

[Second Reprint]
SENATE, No. 1870

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MARCH 27, 2014

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Senator ROBERT W. SINGER

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SYNOPSIS

Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 15, 2014.

(Sponsorship Updated As Of: 12/19/2014)

1 AN ACT concerning the sale of cats and dogs, and amending and
2 supplementing P.L.1999, c.336.

3

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

6

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

9 2. As used in **sections 1 through 5 of this act** P.L.1999, c.336
10 (C.56:8-92 et al.) ²**and P.L. _____, c. _____ (C. _____) (pending**
11 **before the Legislature as this bill)**² :

12 "Animal" means a cat or dog **;** .

13 "Breeder" means any person, firm, corporation, or organization
14 in the business of breeding cats or dogs.

15 "Broker" means any person, firm, corporation, or organization
16 who sells a cat or dog to a pet shop, whether or not the broker is
17 also the breeder of the cat or dog.

18 "Consumer" means a person purchasing a cat or dog **;** not for
19 the purposes of resale.

20 "Director" means the Director of the Division of Consumer
21 Affairs in the Department of Law and Public Safety **;** .

22 "Division" means the Division of Consumer Affairs in the
23 Department of Law and Public Safety **;** .

24 "Pet dealer" means any person engaged in the ordinary course of
25 business in the sale of cats or dogs to the public for profit or any
26 person who sells or offers for sale more than five cats or dogs in
27 one year **;** .

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

30 "Quarantine" means to hold in segregation from the general
31 population any cat or dog because of the presence or suspected
32 presence of a contagious or infectious disease **;** .

33 "Unfit for purchase" means any disease, deformity, injury,
34 physical condition, illness or defect which is congenital or
35 hereditary and severely affects the health of the animal, or which
36 was manifest, capable of diagnosis or likely contracted on or before
37 the sale and delivery of the animal to the consumer. The death of
38 an animal within 14 days of its delivery to the consumer, except by
39 death by accident or as a result of injuries sustained during that
40 period, shall mean the animal was unfit for purchase **;** and **;** .

41 "USDA" means the United States Department of Agriculture.

42 "USDA license number" means the license number issued to a
43 breeder or broker by the United States Department of Agriculture

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted June 9, 2014.

²Assembly floor amendments adopted December 15, 2014.

1 pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et
2 seq., or any rules or regulations adopted pursuant thereto.

3 "Veterinarian" means a veterinarian licensed to practice in the
4 State of New Jersey.¹

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

6
7 ²~~1~~ ~~1.~~ ^{2.} Section 4 of P.L.1999, c.336 (C.56:8-95) is amended
8 to read as follows:

9 4. a. Notwithstanding the provisions of any rule or regulation
10 adopted pursuant to Title 56 of the Revised Statutes as such
11 provisions are applied to pet shops, and without limiting the
12 prosecution of any other practices which may be unlawful pursuant
13 to Title 56 of the Revised Statutes, it shall be a deceptive practice
14 for any owner or operator of a pet shop, or employee thereof, to sell
15 animals within the State without complying with the provisions and
16 requirements of this section ¹and section 3 of P.L. , c. (C.)
17 (pending before the Legislature as this bill)¹ .

18 b. Within five days prior to the offering for sale of any animal,
19 the owner or operator of a pet shop, or employee thereof, shall have
20 the animal examined by a veterinarian licensed to practice in the
21 State. The name and address of the examining veterinarian,
22 together with the findings made and treatment, if any, ordered as a
23 result of the examination, shall be noted on the animal history and
24 health certificate for each animal as required by regulations adopted
25 pursuant to Title 56 of the Revised Statutes. If ¹~~fourteen~~ ¹⁴ days
26 have passed since the last veterinarian examination of the animal,
27 the owner or operator of the pet shop, or employee thereof, shall
28 have the animal reexamined by a veterinarian licensed to practice in
29 the State as provided for in subsection g. of this section, except as
30 otherwise provided in that subsection.

