

ASSEMBLY, No. 1222

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

SYNOPSIS

The “Healthy Puppies and Kittens Assurance Act.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning cats and dogs, amending and supplementing
2 P.L.1941, c.151 and P.L.1999, c.336, and amending various parts
3 of statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) This act shall be known and may be cited as
9 the "Healthy Puppies and Kittens Assurance Act."
10

11 2. (New section) The Legislature finds and declares that since
12 the enactment of the "Pet Purchase Protection Act" in 1999, there
13 has been significant progress in identifying and closing pet shops
14 that habitually purchased and sold sick puppies and kittens; that this
15 success needs to be built upon by expanding the "Pet Purchase
16 Protection Act" to cover all pet dealers because puppy mills and
17 kitten mills continue to exist; that far too many of the puppies and
18 kittens from these disreputable breeding places continue to be sold
19 with seriously impaired health due to the manner in which the
20 puppies or kittens were bred and raised in the first months of life;
21 that many breeders of dogs and cats are reputable, conscientious
22 business people and do not deserve to be lumped together with
23 other breeders who engage in poor breeding practices or run puppy
24 mills or kitten mills; and that providing more information to the
25 consumer pursuant to the "Pet Purchase Protection Act" and
26 establishing the registration of breeders so that the reputable
27 breeders can be recognized apart from disreputable ones, would
28 further enhance protection under the law of puppies, kittens, and the
29 people who seek to own and care for them.

30 The Legislature therefore determines that it is in the public
31 interest to provide additional protection of the health of puppies and
32 kittens by establishing additional requirements for the breeding,
33 raising, and selling of puppies and kittens, and to establish a State
34 registration of dog and cat breeders so that pet dealers and pet
35 purchasers can be treated fairly under the laws of the State.
36

37 3. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to
38 read as follows:

39 1. As used in P.L.1941, c.151 (C.4:19-15.1 et seq.):

40 "Animal rescue organization" means an individual or group of
41 individuals who, with or without salary or compensation, house and
42 care for homeless animals in the home of an individual or in other
43 facilities, with the intent of placing the animals in responsible, more
44 permanent homes as soon as possible.

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 "Animal rescue organization facility" means the home or other
2 facility in which an animal rescue organization houses and cares for
3 an animal.

4 "Animal shelter" means any establishment that receives, houses
5 and distributes animals that have been abandoned or lost or are in
6 physical danger and are in need of temporary care and housing until
7 the animal is relocated to permanent care and housing or is
8 euthanized. The term "animal shelter" shall include, but need not
9 be limited to, a shelter and a facility that is contracted by a
10 municipality as an animal control facility to which the animal
11 control officer of the municipality may deliver animals that are
12 found abandoned, lost or in physical danger.

13 "Board" means the Canine and Feline Health Board established
14 pursuant to section 13 of P.L. , c. (C.) (pending before the
15 Legislature as this bill).

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

24 "Breeding facility" means any building or other structure, or area
25 whether indoor or outdoor, in which more than two cats or dogs are
26 housed and bred for the purposes of selling the resulting kittens or
27 puppies for any purpose. The term "breeding facility" shall include
28 a kennel as defined in this section except if the kennel is used
29 exclusively for the boarding of cats or dogs.

30 "Cat dealer" means any person, including an out-of-State pet
31 dealer, engaged in the ordinary course of business in the sale of cats
32 to the public for profit, or who sells or offers for sale more than one
33 litter of cats in one year, and whose business is not operated or
34 licensed as a kennel, pet shop, shelter, or pound.

35 "Certified animal control officer" means a person 18 years of age
36 or older who has satisfactorily completed the course of study
37 approved by the Commissioner of Health and Senior Services and
38 the Police Training Commission as prescribed by paragraphs (1)
39 through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-
40 15.16a); or who has been employed in the State of New Jersey in
41 the capacity of, and with similar responsibilities to those required
42 of, a certified animal control officer pursuant to the provisions of
43 P.L.1983, c.525 for a period of three years before January 17, 1987.

44 "Commissioner" means the Commissioner of the Department of
45 Health and Senior Services.

46 "Department" means the Department of Health and Senior
47 Services.

1 "Division" means the Division of Consumer Affairs in the
2 Department of Law and Public Safety.

3 "Dog" means any dog, bitch or spayed bitch.

4 "Dog dealer" means any person, including an out-of-State pet
5 dealer, engaged in the ordinary course of business in the sale of
6 dogs to the public for profit, or who sells or offers for sale more
7 than one litter of dogs in one year, and whose business is not
8 operated or licensed as a kennel, pet shop, shelter, or pound.

9 "Dog of licensing age" means any dog which has attained the age
10 of seven months or which possesses a set of permanent teeth.

11 "Foster home" means placement of a cat or dog with an
12 individual or group that is not an animal rescue organization for the
13 purpose of temporarily caring for the cat or dog, without the
14 individual or group assuming ownership and with the intent of the
15 individual or group relinquishing the cat or dog to a suitable owner
16 when one is located.

17 "Kennel" means any establishment wherein or whereon the
18 business of boarding or selling dogs or breeding dogs for sale is
19 carried on, except a pet shop.

20 "Out-of-State pet dealer" means any cat dealer or dog dealer
21 whose primary residence or primary place of business is not in this
22 State.

23 "Owner" when applied to the proprietorship of a dog shall
24 include every person having a right of property in that dog and
25 every person who has that dog in his keeping, and when applied to
26 the proprietorship of any other animal, including, but not limited to,
27 a cat, shall include every person having a right of property in that
28 animal and every person who has that animal in **[his]** the person's
29 keeping.

30 "Pet" means a domestic companion animal, as defined in section
31 1 of P.L.1995, c.145 (C.4:19A-16).

32 "Pet dealer" means any person who sells or offers for sale cats or
33 dogs at retail in the State for use as pets, or at wholesale to persons
34 or businesses that sell cats or dogs at retail for use as pets. The
35 term "pet dealer" shall include, but need not be limited to, a
36 breeder, or a Class A or Class B breeder licensed by the United
37 States Department of Agriculture pursuant to the "Animal Welfare
38 Act," 7 U.S.C. §2131 et seq., who sell cats or dogs to individuals or
39 to kennels or pet shops. "Pet dealer" includes any cat dealer or dog
40 dealer. "Pet dealer" shall also include, but need not be limited to, a
41 kennel or a pet shop, persons selling more than five cats or dogs per
42 year who are otherwise exempted from the federal license
43 requirements established pursuant to the "Animal Welfare Act," 7
44 U.S.C. §2131 et seq., and the rules or regulations adopted pursuant
45 thereto, and all pet dealers regulated pursuant to subchapter 12 of
46 chapter 45A of Title 13 of the New Jersey Administrative Code.

1 Individuals that sell five or fewer animals per year and animal
2 shelters shall not be considered pet dealers under this act.

3 "Pet shop" means any place of business which is not part of a
4 kennel, wherein animals, including, but not limited to, [dogs, cats,]
5 birds, cats, dogs, fish, [reptiles, rabbits, hamsters or] , gerbils,
6 hamsters, rabbits, or reptiles, are kept or displayed chiefly for the
7 purpose of sale to individuals for personal appreciation and
8 companionship rather than for business or research purposes.

9 "Pound" means an establishment for the confinement of dogs or
10 other animals seized either under the provisions of this act or
11 otherwise.

12 "Shelter" means any establishment where dogs or other animals
13 are received, housed and distributed or an animal shelter.

14 "Sterilize" means to render an animal incapable of reproducing
15 by either spaying or neutering.

16 (cf: P.L.2011, c.142, s.1)

17

18 4. (New section) a. The Department of Health and Senior
19 Services shall inspect each pet shop and kennel at least twice per
20 calendar year to enforce the provisions of P.L.1941, c.151 (C.4:19-
21 15.1 et seq.) and P.L.1999, c.336 (C.56:8-92 et al.) and the rules
22 and regulations adopted pursuant thereto.

23 b. A pet shop or kennel that refuses entrance to an authorized
24 representative of the department shall be deemed to be in violation
25 of this act.

26 c. When an authorized representative of the department
27 attempts a pet shop or kennel inspection in a building and no person
28 is present to grant access, the authorized representative may post an
29 order on an entrance to the building demanding access to the
30 building within 36 hours. Failure to permit an inspection within the
31 36-hour time period indicated in the posted order shall constitute a
32 refusal of entry for purposes of this section, unless there are no
33 animals at the pet shop or kennel, or the owner or operator of the
34 pet shop or kennel and the authorized representative of the
35 department who posted the order agree within the 36-hour time
36 period indicated in the posted order to permit an inspection at a time
37 agreed to by both parties. It shall be an affirmative defense to this
38 subsection that there were no animals in the pet shop or kennel at
39 the time the order was posted.

40 d. As used in this section, "refuses entrance" or "refusal of
41 entry" means preventing an authorized representative from entering
42 the establishment, preventing an authorized representative from
43 inspecting an animal, hiding an animal from an authorized
44 representative, or an act or omission that prevents an authorized
45 representative from gaining entry to the establishment.

1 5. (New section) a. In addition to the rules and regulations
2 adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14),
3 each pet shop and kennel in the State shall:

4 (1) house animals with adequate food that is clean and free of
5 contaminants and with sufficient heating, cooling, and ventilation
6 systems;

7 (2) equip the pet shop or kennel with a smoke alarm and shall
8 have proper equipment for fire suppression, including a fire
9 extinguisher and sprinkler system;

10 (3) keep the premises of, and surrounding, the pet shop or kennel
11 clean and in good repair;

12 (4) establish an insect control program and an appropriate plan to
13 provide cats or dogs with the opportunity to exercise; and

14 (5) comply with any other requirements established by the
15 Canine and Feline Health Board, created pursuant to section 13 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).

17 b. The exercise plan established pursuant to paragraph (4) of
18 subsection a. of this section shall be approved by a veterinarian and
19 shall be within the exercise guidelines, established by the
20 Department of Health and Senior Services, in consultation with the
21 Canine and Feline Health Board, pursuant to section 14 of
22 P.L.1941, c.151 (C.4:19-15.14).

23 c. Every pet shop or kennel selling cats or dogs shall provide
24 with each cat or dog sold the health certificate required pursuant to
25 sections 9 and 33 of P.L. , c. (C.) (pending before the
26 Legislature as this bill). Every pet shop or kennel selling cats or
27 dogs shall post in a conspicuous location a sign stating: "UPON
28 REQUEST, YOU HAVE A RIGHT TO A COPY OF THE
29 HEALTH HISTORY AND BREEDER INFORMATION FOR ANY
30 ANIMAL OFFERED FOR SALE IN THIS ESTABLISHMENT,
31 REGARDLESS OF WHETHER YOU ARE BUYING THE
32 ANIMAL."

33
34 6. Section 14 of P.L.1941, c.151 (C.4:19-15.14) is amended to
35 read as follows:

36 14. a. The **【State】** Department of Health and Senior Services
37 shall, within six months of the approval of **【this act】** P.L.1941,
38 c.151 (C.4:19-15.1 et seq.) and with the co-operation and assistance
39 of the **【State】** Department of Agriculture, prepare and promulgate
40 rules and regulations governing the sanitary conduct and operation
41 of kennels, pet shops, shelters and pounds, to preserve sanitation
42 therein and prevent the spread of rabies and other diseases of dogs
43 and cats within and from such establishments.

44 Such rules and regulations shall be enforced by the **【State】**
45 Department of Health and Senior Services and by local boards of
46 health.

1 b. The Department of Health and Senior Services shall consult
2 with the Canine and Feline Health Board, established pursuant to
3 section 13 of P.L. , c. (C.) (pending before the Legislature as
4 this bill), within six months after the date of enactment of P.L. , c.
5 (C.) (pending before the Legislature as this bill), prior to (1)
6 modifying any rules and regulations concerning cages or other
7 primary enclosures to ensure the clean, sanitary, and safe care of
8 cats and dogs, and (2) establishing general exercise guidelines or an
9 exercise plan for cats and dogs, to be followed by kennels and pet
10 shops.

