations, and the administration, enforcement and
40 implementation of this act, and shall be allocated in the following
41 manner:

42 (1) 50 percent to the "Animal Population Control Fund,"
43 established pursuant to P.L.1983, c.172 (C.4:19A-5); and

44 (2) 50 percent to the Department of Health for the purposes of
45 administering, enforcing and implementing this act.

46

47 12. The Department of Health shall adopt, pursuant to the
48 provisions of the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), such rules and regulations as may be
2 necessary to implement the provisions of this act.

3
4 13. This act shall take effect on the 180th day after enactment,
5 but the Commissioner of the Department of Health may take such
6 anticipatory administrative action in advance as shall be necessary
7 for the implementation of the act.

8

9

10 STATEMENT

11

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

18 Currently, many diseased or abused dogs are sold in the State as
19 pets that come from breeding facilities nicknamed "puppy mills,"
20 and there is evidence that similar mills to breed cats exist as well.
21 Puppy mills are mass breeding dog farms which engage in
22 widespread abuse of the dogs they breed. Because many of these
23 operations are located outside the State and may not have valid
24 United States Department of Agriculture breeder licenses, it is
25 difficult to discern which breeders are puppy mill operations and
26 furthermore detect abuse and its effects at the time of sale of the
27 cats or dogs. Therefore, the bill broadly defines breeder, restricts
28 the number of animals to be sold in the State, and requires
29 disclosure of essential information about a cat's or dog's origins and
30 health at the time of sale.

31 The bill also requires breeders selling cats or dogs as pets in the
32 State to annually register with the Department of Health, and the
33 Department of Health to annually publish the list of breeders
34 registered in the State. At that time, the breeder would be required
35 to sign a document attesting to the breeder's compliance with
36 federal and State law concerning the proper breeding, care and
37 treatment of animals and the rules and regulations adopted pursuant
38 to these laws, as well as more specific requirements. The specific
39 requirements are changes to federal regulations being recommended
40 by the Humane Society of the United States. The bill authorizes the
41 Department of Health to deny or revoke the registration of any
42 breeder who falsely attests to items in the registration document or
43 who has been found guilty of cruelty to animals or in violation on
44 any other laws concerning the proper breeding, care, housing,
45 raising or treatment of animals in any state or jurisdiction.

46 The bill prohibits any "pet dealer," which includes pet shops and
47 individuals selling more than five cats or dogs as pets per year,
48 from buying cats or dogs from any breeder that does not have valid
49 registration and is not on the list published by the Department of

1 Health annually. The bill also requires pet dealers to make
2 information on the cats and dogs available and notice the public that
3 it is available.

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

15 It is the sponsor's intent that, by requiring registration of
16 breeders, providing the retail purchaser with information about the
17 cats and dogs, and by imposing heavy penalties on violators,
18 individuals and pet shops would be encouraged to purchase cat or
19 dogs from reputable breeders, thus eliminating the market for cats
20 or dogs from mass breeding establishments with poor and unhealthy
21 conditions.