11 After consulting with the Canine and Feline Health Board, the
12 department shall modify rules and regulations and establish
13 guidelines consistent with the board's standards, as appropriate and
14 necessary.

15 (cf: P.L.1941, c.151, s.14)

16
17 7. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
18 read as follows:

19 8. a. Any person who keeps or operates or proposes to
20 establish a kennel, a pet shop, a shelter or a pound shall apply to the
21 clerk or other official designated to license dogs in the municipality
22 where such establishment is located, for a license entitling **[him]**
23 the applicant to keep or operate such establishment, except that no
24 person convicted of, or found civilly liable for, violating any State
25 animal cruelty law or regulation, or convicted of, or found civilly
26 liable for, substantially similar conduct pursuant to an animal
27 cruelty law of another state, may apply for such a license or the
28 renewal of such a license. The Department of Health and Senior
29 Services shall provide a list of persons known to be ineligible for
30 such licenses on the website and database established and
31 maintained pursuant to section 11 of P.L. , c. (C.) (now
32 pending before the Legislature as this bill).

33 The application shall describe the premises where the
34 establishment is located or is proposed to be located, the purpose or
35 purposes for which it is to be maintained, and shall be accompanied
36 by the written approval of the local municipal and health authorities
37 showing compliance with the local and State rules and regulations
38 governing location of and sanitation at such establishments.

39 b. All licenses issued for a kennel, pet shop, shelter or pound
40 shall state the purpose for which the establishment is maintained,
41 and all such licenses shall expire on the last day of June of each
42 year, and be subject to revocation by the municipality on
43 recommendation of the **[State]** Department of Health and Senior
44 Services or the local board of health for failure to comply with the
45 rules and regulations of the **[State]** department or local board
46 governing the same, after the owner has been afforded a hearing by

1 either the **【State】** department or local board, except as provided in
2 **【subsection】** subsections c. , f. and g. of this section.

3 Any person holding such license shall not be required to secure
4 individual licenses for dogs owned by such licensee and kept at
5 such establishments; such licenses shall not be transferable to
6 another owner or different premises.

7 c. The license for a pet shop or a kennel that sells cats or dogs,
8 or breeds them for sale shall be subject to review by the
9 municipality, upon recommendation by the **【State】** Department of
10 Health and Senior Services **【or】**, the local health authority , or the
11 Division of Consumer Affairs in the Department of Law and Public
12 Safety, for failure by the pet shop or kennel to comply with the
13 rules and regulations of the **【State】** department or local health
14 authority governing pet shops and kennels or if the pet shop or
15 kennel meets the criteria for recommended suspension or revocation
16 provided under this section and section 37 of P.L. , c. (C.)
17 (pending before the Legislature as this bill), or as provided under
18 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96) **【,】**
19 after the owner of the pet shop or kennel has been afforded a
20 hearing pursuant to subsection e. of section 5 of P.L.1999, c.336
21 (C.56:8-96).

22 The municipality, based on the criteria for the recommendation
23 of the local health authority provided under subsections c. and d. of
24 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license
25 for 90 days or may revoke the license if it is determined at the
26 hearing that the owner or operator of the pet shop or kennel that
27 sells dogs or breeds them for sale : (1) failed to maintain proper
28 hygiene and exercise reasonable care in safeguarding the health of
29 animals in its custody **【or】**, (2) sold a substantial number of animals
30 that the pet shop or kennel knew, or reasonably should have known,
31 to be unfit for purchase , or (3) was convicted of, or found civilly
32 liable for, violating any State animal cruelty law or regulation, or
33 convicted of, or found civilly liable for, substantially similar
34 conduct pursuant to an animal cruelty law of another state .

35 d. The municipality may issue a license for a pet shop or
36 kennel that permits the pet shop or kennel to sell pet supplies for all
37 types of animals, including cats and dogs, and sell animals other
38 than cats and dogs but restricts the pet shop or kennel from selling
39 cats or dogs, or both.

40 e. Every pet shop or kennel licensed in the State shall submit
41 annually and no later than May 1 of each year records of the total
42 number of cats and dogs, respectively, sold by the pet shop each
43 year to the municipality in which it is located, and the municipality
44 shall provide this information to the local health authority.

45 f. A municipality may revoke or suspend the license of a
46 shelter or pound, after the owner or operator is afforded a hearing,
47 when: (1) it is determined that the owner or operator of the shelter

1 or pound was convicted of, or found civilly liable for, violating any
2 State animal cruelty law or regulation, or convicted of, or found
3 civilly liable for, substantially similar conduct pursuant to an
4 animal cruelty law of another state; or (2) the owner or operator of
5 the shelter or pound is arrested pursuant to the provisions of article
6 2 of chapter 22 of Title 4 of the Revised Statutes or a warrant is
7 issued for such an arrest.

8 g. The municipality shall provide written notice of a kennel,
9 pet shop, shelter or pound license revocation, suspension or denial
10 to the person whose license is revoked, suspended or denied. The
11 notice shall set forth the general factual and legal basis for the
12 action and shall advise the affected person that within 10 days of
13 receipt of the notice the person may file with the municipality a
14 written request for an administrative hearing. Written notice of
15 revocation, suspension, or denial shall be served by personal service
16 or by registered or certified mail, return receipt requested, to the
17 person whose license is revoked, suspended or denied or to a
18 responsible employee of that person. Revocation, suspension, or
19 denial shall be effective upon the expiration of a 10-day period for
20 requesting an administrative hearing, unless a timely request for a
21 hearing has been filed with the municipality.

22 (cf: P.L.1999, c.336, s.6)

23
24 8. (New section) a. No person may:

25 (1) breed a cat or a dog from a litter with another cat or dog from
26 the same litter;

27 (2) breed a cat or a dog more than once per calendar year;

28 (3) sell more than 25 cats or dogs per year for use as pets to
29 individuals, kennels or pet shops in the State; or

30 (4) deliver to a pet shop for sale at the pet shop any cat or dog
31 that is less than 10 weeks old.

32 b. Any person breeding cats or dogs in the State shall comply
33 with the Canine and Feline Health Board standards of care for cats
34 and dogs established pursuant to section 13 of this act.

35 c. The Department of Health may adopt, pursuant to the
36 provisions of the "Administrative Procedure Act," P.L.1968, c.410
37 (C.52:14B-1 et seq.), such rules and regulations as may be
38 necessary to implement the provisions of this section.

39
40 9. (New section) a. Upon the effective date of this act and
41 every year thereafter, each breeder doing business in the State as a
42 pet dealer shall register with the Department of Health and Senior
43 Services. At that time, the breeder shall sign a document that
44 attests to the breeder's knowledge of State law, rules and regulations
45 concerning the care, treatment, and sale of animals in the State, and
46 to the breeder's compliance with the requirements of subsections c.
47 and d. of this section. The department may charge the breeder a

1 reasonable fee for the administrative and processing costs of the
2 registration.

3 b. The Department of Health and Senior Services, in
4 consultation with the Canine and Feline Health Board established
5 pursuant to section 13 of this act, professional veterinarian
6 associations, the Humane Society of the United States, the New
7 Jersey Society for the Prevention of Cruelty to Animals, and other
8 groups, associations and organizations involved in the proper care
9 and treatment of animals, shall adopt, pursuant to the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.), rules and regulations establishing a standardized program of
12 responsible veterinary care to be implemented by breeding
13 facilities. The program shall include, but need not be limited to,
14 provisions for vaccinations, internal and external parasite control,
15 disease prevention and control, grooming, spaying, neutering and
16 care of pregnant animals, first aid and emergency care protocols,
17 housing considerations associated with illness and injury, and
18 humane euthanasia methods.

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

25 (1) Indoor temperatures of breeding facilities shall be maintained
26 at a minimum of 50 degrees and a maximum of 80 degrees
27 Fahrenheit for cats or dogs older than eight weeks, and a minimum
28 of 65 degrees and a maximum of 80 degrees Fahrenheit for cats or
29 dogs eight weeks old or younger;

30 (2) Air shall be constantly circulated at a rate of at least eight to
31 12 times per hour;

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

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

39 (5) Each enclosure for a dog shall have a height of not less than
40 six inches above the head of the dog when the dog is standing on its
41 hind legs, and shall provide access to an outdoor run. Enclosures
42 for dogs shall have, for a large-sized breed weighing 50 pounds or
43 more, a minimum size of four feet by eight feet, or 32 square feet,
44 and an outdoor run of four feet by 15 feet; for a medium-sized breed
45 weighing 21 to 50 pounds, a minimum of four feet by six feet, or 24
46 square feet, and an outdoor run of four feet by 10 feet; and for a

- 1 small-sized breed weighing less than 21 pounds, a minimum of
2 three feet by five feet and an outdoor run of three feet by 10 feet;
- 3 (6) Individual enclosures for cats shall provide a space of no less
4 than nine cubic feet with a ground area of three feet by three feet
5 and a height of three feet, and no more than one cat shall be housed
6 per cage, except a cat with nursing offspring shall share the
7 enclosure with its offspring;
- 8 (7) Ground areas shall be cleaned daily and dry bedding shall be
9 provided, such as straw or hay, but newspaper is prohibited;
- 10 (8) Constant access to potable water shall be provided, in
11 mounted feeders whenever possible, and food shall be nutritionally
12 balanced and kept dry at all times;
- 13 (9) Cages, enclosures, mounted feeders and other containers
14 providing food and water shall be cleaned and sanitized daily;
- 15 (10) All dogs shall be allowed the opportunity for exercise daily
16 and be allowed to run unleashed for at least 20 minutes daily in an
17 area no smaller than four feet by 10 feet;
- 18 (11) A standardized program of veterinarian care consistent with
19 the program established pursuant to subsection b. of this section
20 shall be implemented in breeding facilities; and
- 21 (12) Any requirements established by the Canine and Feline
22 Health Board after its establishment and organization pursuant to
23 section 13 of this act.
- 24 d. In addition to the requirements set forth in subsection c. of
25 this section, every breeder shall provide with each cat or dog a
26 single document created pursuant to this subsection as the health
27 certificate of the animal. This health certificate shall remain with
28 the animal for the duration of its life and shall be updated annually
29 by the licensed veterinarian caring for the animal. Every breeder
30 shall provide the health certificate to the purchaser of each cat or
31 dog at the time of sale.
- 32 The health certificate shall be in a standardized form prescribed
33 by the Department of Health and Senior Services, and contain the
34 following information:
- 35 (1) The name and street address of the breeder and, if the person
36 is a dealer licensed by the United States Department of Agriculture,
37 the person's federal dealer identification number;
- 38 (2) The date of birth of the cat or dog, the cat's or dog's age, or
39 an approximation provided by a licensed veterinarian;
- 40 (3) The cat's or dog's origin, including contact information for
41 the breeder of the cat or dog, that the cat or dog did not originate
42 within an area under quarantine for rabies, and, as ascertained by
43 the veterinarian, that the cat or dog has not been exposed to rabies
44 within 100 days of importation;
- 45 (4) A record of the immunizations administered to the cat or dog
46 as of the time of sale, including the dates of administration and the
47 type of vaccine, and for a dog, the rabies tag number;

1 (5) the cat's or dog's health, including whether the cat or dog
2 shows no signs or symptoms of infectious or communicable disease;

3 (6) If purebred or registerable with a cat or dog registry, the
4 sire's and the dam's registration, if any, from the registry
5 organization; and

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

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

15 (b) A record of any known disease, illness, or condition that
16 requires hospitalization, surgical procedures or ongoing treatment
17 with which the cat or dog is afflicted at the time of sale, and a
18 statement, dated and signed by a licensed veterinarian no more than
19 14 days prior to the sale, that recommends a course of treatment,
20 authorizes the sale of the cat or dog afflicted with the disease,
21 illness or condition, and states that the recommended course of
22 treatment is necessary for the good health and survival of the cat or
23 dog being sold.

24 e. The department shall annually compile, publish and make
25 available to the public a list of the breeders doing business as pet
26 dealers who are registered in the State. The department shall also
27 provide, upon request, a summary of the requirements established
28 under subsection b. of this section and information on how a
29 complaint may be filed against a pet dealer who appears to be
30 violating State law, rules or regulations. The information required
31 pursuant to this section shall be provided on the website established
32 pursuant to section 11 of P.L. , c. (C.) (pending before the
33 Legislature as this bill).

34

35 10. (New section) No pet dealer may purchase any cats or dogs
36 from any person who is not a registered breeder named on the list
37 compiled and published by the Department of Health pursuant to
38 subsection e. of section 9 of this act, except if that person has
39 documentation that each of the cats or dogs being sold were bred by
40 a registered breeder named on the list compiled and published by
41 the department pursuant to subsection e. of section 9 of this act, or
42 if the person signs a notarized affidavit attesting to the fact that the
43 individual is not a breeder or a pet dealer regulated by this act.

44

45 11. (New section) a. For the purposes of enforcing this act, the
46 Department of Health and Senior Services shall establish and

1 maintain a website and database providing the following
2 information:

3 (1) the name and contact information of every breeder and pet
4 dealer registered in the State, and whether the breeder or pet dealer
5 is in good standing, under license suspension, or license
6 revocation;

7 (2) the name of every violator of P.L. , c. (C.) (pending
8 before the Legislature as this bill), P.L.1941, c.151, P.L.1999,
9 c.336, chapter 22 of Title 4 of the Revised Statutes, and any other
10 animal cruelty statute in the State; and

11 (3) the names of violators of animal cruelty laws in other states,
12 as the identity of such persons becomes known to the department.

13 b. The department may incorporate into the website and
14 database established pursuant to subsection a. of this section, the
15 list established and maintained pursuant to subsection c. of section
16 3 of P.L.1983, c.525 (C.4:19-15.16a).

17

18 12. (New section) There is established in the Department of
19 Health and Senior Services an special and separate account to be
20 known as the “Good Breeders Accountability Fund, ” for the
21 purposes of establishing and maintaining the website and database
22 established pursuant to section 11 of this act. The Department of
23 Health and Senior Services shall administer the fund established by
24 this section.

25 The monies collected for the “Good Breeders Accountability
26 Fund,” pursuant to section 1 of P.L.1983, c.172 (C.4:19-15.36) and
27 section 1 of P.L.1983, c.181 (C.4:19-15.3c), shall be deposited in
28 the fund. The funds provided for the website and database pursuant
29 to this section may also be used to incorporate and maintain the
30 information required pursuant to subsection c. of section 3 of
31 P.L.1983, c.525 (C.4:19-15.16a).

32

33 13. (New section) a. There is established in the Department of
34 Health and Senior Services the Canine and Feline Health Board.
35 The purpose of the board shall be to determine the standards of care
36 for cats and dogs kept by kennels, pet shops, and pet dealers, based
37 on recognized, sound animal husbandry and breeding practices, and
38 to review and make recommendations to the Department of Health
39 and Senior Services and the Division of Consumer Affairs on rules
40 and regulations adopted pursuant to P.L.1941, c.151 (C.4:19-15.1 et
41 seq.) and P.L.1999, c.336 (C.56:8-92 et al.).

42 b. The Canine and Feline Health Board shall be composed of
43 veterinarians with expertise in small animal medicine and in the
44 caring for and treating of canines and felines, and others involved
45 with the care of animals. The board shall consist of seven members,
46 as follows:

47 (1) the State Veterinarian, or the veterinarian’s designee,

1 (2) the Commissioner of Health and Senior Services, or the
2 commissioner's designee;

3 (3) the Director of the Division of Consumer Affairs, in the
4 Department of Law and Public Safety, or the director's designee;

5 (4) the President of the New Jersey Veterinary Medical
6 Association, or the president's designee; and

7 (5) three members of the public who are members of a
8 recognized organization that advocates for and participates in the
9 care and welfare of cats or dogs and are licensed as a kennel, pet
10 dealer, or pet shop in this State, to be appointed by the Governor for
11 four-year terms. The public members shall be appointed within three
12 months after the date of enactment of P.L. , c. (C.) (pending
13 before the Legislature as this bill).

14 The board shall organize as soon as possible, but no later than the
15 60th day after the appointment of its members, and shall select a
16 chairperson from among its members and a secretary who need not
17 be a member of the board.

18 c. Vacancies in the membership of the board shall be filled in
19 the same manner as the original appointments are made and a
20 member may be eligible for reappointment.

21 d. A majority of the entire board shall constitute a quorum for
22 the transaction of business. Action may be taken and motions and
23 resolutions adopted by the board at any meeting thereof by the
24 affirmative vote of a majority of the full membership of the board.

25 e. The members of the board shall serve without compensation,
26 but may be reimbursed for necessary expenses incurred in the
27 performance of their duties, within the limits of funds appropriated
28 or otherwise made available to the board for its purposes.

29 f. If requested by the board, the Department of Health and
30 Senior Services shall provide primary staff support to the board.

31

32 14. (New section) a. Whenever the commissioner finds that a
33 person has violated any provision of this act, or any rule or
34 regulation adopted pursuant to this act, the commissioner may:

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

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

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

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

43 b. Whenever the commissioner finds that a person has violated
44 any provision of this act, or any rule or regulation adopted pursuant
45 to this act, the commissioner may issue an order specifying the
46 provision or provisions of this act or of any rule or regulation of
47 which the person is in violation, citing the action which constituted

1 the violation, and ordering abatement of the violation. Whenever a
2 breeder has violated any provision of this act, or any rule or
3 regulation adopted pursuant thereto, the commissioner shall include
4 in the order the following prohibitions on the retail or wholesale
5 sale of cats or dogs:

6 (1) For a first offense, a prohibition from selling or offering for
7 sale cats or dogs for five years;

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

11 The order shall give notice to the person of the person's right to a
12 hearing on the matters contained in the order. The ordered party
13 shall have 20 calendar days from receipt of the order within which
14 to deliver to the commissioner a written request for a hearing. Such
15 order shall be effective upon receipt and any person to whom such
16 order is directed shall comply with the order immediately. A
17 request for hearing shall not automatically stay the effect of the
18 order.

19 c. The commissioner, a local board of health or county health
20 department may institute an action or proceeding in the Superior
21 Court for injunctive and other relief, including the appointment of a
22 receiver for any violation of this act, or of any rule or regulation
23 adopted thereto, or order issued pursuant to this act, and the court
24 may proceed in the action in a summary manner. In any such
25 proceeding the court may grant temporary or interlocutory relief.

26 Such relief may include, singly or in combination:

27 (1) A temporary or permanent injunction, including for any
28 breeder in violation of this act an injunction from selling or offering
29 for sale at retail or wholesale cats or dogs for five years for a first
30 offense, and for a second offense and subsequent offenses, a
31 prohibition from selling or offering for sale cats or dogs at retail or
32 wholesale for five years for each offense; and

33 (2) Assessment of the violator for the costs of any investigation
34 or inspection which led to the establishment of the violation, and for
35 the reasonable costs of preparing and litigating the case under this
36 subsection. Assessments under this subsection shall be paid to the
37 State Treasurer, or to the local board of health, or to the county
38 health department, as the case may be.

39 If a proceeding is instituted by a local board of health or county
40 health department, notice thereof shall be served upon the
41 commissioner in the same manner as if the commissioner were a
42 named party to the action or proceeding. The department may
43 intervene as a matter of right in any proceeding brought by a local
44 board of health or county health department.

45 d. The commissioner is authorized to assess civil
46 administrative penalties as follows:

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

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

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

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

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

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

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

1 this section in to any amount the department determines
2 appropriate.

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

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

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

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

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

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

29 (6) For a fourth offense or subsequent offenses by any person
30 other than a breeder, a penalty of not less than \$5,000 nor more than
31 \$10,000, except that a pet dealer who knowingly purchases cats or
32 dogs from a breeder whose registration has been revoked or who is
33 not properly registered with the Department of Health shall be
34 subject to a penalty of \$10,000 per animal purchased under a fourth
35 or subsequent offense.

36 Any person who violates an administrative order issued pursuant
37 to subsection b. of this section, or a court order issued pursuant to
38 subsection c. of this section, or who fails to comply with an
39 administrative assessment in full pursuant to subsection d. of this
40 section is subject upon order of a court to a civil penalty not to
41 exceed \$10,000 per day of such violation.

42 Any penalty imposed pursuant to this subsection may be
43 collected with costs in a summary proceeding pursuant to the
44 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
45 et seq.). The Superior Court and the municipal court shall have
46 jurisdiction to enforce the provisions of the "Penalty Enforcement
47 Law of 1999" in connection with this act.

1 15. (New section) A member of the public who supplies
2 information to an enforcing authority which proximately results in
3 the imposition and collection of a civil penalty as the result of a
4 civil action brought pursuant to subsection e. of section 14 of this
5 act, or any rule or regulation adopted, administrative order issued,
6 or assessment imposed pursuant thereto, shall be entitled to a
7 reward of 10% of the civil penalty collected, or \$250, whichever
8 amount is greater. The reward shall be paid by the department from
9 any money received by the department pursuant to section 14 of this
10 act. The Attorney General shall adopt, pursuant to the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.), rules and regulations necessary to implement this section.
13

14 16. (New section) All fees and penalties collected pursuant to
15 this act shall be placed in a special dedicated fund to be known as
16 the "Puppy and Kitten Health Assurance Fund," which shall be
17 separate from the General Fund of the State. All moneys in the
18 "Puppy and Kitten Health Assurance Fund" shall be used by the
19 commissioner exclusively for the control of animal populations, and
20 the administration, enforcement and implementation of this act, and
21 shall be allocated in the following manner:

22 (1) 50 percent to the "Animal Population Control Fund,"
23 established pursuant to P.L.1983, c.172 (C.4:19A-5); and

24 (2) 50 percent to the Department of Health for the purposes of
25 administering, enforcing and implementing this act.
26

27 17. Section 1 of P.L.1983, c.172 (C.4:19-15.3b) is amended to
28 read as follows:

29 1. a. In addition to the fee charged pursuant to section 3 of
30 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
31 Health and Senior Services pursuant to section 11 of P.L.1941,
32 c.151 (C.4:19-15.11), any person applying for the license and
33 registration tag pursuant to section 2 of P.L.1941, c.151 (C.4:19-
34 15.2) shall pay a fee of **[\$3.00]** \$10 for any dog of reproductive
35 age which has not had its reproductive capacity permanently altered
36 through sterilization.

37 b. **[All fees]** From each \$10 fee collected pursuant to the
38 provisions of subsection a. of this section, \$3 shall be deposited in
39 the "Good Breeders Accountability Fund," established pursuant to
40 section 12 of P.L. , c. (C.) (pending before the Legislature as
41 this bill), and \$7 of the fee and all of the fees collected pursuant to
42 section 5 of [this amendatory and supplementary act] P.L.1983,
43 c.172 (C.4:19A-4) shall be forwarded to the State Treasurer, for
44 deposit in the "Animal Population Control Fund" created pursuant
45 to section 7 of [this act] P.L.1983, c.172 (C.4:19A-5).

46 (cf: P.L.1983, c. 172, s. 1)

1 18. Section 1 of P.L.1983, c.181 (C.4:19-15.3c) is amended to
2 read as follows:

3 1. a. In addition to the fee charged pursuant to section 3 of
4 P.L.1941, c.151 (C.4:19-15.3) and forwarded to the Department of
5 Health pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11),
6 any person applying for the license and registration tag pursuant to
7 section 2 of P.L.1941, c.151 (C.4:19-15.2) shall pay an additional
8 fee of ~~【\$0.20】~~ \$3 for any dog, \$2 of which shall be deposited in the
9 “Good Breeders Accountability Fund,” established pursuant to
10 section 12 of P.L. , c. (C.) (pending before the Legislature as
11 this bill).

12 b. Any municipality that requires cats to be licensed and
13 charges a fee therefor, shall charge an additional \$3 per cat license
14 and any additional amount necessary to cover the administrative
15 expense of establishing, collecting and forwarding the additional
16 fee established pursuant to this section. The proceeds from
17 collection of the additional \$3 fee shall be forwarded to the
18 Department of Health and Senior Services and deposited in the
19 “Good Breeders Accountability Fund,” established pursuant to
20 section 12 of P.L. , c. (C.) (pending before the Legislature as
21 this bill), for the exclusive purpose of funding the operation and
22 maintenance of the website and database established pursuant to
23 section 11 of P.L. , c. (C.) (pending before the Legislature
24 as this bill).

25 (cf: P.L.1983, c.181, s.1)

26
27 19. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
28 read as follows:

29 3. a. The Commissioner of Health and Senior Services shall,
30 within 120 days after the effective date of P.L.1983, c.525, and
31 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), adopt rules and regulations concerning the
33 training and educational qualifications for the certification of
34 animal control officers, including, but not limited to, a course of
35 study approved by the commissioner and the Police Training
36 Commission, in consultation with the New Jersey Certified Animal
37 Control Officers Association, which acquaints a person with:

38 (1) The law as it affects animal control, animal welfare, and
39 animal cruelty;

40 (2) Animal behavior and the handling of stray or diseased
41 animals;

42 (3) Community safety as it relates to animal control; and

43 (4) The law enforcement methods and techniques required for
44 an animal control officer to properly exercise the authority to
45 investigate and sign complaints and arrest without warrant pursuant
46 to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not
47 limited to, those methods and techniques which relate to search,

1 seizure and arrest. The training in law enforcement methods and
2 techniques described pursuant to this paragraph shall be part of the
3 course of study for an animal control officer only when required by
4 the governing body of a municipality pursuant to section 4 of
5 P.L.1983, c.525 (C.4:19-15.16b).

6 Any person 18 years of age or older may satisfy the courses of
7 study established pursuant to this subsection at that person's own
8 time and expense; however, nothing in this section shall be
9 construed as authorizing a person to exercise the powers and duties
10 of an animal control officer absent municipal appointment or
11 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
12 15.16b).

13 b. (1) The commissioner shall provide for the issuance of a
14 certificate to a person who possesses, or acquires, the training and
15 education required to qualify as a certified animal control officer
16 pursuant to paragraphs (1) through (3) of subsection a. of this
17 section and to a person who has been employed in the State of New
18 Jersey in the capacity of, and with similar responsibilities to those
19 required of, a certified animal control officer pursuant to the
20 provisions of P.L.1983, c.525, for a period of three years before
21 January 17, 1987. The commissioner shall not issue a certificate to
22 any person convicted of, or found civilly liable for, a violation of
23 any provision of chapter 22 of Title 4 of the Revised Statutes.

24 (2) The commissioner shall revoke the certificate of any person
25 convicted of, or found civilly liable for, a violation of any provision
26 of chapter 22 of Title 4 of the Revised Statutes, and shall place the
27 name of the person on the list established pursuant to subsection c.
28 of this section.

29 c. (1) The commissioner shall establish a list of all persons
30 issued a certificate pursuant to subsection b. of this section (a) for
31 whom that certificate has been revoked, or (b) who have been
32 convicted of, or found civilly liable for, a violation of any provision
33 of chapter 22 of Title 4 of the Revised Statutes. **【The】** Until
34 establishment of the website and database pursuant to section 11 of
35 P.L. , c. (C.) (pending before the Legislature as this bill), the
36 commissioner shall provide each municipality in the State with a
37 copy of this list within 30 days after the list is established and not
38 less often than annually thereafter if no revised list required
39 pursuant to paragraph (2) of this subsection has been issued in the
40 interim. Within 30 days after establishment of the website and
41 database pursuant to section 11 of P.L. , c. (C.) (pending
42 before the Legislature as this bill), the commissioner shall notify
43 each municipality in the State of the website and database, how they
44 may be accessed, and how updates of the list required pursuant to
45 this section may be found on the website and database.

46 (2) Upon receipt of a notice required pursuant to section 3 or 4
47 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person

1 who has been issued a certificate pursuant to subsection b. of this
2 section, the commissioner shall add to the list required pursuant to
3 this section the name of the person convicted of, or found civilly
4 liable for, a violation of any provision of chapter 22 of Title 4 of the
5 Revised Statutes according to the notice, and, until establishment of
6 the website and database pursuant to section 11 of P.L. , c.
7 (C.) (pending before the Legislature as this bill), the
8 commissioner shall issue a copy of the revised list to each
9 municipality within 30 days after receipt of any such notice. After
10 establishment of the website and database pursuant to section 11 of
11 P.L. , c. (C.) (pending before the Legislature as this bill) and
12 provision of the notice required pursuant to paragraph (1) of this
13 subsection, the commissioner need not issue a copy of the revised
14 list to each municipality after each revision of the list.
15 (cf: P.L.2003, c.67, s.1)

16
17 20. Section 18 of P.L.1941, c.151 (C.4:19-15.18) is amended to
18 read as follows:

19 18. No person shall hinder, **【molest】** harass or interfere with
20 anyone authorized or empowered to perform any duty under **【this**
21 **act】** P.L.1941, c.151 (C.4:19-15.1 et seq.) and P.L.1999, c.336
22 (C.56:8-92 et al.) .
23 (cf: P.L.1941, c.151, s.18)

24
25 21. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read
26 as follows:

27 1. When the license of a shelter or pound is revoked or
28 suspended, pursuant to subsection f. of section 8 of P.L.1941, c.151
29 (C.4:19-15.8), or the owner or operator of an animal pound or
30 shelter is arrested pursuant to the provisions of article 2 of chapter
31 22 of Title 4 of the Revised Statutes by an agent of the New Jersey
32 Society for the Prevention of Cruelty to Animals or any other
33 person authorized to make the arrest under that article, or when the
34 warrant is issued for the arrest, the municipality revoking or
35 suspending the license or the person making the arrest or any other
36 officer or agent of the New Jersey Society for the Prevention of
37 Cruelty to Animals may petition the Chancery Division of Superior
38 Court to remove the owner or operator as custodian of the animals
39 and appoint a receiver to operate the pound or shelter. The
40 petitioner shall serve a copy of the petition on the Department of
41 Health and Senior Services, the local board of health, and the owner
42 or operator.
43 (cf: P.L.1986, c.89, s.1)

44
45 22. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
46 as follows:

1 3. a. For the purposes of establishing the list of persons not
2 eligible to be certified animal control officers as required pursuant
3 to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-
4 15.16a) and establishing, updating and maintaining the website and
5 database pursuant to section 11 of P.L. , c. (C.) (pending
6 before the Legislature as this bill), notice shall be provided, within
7 90 days after the effective date of this section, to the Commissioner
8 of Health and Senior Services of any person who has been
9 convicted of, or found civilly liable for, a violation of any provision
10 of chapter 22 of Title 4 of the Revised Statutes, by any court or
11 other official administrative entity maintaining records of such
12 violations adjudged on or before the effective date of this section.

13 b. For the purposes of maintaining the list of persons not
14 eligible to be certified animal control officers as established
15 pursuant to subsections b. and c. of section 3 of P.L.1983, c.525
16 (C.4:19-15.16a) and establishing, updating and maintaining the
17 website and database required pursuant to section 11 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), the
19 court or other official adjudging the guilt or liability for a violation
20 of any provision of chapter 22 of Title 4 of the Revised Statutes,
21 shall charge the prosecutor, officer of the New Jersey Society for
22 the Prevention of Cruelty to Animals or the county society for the
23 prevention of cruelty to animals, or other appropriate person, other
24 than a certified animal control officer, with the responsibility to
25 notify within 30 days the commissioner, in writing, of the full name
26 of the person found guilty of, or liable for, an applicable violation,
27 and the violation for which or of which that person was found guilty
28 or liable, and the person charged with the responsibility shall
29 provide such notice.

30 (cf: P.L.2005, c.372, s.21)

31
32 23. Section 2 of P.L.1999, c.336 (C.56:8-93) is amended to read
33 as follows:

34 2. **【As used in sections 1 through 5 of this act】** For the
35 purposes of P.L.1999, c.336 (C.56:8-92 et al.):

36 "Animal" means a cat or dog**【;】**.

37 "Consumer" means a person purchasing a cat or dog**【;】**.

38 "Director" means the Director of the Division of Consumer
39 Affairs in the Department of Law and Public Safety**【;】**.

40 "Division" means the Division of Consumer Affairs in the
41 Department of Law and Public Safety**【;】**.

42 “Kennel” means a kennel as defined pursuant to section 1 of
43 P.L.1941, c.151 (C.4:19-15.1), but, for the purposes of P.L.1999,
44 c.336 (C.56:8-92 et al.), shall include only kennels that sell cats or
45 dogs, or breed them for sale.

46 "Pet dealer" means any **【**person engaged in the ordinary course
47 of 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 **】** pet dealer and out-of-State pet dealer, as defined in
3 section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to
4 section 28 of P.L. , c. (C.) (pending before the Legislature as
5 this bill). "Pet dealer" shall include a pet shop or a kennel.

6 "Pet shop" means a pet shop as defined in section 1 of P.L.1941,
7 c.151 (C.4:19-15.1) **【;】**.

8 "Quarantine" means to hold in segregation from the general
9 population any cat or dog because of the presence or suspected
10 presence of a contagious or infectious disease **【;】**.

11 "Unfit for purchase" means any disease, deformity, injury,
12 physical condition, illness or defect which is congenital or
13 hereditary and severely affects the health of the animal, or which
14 was manifest, capable of diagnosis or likely contracted on or before
15 the sale and delivery of the animal to the consumer. The death of
16 an animal within 14 days of its delivery to the consumer, except by
17 death by accident or as a result of injuries sustained during that
18 period, shall mean the animal was unfit for purchase **【; and】**.

19 "Veterinarian" means a veterinarian licensed to practice in the
20 State of New Jersey.

21 (cf: P.L.1999, c.336, s.2)

22
23 24. Section 3 of P.L.1999, c.336 (C.56:8-94) is amended to read
24 as follows:

25 3. No provision of this act shall be construed in any way to
26 alter, diminish, replace, or revoke the requirements for pet dealers
27 that are not pet shops or kennels, or the rights of a consumer
28 purchasing an animal from a pet dealer that is not a pet shop or
29 kennel , as may be provided elsewhere in law or any rule or
30 regulation adopted pursuant thereto. Except as provided in section
31 4 and section 5 of P.L.1999, c.336 (C.56:8-95 and C.56:8-96), any
32 provision of law pertaining to pet shops or kennels , or rule or
33 regulation adopted pursuant thereto, shall continue to apply to pet
34 shops or kennels, as appropriate . No provision of **【this act】**
35 P.L.1999, c.336 (C.56:8-92 et al.) or P.L. , c. (C.) (pending
36 before the Legislature as this bill) shall be construed in any way to
37 alter, diminish, replace, or revoke any recourse or remedy that is
38 otherwise available to a consumer purchasing a cat or a dog from a
39 pet dealer, pet shop, or kennel under any other law.

40 (cf: P.L.1999, c.336, s.3)

41
42 25. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
43 as follows:

44 4. a. Notwithstanding the provisions of any rule or regulation
45 adopted pursuant to Title 56 of the Revised Statutes as such
46 provisions are applied to pet shops, kennels, and pet dealers, and
47 without limiting the prosecution of any other practices which may

- 1 be unlawful pursuant to Title 56 of the Revised Statutes, it shall be
2 a deceptive practice for any owner or operator of a pet shop or
3 kennel, or a pet dealer, or employee thereof, to sell animals within
4 the State without complying with the provisions and requirements
5 of this section.
- 6 b. Within five days prior to the offering for sale of any animal,
7 the owner or operator of a pet shop or kennel, or the pet dealer, or
8 employee thereof, shall have the animal examined by a veterinarian
9 licensed to practice in the State. The name and address of the
10 examining veterinarian, together with the findings made and
11 treatment, if any, ordered as a result of the examination, shall be
12 noted on the animal history and health certificate for each animal as
13 required by regulations adopted pursuant to Title 56 of the Revised
14 Statutes. If **【fourteen】** 14 days have passed since the last
15 veterinarian examination of the animal, the owner or operator of the
16 pet shop or kennel, or the pet dealer, or employee thereof, shall
17 have the animal reexamined by a veterinarian licensed to practice in
18 the State as provided for in subsection g. of this section, except as
19 otherwise provided in that subsection.
- 20 c. Each cage in a pet shop, kennel, or pet dealer premises shall
21 have a label identifying the sex and breed of each animal kept in the
22 cage, the date and place of birth of each animal, and the name and
23 address of the veterinarian attending to the animal and the date of
24 the initial examination of the animal. Any cage, or other primary
25 enclosure for an animal, shall be cleaned and sanitized in
26 accordance with any rules or regulations adopted pursuant to
27 section 14 of P.L.1941, c.151 (C.4:19-15.14).
- 28 d. The owner or operator of a pet shop or kennel, or the pet
29 dealer, or employee thereof, shall quarantine any animal diagnosed
30 as suffering from a contagious or infectious disease, illness, or
31 condition and may not sell such an animal until such time as a
32 veterinarian licensed to practice in the State treats the animal and
33 determines that such animal is free of clinical signs of infectious
34 disease or that the animal is fit for sale. All animals required to be
35 quarantined pursuant to this subsection shall be placed in a
36 quarantine area, separated from the general animal population of the
37 pet shop, kennel, or pet dealer premises.
- 38 e. The owner or operator of a pet shop or kennel, or the pet
39 dealer, or designated employee thereof, may inoculate and vaccinate
40 animals prior to purchase only upon the order of a veterinarian. No
41 owner or operator of a pet shop or kennel, or pet dealer, or
42 employee thereof, may represent, directly or indirectly, that the
43 owner or operator of the pet shop or kennel, or the pet dealer, or any
44 employee thereof, other than a veterinarian, is qualified to, directly
45 or indirectly, diagnose, **【prognose】** give a prognosis, treat, or
46 administer for, prescribe any treatment for, operate concerning,
47 manipulate or apply any apparatus or appliance for addressing, any

1 disease, pain, deformity, defect, injury, wound or physical condition
2 of any animal after purchase of the animal, for the prevention of, or
3 to test for, the presence of any disease, pain, deformity, defect,
4 injury, wound or physical condition in an animal after its purchase.
5 These prohibitions include, but are not limited to, the giving of
6 inoculations or vaccinations after purchase, the diagnosing,
7 prescribing and dispensing of medication to animals and the
8 prescribing of any diet or dietary supplement as treatment for any
9 disease, pain, deformity, defect, injury, wound or physical
10 condition.

11 f. The Director of the Division of Consumer Affairs in the
12 Department of Law and Public Safety shall provide each owner or
13 operator of a pet shop or kennel, and each pet dealer with
14 notification forms, to be signed by the owner or operator of the pet
15 shop or kennel, or a pet dealer, or employee thereof, and the
16 consumer at the time of purchase of an animal. The notification
17 form shall provide the following:

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

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

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

25 (4) The full text of the rights and responsibilities of the owner or
26 operator of the pet shop or kennel, or the pet dealer, and the
27 employees thereof, and the consumer provided in subsection l. of
28 this section; and

29 (5) The notification, reporting and enforcement provisions
30 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
31 name and address of the local health authority with jurisdiction over
32 the pet shop, kennel, or the pet dealer.

33 The owner or operator of the pet shop or kennel, or the pet
34 dealer, or an employee thereof, shall obtain the signature of the
35 consumer on the form and shall also sign the form at the time of
36 purchase of an animal, and shall provide the consumer with a signed
37 copy of the form and retain a copy of the form on the pet shop,
38 kennel, or pet dealer premises. Copies of all such notices shall be
39 readily available for inspection by an authorized representative of
40 the Division of Consumer Affairs, upon request. No **[pet shop]**
41 owner or operator of a pet shop or kennel, or pet dealer, or
42 employee thereof, may construe or use the signed notification form
43 required pursuant to this subsection as an abdication of the right to
44 recourse provided for in subsection i., or as a selection of recourse
45 pursuant to subsection k. of this section.

46 g. The owner or operator of a pet shop or kennel, or the pet
47 dealer, or an employee thereof, shall have any animal that has been

1 examined more than 14 days prior to the date of purchase,
2 reexamined by a veterinarian for the purpose of disclosing its
3 condition, within 72 hours of the delivery of the animal to the
4 consumer, unless the consumer has waived the right to the
5 reexamination in writing. The owner or operator of a pet shop or
6 kennel, or the pet dealer, or an employee thereof, shall provide a
7 copy of the written waiver to the consumer prior to the signing of
8 any contact or agreement to purchase the animal and the written
9 waiver shall be in the form established by the director by regulation.

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

17 If the animal becomes sick or dies within 180 days after the date
18 of purchase and a veterinarian certifies, within the 180 days after
19 the date of purchase of the animal by the consumer, that the animal
20 is unfit for sale due to a congenital or hereditary cause or condition,
21 or a sickness brought on by a congenital or hereditary cause or
22 condition, or died from such a cause or condition or sickness, the
23 consumer shall be entitled to the recourse provided in subsection i.
24 of this section. If the animal is sold as a pedigree and congenital or
25 genetic defects are discovered, and the defects are certified by a
26 licensed veterinarian within 26 months after the sale, the consumer
27 shall be entitled to the recourse provided in subsection i. of this
28 section.

29 It shall be the responsibility of the consumer to obtain such
30 certification within the required amount of time provided by this
31 subsection, unless the owner or operator of the pet shop or kennel,
32 or a pet dealer, or the employee thereof selling the animal to the
33 consumer, fails to provide the notice required pursuant to
34 subsection f. of this section. If the owner or operator of the pet
35 shop or kennel, or a pet dealer, or the employee thereof, fails to
36 provide the required notice, the consumer shall be entitled to the
37 recourse provided for in subsection i. of this section.

38 i. **【Only】** The consumer shall have the sole authority to
39 determine the recourse the consumer wishes to select and accept,
40 provided that the recourse selected is one of the following:

41 (1) The right to return the animal and receive a full refund of the
42 purchase price, including sales tax, plus the reimbursement of the
43 veterinary fees, including the cost of the veterinarian certification,
44 incurred prior to the receipt by the consumer of the veterinarian
45 certification;

46 (2) The right to retain the animal and to receive reimbursement
47 for veterinary fees incurred prior to the consumer's receipt of the

1 veterinarian certification, plus the future cost of veterinary fees to
2 be incurred in curing or attempting to cure the animal, including the
3 cost of the veterinarian certification;

4 (3) The right to return the animal and to receive in exchange an
5 animal of the consumer's choice, of equivalent value, plus
6 reimbursement of veterinary fees, including the cost of the
7 veterinarian certification, incurred prior to the consumer's receipt of
8 the veterinarian certification; or

9 (4) In the event of the death of the animal from causes other
10 than an accident, the right to a full refund of the purchase price of
11 the animal, including sales tax, or another animal of the consumer's
12 choice of equivalent value, plus reimbursement of veterinary fees,
13 including the cost of the veterinarian certification, incurred prior to
14 the death of the animal.

15 The consumer shall be entitled to be reimbursed an amount for
16 veterinary fees up to and including two times the purchase price,
17 including sales tax, of the sick or dead animal. No reimbursement
18 of veterinary fees shall exceed two times the purchase price,
19 including sales tax, of the sick or dead animal.

20 j. The veterinarian shall provide to the consumer in writing
21 and within the seven days after the consumer consults with the
22 veterinarian any certification that is appropriate pursuant to this
23 section upon the determination that such certification is appropriate.
24 The certification shall include:

- 25 (1) The name of the owner;
26 (2) The date or dates of examination;
27 (3) The breed, color, sex and age of the animal;
28 (4) A statement of the findings of the veterinarian;
29 (5) A statement that the veterinarian certifies the animal to be
30 "unfit for purchase";
31 (6) An itemized statement of veterinary fees incurred as of the
32 date of certification;
33 (7) If the animal may be curable, an estimate of the possible cost
34 to cure, or attempt to cure, the animal;
35 (8) If the animal has died, a statement establishing the probable
36 cause of death; **[and]**

37 (9) The name and address of the certifying veterinarian and the
38 date of the certification ; and

39 (10) Any additional information required pursuant to section 10
40 of P.L. , c. (C) (pending before the Legislature as this bill) .

41 k. Upon the presentation of the veterinarian certification
42 required in subsection j. of this section to the pet shop, kennel, or
43 pet dealer, the consumer shall select the recourse to be provided and
44 the owner or operator of the pet shop or kennel, or the pet dealer, or
45 the employee thereof, shall confirm the selection of recourse in
46 writing. The confirmation of the selection shall be signed by the
47 owner or operator of the pet shop or kennel, or the pet dealer, or an

1 employee thereof, and the consumer and a copy of the signed
2 confirmation shall be given to the consumer and retained by the
3 owner or operator of the pet shop or kennel, or the pet dealer, or
4 employee thereof, on the pet shop, kennel, or pet dealer premises.
5 The confirmation of the selection shall be in the form established by
6 the director by regulation.

7 1. The owner or operator of the pet shop or kennel, or the pet
8 dealer, or an employee thereof, shall comply with the selection of
9 recourse by the consumer no later than 10 days after the receipt of
10 the veterinarian certification and the signed confirmation of
11 selection of recourse form. In the event the owner or operator of
12 the pet shop or kennel, or the pet dealer, or an employee thereof,
13 wishes to contest the selection of recourse of the consumer, the
14 owner or operator of the pet shop or kennel, or the pet dealer, or an
15 employee thereof, shall notify the consumer and the director in
16 writing within the five days after the receipt of the veterinarian
17 certification and the signed confirmation of selection of recourse
18 form. After notification to the consumer and the director of the
19 division, the owner or operator of the pet shop or kennel, or the pet
20 dealer, or an employee thereof, may require the consumer to
21 produce the animal for examination by a veterinarian chosen by the
22 owner or operator of the pet shop or kennel, or the pet dealer, or
23 employee thereof, at a mutually convenient time and place, except
24 if the animal has died and was required to be cremated for public
25 health reasons. The director shall set, upon receipt of such notice of
26 contest on the part of the owner or operator of the pet shop or
27 kennel, or the pet dealer, or an employee thereof, a hearing date and
28 hold a hearing, pursuant to the "Administrative Procedure Act,"
29 P.L.1968, c.410 (C.52:14B-1 et seq.) and the Uniform
30 Administrative Procedure Rules adopted pursuant thereto, to
31 determine whether the recourse selected by the consumer should be
32 allowed. The consumer and the owner or operator of the pet shop
33 or kennel, or employee thereof, shall be entitled to any appeal of the
34 decision resulting from the hearing as may be provided for under
35 the law, or any rule or regulation adopted pursuant thereto, but upon
36 the exhaustion of such remedies and recourse, the consumer and the
37 owner or operator of the pet shop or kennel, or the pet dealer shall
38 comply with the final decision rendered.

39 m. Any owner or operator of a pet shop or kennel, or any pet
40 dealer, or employee thereof, shall be guilty of a deceptive practice if
41 the owner or operator, or employee thereof, secures or attempts to
42 secure a waiver of any of the provisions of this section except as
43 specifically authorized under subsection g. of this section.

44 n. The owner of a pet shop or kennel, or the pet dealer shall be
45 responsible and liable for any recourse or reimbursement due to a
46 consumer because of violations of any provisions of this section by
47 the owner or operator of the pet shop or kennel, or the pet dealer, or

1 any employee thereof, or because of any document signed pursuant
2 to this section by the owner or operator of the pet shop or kennel, or
3 the pet dealer, or any employee thereof.
4 (cf: P.L.1999, c.336, s.4)

5
6 26. Section 5 of P.L.1999, c.336 (C.56:8-96) is amended to read
7 as follows:

8 5. a. Any consumer who purchases from a pet shop, kennel, or
9 pet dealer an animal that becomes sick or dies after the date of
10 purchase may take the sick or dead animal to a veterinarian within
11 the period of time required pursuant to the notification form
12 provided upon the date of purchase, receive certification from the
13 veterinarian of the health and condition of the animal, and pursue
14 the recourse provided for under the circumstances indicated by the
15 veterinarian certification, as required and provided for pursuant to
16 section 4 of P.L.1999, c.336 (C.56:8-95).

17 b. Upon receipt of the certification from the veterinarian, the
18 consumer may report the sickness or death of the animal and the pet
19 shop, kennel, or pet dealer where the animal was purchased to the
20 local health authority with jurisdiction over the municipality in
21 which the pet shop, kennel, or pet dealer where the animal was
22 purchased is located, and to the Director of the Division of
23 Consumer Affairs in the Department of Law and Public Safety. The
24 consumer shall provide a copy of the veterinarian certificate with
25 any such report. The director shall forward to the appropriate local
26 health authority a copy of any such report the division receives.
27 The local health authority shall record and retain the records of any
28 such report and documentation submitted by a consumer.

29 c. By the May 1 immediately following the effective date of
30 **[this act]** P.L.1999, c.336 (C.56:8-92 et al.) , and annually
31 thereafter, the local health authority with jurisdiction over pet shops
32 and kennels shall review any files it has concerning reports filed
33 pursuant to subsection b. of this section and shall recommend to the
34 municipality in which the pet shop or kennel is located the
35 revocation of the license of any pet shop or kennel with reports filed
36 as follows:

37 (1) 15% of the total number of animals sold in a year by the pet
38 shop or kennel were certified by a veterinarian to be unfit for
39 purchase due to congenital or hereditary cause or condition, or a
40 sickness brought on by a congenital or hereditary cause or
41 condition;

42 (2) 25% of the total number of animals sold in a year by the pet
43 shop or kennel were certified by a veterinarian to be unfit for
44 purchase due to a non-congenital cause or condition;

45 (3) 10% of the total number of animals sold in a year by the pet
46 shop or kennel died and were certified by a veterinarian to have
47 died from a non-congenital cause or condition; or

1 (4) 5% of the total number of animals sold in a year by the pet
2 shop or kennel died and were certified by a veterinarian to have
3 died from a congenital or hereditary cause or condition, or a
4 sickness brought on by a congenital or hereditary cause or
5 condition.

6 A local health authority with jurisdiction over pet shops and
7 kennels may recommend to the municipality in which the pet shop
8 or kennel is located the revocation of the license of any pet shop or
9 kennel based on criteria established pursuant to this section and
10 section 37 of P.L. , c. (C.) (pending before the Legislature as
11 this bill).

12 d. By the May 1 immediately following the effective date of
13 **【this act】** P.L.1999, c.336 , and annually thereafter, the local health
14 authority with jurisdiction over pet shops and kennels shall review
15 any files it has concerning reports filed pursuant to subsection b. of
16 this section and shall recommend to the municipality in which the
17 pet shop or kennel is located a 90-day suspension of the license of
18 any pet shop or kennel with reports filed as follows:

19 (1) 10% of the total number of animals sold in a year by the pet
20 shop or kennel were certified by a veterinarian to be unfit for
21 purchase due to congenital or hereditary cause or condition, or a
22 sickness brought on by a congenital or hereditary cause or
23 condition;

24 (2) 15% of the total number of animals sold in a year by the pet
25 shop or kennel were certified by a veterinarian to be unfit for
26 purchase due to a non-congenital cause or condition;

27 (3) 5% of the total number of animals sold in a year by the pet
28 shop or kennel died and were certified by a veterinarian to have
29 died from a non-congenital cause or condition; or

30 (4) 3% of the total number of animals sold in a year by the pet
31 shop or kennel died and were certified by a veterinarian to have
32 died from a congenital or hereditary cause or condition, or a
33 sickness brought on by a congenital or hereditary cause or
34 condition.

35 e. Pursuant to the authority and requirements provided in
36 section 8 of P.L.1941, c.151 (C.4:19-15.8), the owner of the pet
37 shop or kennel shall be afforded a hearing and, upon the
38 recommendation by the local health authority pursuant to subsection
39 c. or d. of this section, the local health authority, in consultation
40 with the **【State】** Department of Health and Senior Services, shall
41 set a date for the hearing to be held by the local health authority or
42 the **【State】** Department of Health and Senior Services and shall
43 notify the pet shop involved. The municipality may suspend or
44 revoke the license, or part thereof, that authorizes the pet shop or
45 kennel to sell cats or dogs after such hearing has been held and as
46 provided in section 8 of P.L.1941, c.151 (C.4:19-15.8). At the
47 hearing, the local health authority **【or】**, the **【State】** Department of

1 Health and Senior Services, or the Division of Consumer Affairs in
2 the Department of Law and Public Safety, whichever entity is
3 holding the hearing, shall receive testimony from the pet shop or
4 kennel and shall determine if the pet shop or kennel : (1) failed to
5 maintain proper hygiene and exercise reasonable care in
6 safeguarding the health of animals in its custody, **【or】** (2) sold a
7 substantial number of animals that the pet shop or kennel knew, or
8 reasonably should have known, to be unfit for purchase, (3) was
9 convicted of, or found civilly liable for, violating any State animal
10 cruelty law or regulation, or convicted of, or found civilly liable for,
11 substantially similar conduct pursuant to an animal cruelty law of
12 another state, or (4) met the criteria for license revocation or
13 suspension established pursuant to section 37 of P.L. , c. (C.)
14 (pending before the Legislature as this bill).

15 f. No provision of subsection c. shall be construed to restrict
16 the local health authority or the **【State】** Department of Health and
17 Senior Services from holding a hearing concerning any pet shop or
18 kennel in the State irrespective of the criteria for recommendation
19 of license suspension or revocation named in subsection c. or d., or
20 from recommending to a municipality the suspension or revocation
21 of the license of a pet shop or kennel within its jurisdiction for other
22 violations under other sections of law, or rules and regulations
23 adopted pursuant thereto.

24 g. No action taken by the local health authority or municipality
25 pursuant to this section or section 8 of P.L.1941, c.151 (C.4:19-
26 15.8) shall be construed to limit or replace any action, hearing or
27 review of complaints concerning the pet shop or kennel by the
28 Division of Consumer Affairs in the Department of Law and Public
29 Safety to enforce consumer fraud laws or other protections to which
30 the consumer is entitled.

31 h. The requirements of this section shall be posted in a
32 prominent place in each pet shop and kennel in the State along with
33 the name, address and telephone number of the local health
34 authority that has jurisdiction over the pet shop or kennel , and this
35 information shall be provided in writing at the time of purchase to
36 each consumer and to each licensed veterinarian contracted for
37 services by the pet shop or kennel upon contracting the veterinarian.

38 i. The Director of the Division of Consumer Affairs may
39 investigate and pursue enforcement against any pet shop or kennel
40 reported by a consumer pursuant to subsection b. of this section.
41 (cf: P.L.1999, c.336, s.5)

42

43 27. Section 7 of P.L.1999, c.336 (C.56:8-97) is amended to read
44 as follows:

45 7. The **【Director of the】** Division of Consumer Affairs in the
46 Department of Law and Public Safety, in consultation with the
47 Canine and Feline Health Board, established pursuant to section 13

1 of P.L. , c. (C.) (pending before the Legislature as this bill),
2 and the Department of Health and Senior Services, may adopt,
3 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.), any rules or regulations [as the director
5 deems] necessary for the implementation of this act and any
6 provision of P.L. , c. (C.) (pending before the Legislature as
7 this bill) .
8 (cf: P.L.1999, c.336, s.7)

9
10 28. (New section)a. Any pet dealer operating in the State shall
11 apply to the Division of Consumer Affairs in the Department of
12 Law and Public Safety, for a license to operate as a pet dealer in
13 this State.

14 No person convicted of or found civilly liable for violating any
15 State animal cruelty law or regulation, or convicted of or found
16 civilly liable for substantially similar conduct pursuant to an animal
17 cruelty law of another state, may apply for a license or a renewal of
18 a license to operate in this State as a pet dealer.

19 The application shall describe the premises where the pet dealer
20 is located or is proposed to be located, and the purpose or purposes
21 for which it is to be maintained, and shall be accompanied by the
22 written approval of a local municipal or health authority, showing
23 compliance with the federal, State, or local rules and regulations
24 governing sanitation. An out-of-State pet dealer shall provide
25 documentation of compliance with the requirements in its respective
26 state or local authority. The division may charge a reasonable fee
27 to cover the administrative costs of the pet dealer license.

28 b. All pet dealer licenses shall expire on the last day of June of
29 each year, and be subject to suspension or revocation by the
30 division for failure to comply with this section, P.L.1941, c.151
31 (C.4:19-15.1 et seq.), P.L.1999, c.336 (C.56:8-92 et al.), or the rules
32 and regulations adopted pursuant thereto.

33 c. A pet dealer license shall not be transferable to another
34 person or to a different premises.

35 d. The license for a pet dealer shall be subject to review by the
36 Division of Consumer Affairs, upon recommendation by the
37 Department of Health and Senior Services, a municipality, or a
38 local health authority, for failure by the pet dealer to comply with
39 the rules and regulations of the division, a municipality, or local
40 health authority, or because the pet dealer meets the criteria for
41 recommended suspension or revocation provided pursuant to
42 section 37 of P.L. , c. (C.) (pending before the Legislature as
43 this bill) and section 8 of P.L.1941, c.151 (C.4:19-15.8), as
44 applicable, after the pet dealer has been afforded a hearing pursuant
45 to this section.

46 The division, when applying the criteria provided under
47 subsections c. and d. of section 5 of P.L.1999, c.336 (C.56:8-96),

1 may suspend the license for 90 days or may revoke the license if it
2 is determined at the hearing that the pet dealer: (1) failed to
3 maintain proper hygiene and exercise reasonable care in
4 safeguarding the health of animals in its custody, (2) sold a
5 substantial number of animals that the pet dealer knew, or
6 reasonably should have known, to be unfit for purchase, or (3) was
7 convicted of violating any State animal cruelty law or regulation, or
8 convicted of substantially similar conduct pursuant to an animal
9 cruelty law of another state.

10 e. The division shall provide written notice of a pet dealer
11 license revocation, suspension or denial to the person whose license
12 is revoked, suspended or denied. The notice shall set forth the
13 general factual and legal basis for the action and shall advise the
14 affected person that within 10 days of receipt of the notice the
15 person may file with the division a written request for an
16 administrative hearing. The hearing before the division shall be
17 conducted in accordance with the "Administrative Procedure Act,"
18 P.L.1968, c.410 (C.52:14B-1 et seq.). Written notice of revocation,
19 suspension or denial shall be served by personal service or by
20 registered or certified mail, return receipt requested, to the person
21 whose license is revoked, suspended or denied or to a responsible
22 employee of that person. Revocation, suspension, or denial shall be
23 effective upon the expiration of a 10-day period for requesting an
24 administrative hearing, unless a timely request for a hearing has
25 been filed with the division.

26 f. A licensed pet dealer shall submit to the division annually
27 and no later than May 1 of each year records of the total number of
28 cats or dogs sold by the dealer each year.

29 g. A licensed pet dealer who applies for renewal of a license
30 and is found to have violated any provision of P.L.1941, c.151
31 (C.4:19-15.1 et seq.) or P.L.1999, c.336 (C.56:8-92 et al.) may be
32 denied a license renewal by the division.

33
34 29. (New section) a. Any person who falsely attests to
35 compliance with any item attested to in the signed document
36 required pursuant to subsection a. of section 30 or in a license
37 application submitted pursuant to section 28 of this act is in
38 violation of this act.

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

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

44 (2) Any animal protection law in any state concerning the proper
45 breeding, care, housing, raising or treatment of animals.

46 c. Any breeder who sells or offers for sale a cat or dog without
47 valid registration is in violation of this act. Any pet dealer who

1 knowingly purchases a cat or dog from a breeder who is without
2 valid registration is in violation of this act.

3
4 30. (New section) No pet dealer may purchase any cats or dogs
5 from any person who is not a registered breeder named on the list
6 compiled and published by the Department of Health and Senior
7 Services pursuant to subsection e. of section 9 of this act, except if
8 that person has documentation that each of the cats or dogs being
9 sold were bred by a registered breeder named on the list compiled
10 and published by the department pursuant to subsection e. of section
11 9 of this act, or if the person signs a notarized affidavit attesting to
12 the fact that the individual is not a breeder or a pet dealer regulated
13 by this act.

14
15 31. (New section) a. No cat or dog may be sold in the State by a
16 kennel, pet shop, or other retail establishment that sells cat or dogs
17 unless the name, address and phone number of the person who
18 provided the cat or dog to the kennel, pet shop, or other retail
19 establishment that sells cats or dogs is provided at the time of sale
20 to the person purchasing the cat or dog. If the cat or dog was raised
21 by the kennel, pet shop or other retail establishment, the name,
22 address and phone number of the owner of the kennel, pet shop, or
23 other retail establishment shall be provided to the person purchasing
24 the cat or dog. No provision of this subsection shall be construed to
25 apply to a shelter, pound or other nonprofit organization that
26 provides cats or dogs to individuals, regardless of any fee or charge
27 that may be applied by the shelter, pound or nonprofit organization
28 at the time that the cat or dog is provided to an individual.

29 b. Any person violating the provisions of subsection a. of this
30 section shall be subject to a fine of \$500 for each violation, to be
31 collected by the division in a civil action by a summary proceeding
32 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
33 (C.2A:58-10 et seq.).

34
35 32. (New section) A pet shop, kennel, or pet dealer shall have a
36 bill of sale or record for each animal purchased. A bill of sale or
37 record which is fraudulent or indicates the theft of an animal may
38 be used as evidence for license revocation by a municipality or by
39 the Division of Consumer Affairs, pursuant to section 37 of P.L. ,
40 c. (C.) (pending before the Legislature as this bill), and a pet
41 shop, kennel, or pet dealer may be required to pay to the division a
42 reasonable administrative penalty, as established by the division.

43 A bill of sale or record shall include the current and valid license
44 number of the pet shop, kennel, or pet dealer that sold, exchanged,
45 bartered, gave away, or transferred the animal and any other
46 information required by the division. The bill of sale or record shall
47 be kept for at least two years.

1 33. a. The information required pursuant to subsection c. of this
2 section shall be available in writing to any person who requests it.
3 Every pet dealer shall post in a conspicuous location a sign stating:
4 “UPON REQUEST, YOU HAVE A RIGHT TO A COPY OF THE
5 HEALTH HISTORY AND BREEDER INFORMATION FOR ANY
6 ANIMAL OFFERED FOR SALE IN THIS ESTABLISHMENT,
7 REGARDLESS OF WHETHER YOU ARE BUYING THE
8 ANIMAL.”

9 b. The information required pursuant to paragraphs (1) through
10 (8) of subsection c. of this section shall be provided in a single
11 document created pursuant to this subsection as the health
12 certificate of the animal. This health certificate shall remain with
13 the animal for the duration of its life and shall be updated annually
14 by the licensed veterinarian caring for the animal.

15 c. Every pet dealer shall provide the purchaser of each cat or
16 cat or dog sold by the pet dealer at the time of sale a written
17 statement, in a standardized form prescribed by the Department of
18 Health and Senior Services, containing the following information:

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

23 (2) The breeder's and pet dealer's name, street address, if
24 different from the information required in paragraph (1) of this
25 subsection, and, if licensed by the United States Department of
26 Agriculture, the breeder's and pet dealer's federal dealer
27 identification number;

28 (3) The date of birth of the cat or dog, the cat's or dog's age, or
29 an approximation provided by a licensed veterinarian;

30 (4) The cat's or dog's origin, including contact information for
31 the breeder of the cat or dog, that the cat or dog did not originate
32 within an area under quarantine for rabies, and, as ascertained by
33 the veterinarian, that the cat or dog has not been exposed to rabies
34 within 100 days of importation;

35 (5) A record of the immunizations administered to the cat or dog
36 as of the time of sale, including the dates of administration and the
37 type of vaccine, and for a dog, the rabies tag number;

38 (6) the cat's or dog's health, including whether the cat or dog
39 shows no signs or symptoms of infectious or communicable disease;

40 (7) If purebred or registerable with a cat or dog registry, the
41 sire's and the dam's registration, if any, from the registry
42 organization;

43 (8) A record of any veterinarian treatment or medication received
44 by a cat or dog while in the possession of a pet dealer to treat any
45 disease, illness, or condition that required hospitalization or a
46 surgical procedure, and one of the following –

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

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

15 (9) confirmation that the pet dealer or owner or operator of the
16 kennel or pet shop has not been convicted of, or found civilly liable
17 for, any State animal cruelty law or regulation, or convicted of, or
18 found civilly liable for, substantially similar conduct pursuant to an
19 animal cruelty law of another state.

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

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

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

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

3 e. All information required to be disclosed pursuant to this
4 section may be made orally to a person inquiring about the cat or
5 dog, but shall be provided in writing upon request regardless of
6 whether the cat or dog is being purchased at the time of the request.

7 f. Any pet dealer that fails to provide or misrepresents any
8 documentation or information required pursuant to subsection a. of
9 this section shall be guilty of fraud and violation of this act, and
10 shall be subject to the penalties provided pursuant to sections 37
11 through 41 of P.L. , c. (C.) (pending before the Legislature
12 as this bill) and P.L.1960, c.39 (C.56:8-1 et seq.) as well as any
13 other penalties applicable under State or federal law.

14
15 34. (New section) a. Each cat or dog transported into this
16 State for sale by a kennel, pet shop, or pet dealer shall have the
17 health certificate required pursuant to section 33 of P.L. , c. (C.)
18 (pending before the Legislature as this bill), except that an out-of-
19 State dealer may have a certificate prepared by a veterinarian
20 licensed in the out-of-State dealer's state. All other health
21 certificates shall be prepared by a State licensed veterinarian. The
22 health certificate, or a copy thereof, shall accompany the animal
23 while in this State.

24 b. A copy of the health certificate shall be retained by the pet
25 dealer, kennel, or pet shop for 14 days after the sale or transfer of
26 an animal.

27 c. A pet dealer, kennel, or pet shop that sells cats or dogs or
28 breeds them for sale shall have a bill of sale or record for each cat
29 or dog purchased, pursuant to section 32 of P.L. , c. (C.)
30 (pending before the Legislature as this bill), which shall be kept by
31 the pet dealer, kennel, or pet shop for at least two years.

32
33 35. (New section) a. Except as otherwise provided for in section
34 25 of this act, no pet dealer shall knowingly sell a cat or dog which
35 is diseased, ill, or has a condition that requires hospitalization or a
36 surgical procedure. Every pet dealer shall comply with, and every
37 purchaser of a pet shall be entitled to the protections provided
38 under, P.L.1960, c.39 (C.56:8-1 et seq.) and any rules or regulations
39 adopted pursuant thereto concerning the sale of animals.

40 b. No pet dealer shall keep a cat or dog in a pet shop for more
41 than eight consecutive weeks. Every pet dealer shall establish
42 procedures and methods for the return of cats or dogs for any reason
43 that shall include the humane transfer of cats or dogs to a pound,
44 shelter or other municipal animal control facility. Any cat or dog
45 that has not been sold after eight consecutive weeks in the pet shop
46 shall be delivered in a humane manner and at no cost to the pound,
47 shelter, or other municipal animal control facility with which the

1 municipality in which the pet shop is located has contracted for the
2 holding of animals.

3

4 36. (New section) a. Every pet dealer shall post conspicuously
5 on the cage of each cat or dog offered for sale a notice indicating
6 the name, license number, and address of the breeder of the cat or
7 dog in the cage.

8 b. Every pet dealer shall post conspicuously within close
9 proximity to the cage of a cat or a dog offered for sale, a notice
10 containing the following language in 100-point type:

11 "Information on the source of this cat or dog and the veterinary
12 treatments it has received is available for review upon request."

13

14 37. (New section) a. In addition to the provisions of section 8
15 of P.L.1941, c.151 (C.4:19-15.8), section 5 of P.L.1999, c.336
16 (C.56:8-96), and section 24 of P.L. , c. (C) (pending before
17 the Legislature as this bill), a municipality may revoke, suspend, or
18 deny to issue a pet shop or kennel license, and the division may
19 revoke, suspend, or deny to issue a pet dealer license, for any one or
20 more of the following reasons:

21 (1) the person holding or applying for a license is convicted of,
22 or found civilly liable for, violating any State animal cruelty law or
23 regulation, or convicted of, or found civilly liable for, substantially
24 similar conduct pursuant to an animal cruelty law of another state;

25 (2) the person holding or applying for a license has made a
26 material misstatement or misrepresentation in the license
27 application, or has made a material misstatement or
28 misrepresentation to the municipality, department, division, or any
29 personnel regarding a matter relevant to the license;

30 (3) the person holding or applying for a license has failed to
31 comply with P.L.1941, c.151 (C.4:19-15.1 et seq.) or P.L.1999,
32 c.336 (C.56:8-92 et al.), or any regulation adopted pursuant thereto;

33 (4) the person holding or applying for a license has been
34 convicted of any crime;

35 (5) the person holding or applying for a license has, within the
36 last 10 years, entered into an agreement with the Office of the
37 Attorney General or the Division of Consumer Affairs, in the
38 Department of Law and Public Safety, which requires the person to
39 cease and desist from operating a kennel, pet shop, shelter, or
40 pound, or owning, selling or caring for cats or dogs, or both;

41 (6) the location of the kennel or pet shop, for which the license
42 is sought, is subject to a final, binding order, which is not subject to
43 a pending legal challenge, declaring the kennel or pet shop is not a
44 permitted use under the applicable zoning ordinance;

45 (7) the person holding or applying for a license has had a
46 kennel, pet shop, shelter, pound, or pet dealer license revoked,
47 suspended or denied within the past 10 years; or

1 (8) the person holding or applying for a license is in business
2 with a person who does or will play a role in the ownership of the
3 pet shop or kennel, or caring for the cats or dogs, and such other
4 person would be denied a license if that person applied. A “role”
5 shall include ownership of a financial interest in the operation of,
6 caring for the dogs at, or participation in the management of the pet
7 shop or kennel.

8 b. In determining whether to revoke, suspend, or deny a pet
9 shop, kennel, or pet dealer license for a misstatement as set forth
10 under paragraphs (1) or (2) of subsection a. of this section, the
11 municipality or division, as applicable, shall consider the gravity of
12 the misstatement. In determining whether to revoke, suspend, or
13 deny an existing pet shop, kennel, or pet dealer license for a failure
14 to comply with a provision of P.L.1941, c.151, P.L.1999, c.336, or
15 any rules or regulations adopted pursuant thereto, the municipality
16 or division, as applicable, shall consider the following factors:

- 17 (1) the gravity of the violation;
18 (2) the number of current or past violations;
19 (3) the potential effect of the violation on the health or welfare
20 of a dog;
21 (4) whether the pet shop, kennel, or pet dealer has been warned
22 previously to correct the violation;
23 (5) whether the violation resulted in a criminal conviction or
24 civil liability; and
25 (6) the length of time that has elapsed between violations.

26
27 38. (New section) a. Upon revocation or denial of a license by a
28 municipality or the division, as applicable, pursuant to section 8 of
29 P.L.1941, c.151 (C.4:19-15.8), section 5 of P.L.1999, c.336
30 (C.56:8-96), or sections 28 or 37 of P.L. , c. (C.) (pending
31 before the Legislature as this bill), respectively, a pet shop, kennel,
32 or pet dealer shall:

33 (1) immediately cease and desist from operating a pet shop or
34 kennel or operating as a pet dealer in this State, including boarding,
35 buying, exchanging, selling, offering for sale, giving away or in any
36 way transferring cats or dogs;

37 (2) acquire no additional cats or dogs nor increase the number of
38 cats or dogs in the pet shop or kennel, by any means, including
39 breeding, except if the acquisition or increase is by birth of
40 offspring from a mother which, at the time of revocation or denial,
41 was: (a) on the property; (b) pregnant; and (c) owned by the pet
42 shop, kennel, or pet dealer;

43 (3) notify the division prior to the euthanization of any cat or
44 dog, except as provided in subsection c. of this section;

45 (4) permit an authorized representative of the municipality or
46 the division, as applicable, to inspect a pet shop or kennel without a
47 warrant in order to determine compliance with a municipal order,

1 any relevant court order and any provision of P.L.1941, c.151 or
2 P.L.1999, c.336; and

3 (5) divest itself of any cats or dogs numbering more than 25,
4 unless directed otherwise by the municipality, division, or court
5 order, within a reasonable time period as determined by the
6 municipality or division, but not to exceed 10 days, pursuant to
7 subsection b. of this section.

8 b. The notice of revocation or denial, from the municipality or
9 the division, as applicable, shall set forth the manner by which the
10 pet shop or kennel owner may divest of the cats or dogs, as required
11 pursuant to paragraph (5) of subsection a. of this section. If there
12 are more cats or dogs on the premises than permitted in the
13 municipal or court order after the expiration of the time period set
14 forth in the order, the pet shop or kennel may select the cats or dogs
15 to be kept, up to the number allowed under this subsection. The cats
16 or dogs not selected shall be forfeited to the entity set forth in the
17 municipal or court order, or to an entity approved by the
18 municipality or the division, as appropriate, without compensation
19 to the owner.

20 c. No cat or dog may be euthanized unless it is determined by a
21 licensed veterinarian that the euthanasia will prevent the cat or dog
22 from suffering caused by a medical condition. If a veterinarian
23 determines a cat or dog should be euthanized, a copy of the
24 veterinarian's findings, signed by the veterinarian, shall be provided
25 to the division. If, in an emergency situation, it is deemed by the
26 licensed veterinarian that immediate euthanasia is necessary to
27 relieve the suffering of the cat or dog, the cat or dog may be
28 euthanized immediately following that determination. Following
29 euthanasia in an emergency situation, a copy of the veterinarian's
30 findings shall be signed by the licensed veterinarian and provided to
31 the division.

32
33 39. (New section) a. A person whose license is denied or
34 revoked under section 8 or P.L.1941, c.151 (C.4:19-15.8) or
35 sections 28 or 37 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), and who timely files a request for an
37 administrative hearing, pursuant to section 8 of P.L.1941, c.151
38 (C.4:19-15.8) or section 28 of P.L. , c. (C.) (pending before
39 the Legislature as this bill), and would continue to require a license
40 under P.L. , c. (C.) (pending before the Legislature as this
41 bill), pending the exhaustion of all appeals, shall:

42 (1) be considered to be operating under suspension;

43 (2) receive notice from the municipality or division of the
44 license being suspended; and

45 (3) during the duration of all appeals, and thereafter if the
46 municipal or division action is upheld, be subject to the
47 requirements set forth in paragraphs (2) through (5) of subsection

1 a., and subsections b. through c. of section 38 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3 b. Within 10 days after the exhaustion of an administrative
4 appeal under subsection a. of this section, in which the municipal or
5 division action is upheld, the pet shop or kennel shall reduce the
6 number of cats or dogs as required pursuant to paragraph (5) of
7 subsection a., and subsection b. of section 38 of P.L. , c. (C.)
8 (pending before the Legislature as this bill).

9
10 40. (New section) a. After service of an order or during the
11 duration of an appeal and administrative hearing pursuant to
12 sections 28, 37, 38, or 39 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), a municipality may order the seizure of any
14 cat or dog from a pet shop or kennel, or the division may order the
15 seizure of any cat or dog from a pet dealer, if it is determined by the
16 municipality or the division, based on the conditions found at the
17 pet shop or kennel, or at the pet dealer's primary place of business,
18 as applicable, that there are reasonable grounds to believe the cat's
19 or dog's health, safety or welfare is endangered because of neglect;
20 lack of care; deprivation of necessary sustenance, water, shelter or
21 veterinary care; lack of access to clean and sanitary shelter which
22 will protect the cat or dog against inclement weather and preserve
23 the cat's or dog's body heat and keep it dry; or other conditions
24 which a licensed veterinarian determines are a serious health risk to
25 the cat or dog. The seizure may occur immediately upon notice,
26 whether personal or otherwise, and shall be followed by service of
27 the order.

28 b. The order of seizure, issued pursuant to subsection a. of this
29 section, shall set forth the general factual and legal basis for the
30 action taken and shall advise the pet shop, kennel, or pet dealer that,
31 within 10 days of receipt, the owner or dealer may file with the
32 municipality or division, as appropriate, a written request for an
33 administrative hearing subject to bonding requirements of
34 subsections e. and f. of this section. The order shall be served by
35 personal service or by registered or certified mail, return receipt
36 requested, to the pet shop, kennel owner, or pet dealer affected, or
37 to a responsible employee of such owner or dealer. The municipal
38 or division order, as appropriate, shall become final upon the
39 expiration of the 10-day period for requesting an administrative
40 hearing, unless a timely request for a hearing has been filed with the
41 municipality or division.

42 c. A written request for a hearing must be filed by the affected
43 pet shop or kennel owner with the municipality, or by the affected
44 pet dealer with the division, within 10 days of receipt of the order
45 of seizure or such order shall become final. The request for a
46 hearing shall set forth the factual and legal grounds upon which the
47 request is based. A hearing on the matter may be held in accordance

1 with the “Administrative Procedure Act,” P.L.1968, c.410
2 (C.52:14B-1 et seq.), if applicable. The issue on appeal shall be
3 limited to whether the municipal or division order was justified
4 under this subsection.

5 d. If the order from the municipality or division, as appropriate,
6 has become final or after the exhaustion of any appeals, in cases
7 where the action of the municipality or division, as applicable, is
8 upheld, the cats or dogs seized under the order shall be forfeited to
9 the entity set forth in the order or to an entity approved by the
10 municipality or division, as appropriate, without compensation to
11 the kennel or pet shop owner or pet dealer.

12 e. If cats or dogs are seized from a kennel, pet shop, or pet
13 dealer under this section and an administrative appeal is filed,
14 within 10 days of filing the appeal, the owner of the licensed or
15 unlicensed kennel or pet shop or the licensed or unlicensed pet
16 dealer shall either: (1) post a surety bond in the amount determined
17 by the division applying the criteria set forth in subsection c. of this
18 section; or (2) deposit a sum of money not to exceed 10% of the
19 amount of the surety bond determined by the division applying the
20 criteria set forth in subsection f. of this section.

21 f. (1) The amount of the surety bond shall be based on the
22 number of cats or dogs seized and shall be equal to the estimated
23 cost of transportation and 30 days of care and feeding resulting
24 from the removal and impoundment.

25 (2) Any surety bond posted pursuant to this section on behalf of
26 a pet dealer shall be payable to the Division of Consumer Affairs, in
27 the Department of Law and Public Safety. Any surety bond posted
28 pursuant to this section on behalf of a pet shop or kennel shall be
29 payable to the Department of Health and Senior Services. The
30 division or department, as applicable, shall remit such funds to the
31 entity holding the cats or dogs.

32 (3) Any deposit made pursuant to this section shall be held by
33 the Division of Consumer Affairs or Department of Health and
34 Senior Services, as appropriate, until after the appeal. If, after the
35 appeal, the cats or dogs are not placed under the care of the kennel
36 or pet shop owner or pet dealer from which they were seized, the
37 division or department, as applicable, shall be entitled to keep the
38 deposit and collect from the owner the remainder of the amount
39 determined by the division or the department applying the criteria
40 set forth in paragraph (1) of this subsection.

41 (4) If, after appeal, the cats or dogs are placed under the care of
42 the owner from which they were seized, the division shall reimburse
43 the owner for the deposit or the reasonable costs of the bond
44 incurred under this subsection.

45 (5) The division or department, as applicable, shall guarantee
46 payment of any difference in the amount paid to the holding entity
47 and the amount owed. The division or department, as appropriate,

1 may refer the matter to the Attorney General who may initiate an
2 action in the appropriate court to recover the amount paid under this
3 section.

4 g. No cat or dog removed under this section may be:

5 (1) sold or given freely, or conveyed in any manner, for the
6 purpose of vivisection, auction or research;

7 (2) conveyed to a pet dealer;

8 (3) sold to pay the costs of its transportation, care and feeding
9 under this section before the issuance of a final order and the
10 exhaustion of all appeals; or

11 (4) spayed or neutered before the issuance of a final order and
12 the exhaustion of all appeals.

13
14 41. (New section) In addition to any other penalties allowed
15 under P.L.1941, c.151 (C.4:19-15.1 et seq.), failure to take action or
16 to meet the conditions imposed under sections 24 through 28 of
17 P.L. , c. (C.) (pending before the Legislature as this bill) may
18 result in imposition by the Division of Consumer Affairs, in the
19 Department of Law and Public Safety, or the Department of Health
20 and Senior Services, of an administrative penalty of not less than
21 \$100 nor more than \$500 per day for each violation. Each cat or dog
22 in excess of the number of cats or dogs permitted under sections 26
23 and 27 of P.L. , c. (C.) (pending before the Legislature as
24 this bill) shall count as a separate violation.

25
26 42. This act shall take effect on the 180th day after the date of
27 enactment, but the Commissioner of Health and Senior Services
28 may take such anticipatory administrative action in advance thereof,
29 as shall be necessary for the implementation of the act.

30 31 32 STATEMENT

33
34 This bill, entitled the "Healthy Puppies and Kittens Assurance
35 Act," establishes a State registry of breeders and in-State and out-
36 of-State pet dealers, and requirements for providing information on
37 the health and breeding history of a cat or dog being sold, including
38 the creation of a health certificate to be updated annually and to
39 remain with the animal throughout its life.

40 This bill prohibits certain breeding practices, limits the selling of
41 cats or dogs as pets to 25 animals per year per breeder, and
42 establishes numerous requirements for proper trade in animals.
43 "Breeder" is defined in the bill as any person who owns or operates
44 a breeding facility and sells more than five cats or dogs per year,
45 regardless of whether or not the person holds a valid breeder license
46 issued by the United States Department of Agriculture.

1 This bill also expands and revises the “Pet Purchase Protection
2 Act” to extend consumer protections under that act to purchasers of
3 cats and dogs for pets. It amends the “Pet Purchase Protection Act”
4 to make it consistent with the provisions of this bill, and authorizes
5 the Department of Health and Senior Services and the Division of
6 Consumer Affairs in the Department of Law and Public Safety to
7 adopt regulations necessary to implement the act.

8 Under current law, pet shops, kennels, shelters, and pounds are
9 licensed by municipalities, but other sellers of cats or dogs are not
10 licensed. The bill establishes a pet dealer license to be issued by the
11 Division of Consumer Affairs, without changing the current licensing
12 of pet shops, kennels, shelters, and pounds by municipalities or the
13 Department of Health and Senior Services. A person convicted of an
14 animal cruelty violation is not prohibited from operating a licensed
15 pet shop, kennel, shelter, or pound. This bill would prohibit anyone
16 convicted of, or found civilly liable for, an animal cruelty violation
17 from obtaining or renewing the newly established pet dealer license, or
18 a license for a pet shop, kennel, shelter or pound.

19 The bill also establishes a Canine and Feline Health Board as an
20 advisory body to the Department of Health and Senior Services and
21 the Division of Consumer Affairs to establish standards for care and
22 housing of cats and dogs. The Canine and Feline Health Board
23 would be composed of seven members: the State Veterinarian, or
24 the veterinarian’s designee; the Commissioner of Health and Senior
25 Services, or the commissioner’s designee; the Director of the
26 Division of Consumer Affairs in the Department of Law and Public
27 Safety, or the director’s designee; the President of the New Jersey
28 Veterinary Medical Association, or the president’s designee; and
29 three members of the public who are members of a recognized
30 organization that advocates for and participates in the care and
31 welfare of dogs and cats or are licensed at or as a kennel, pet dealer,
32 or pet shop in this State, to be appointed by the Governor for four-
33 year terms.

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

1 It is the sponsor's intent that, by requiring registration of
2 breeders, providing the retail purchaser with information about the
3 cats and dogs, and imposing heavy penalties on violators,
4 individuals and pet shops would be encouraged to purchase cats or
5 dogs from reputable breeders, thus eliminating the market for cats
6 or dogs from mass breeding establishments with poor and unhealthy
7 conditions.

WITHDRAWN