31 c. ~~Each cage in a~~ Every pet shop ~~shall have a label~~
32 identifying the sex and breed of each animal kept in the cage, the
33 date and place of birth of each animal, and the ¹~~or pet dealer~~¹
34 offering ¹~~cats or dogs~~ ¹ animals ¹ for sale shall post on the cage or
35 enclosure for each ¹~~cat or dog~~ ¹ animal ¹ in the cage or enclosure,
36 in a conspicuous location on the cage or enclosure, a sign declaring:

37 (1) The date and place of birth of each ¹~~cat or dog~~ ¹ animal¹,
38 and the actual age, or approximate age as established by a
39 veterinarian, of the ¹~~cat or dog~~ ¹ animal¹;

40 (2) The sex, color markings, and other identifier information of
41 the ¹~~cat or dog~~ ¹ animal¹, including any tag, tattoo, collar number,
42 or microchip information;

43 (3) The name and address of the veterinarian attending to the
44 animal and the date of the initial examination of the animal ~~.~~ ¹;

45 (4) The first and last name of the breeder ¹ of the animal¹, the
46 full street address of where the breeder is doing business, the
47 telephone number of the breeder, and ¹ , if the breeder of the cat or

1 dog is a dealer or breeder licensed by the United States Department
2 of Agriculture (USDA),¹ the breeder's USDA license number;

3 (5) ¹The first and last name of the broker of the animal, the full
4 street address of where the broker is doing business, the telephone
5 number of the broker, and the USDA license number of the broker
6 if applicable and different from the USDA license number provided
7 pursuant to paragraph (4) of this subsection;

8 (6)¹ The first and last name of the owner or operator of the pet
9 shop ¹[or pet dealer business]¹ , the full street address of where the
10 pet shop ¹[or pet dealer]¹ is incorporated, the telephone number of
11 the transporter or carrier of the ¹[cat or dog] animal¹, if any or
12 different from the breeder named in paragraph (4) ¹or the broker
13 named in paragraph (5)¹ of this subsection; and

14 ¹[(6) For each cat or dog bred by a USDA licensed dealer or
15 breeder,] (7) The USDA inspection reports for the prior two years
16 for the breeder and the broker of the animal, and¹ the statement –
17 “View the USDA inspection reports for the breeder for this ¹[cat or
18 dog] animal and any broker that sold this animal to this pet shop¹
19 by ¹[logging onto [26 The owner or operator of the pet shop ¹\[or pet dealer\]¹ shall
27 keep this information up-to-date, ensure that the ¹appropriate¹
28 website and contact telephone number are functioning ¹, post the
29 current website and telephone number¹ , and make changes to the
30 signage as necessary so that the consumer has access to the correct
31 information at all times.](http://acisearch.aphis.usda.gov/LPASearch/faces/LPASear</u>
20 <u>ch, entering the last name of the breeder, state in which the breeder</u>
21 <u>is doing business, and USDA license number of the breeder, and</u>
22 <u>press search] contacting the USDA through the Internet¹ . You are</u>
23 <u>also entitled to receive information about the breeder's ¹or</u>
24 <u>broker's¹ history through the federal Freedom of Information Act</u>
25 <u>¹[by calling (301) 851-4102]¹ . Charges may apply.”</u></p></div><div data-bbox=)

32 d. The owner or operator of a pet shop, or employee thereof,
33 shall quarantine any animal diagnosed as suffering from a
34 contagious or infectious disease, illness, or condition and may not
35 sell such an animal until such time as a veterinarian licensed to
36 practice in the State treats the animal and determines that such
37 animal is free of clinical signs of infectious disease or that the
38 animal is fit for sale. All animals required to be quarantined
39 pursuant to this subsection shall be placed in a quarantine area,
40 separated from the general animal population of the pet shop.

41 e. The owner or operator of a pet shop, or designated employee
42 thereof, may inoculate and vaccinate animals prior to purchase only
43 upon the order of a veterinarian. No owner or operator of a pet
44 shop, or employee thereof, may represent, directly or indirectly, that
45 the owner or operator of the pet shop, or any employee thereof,
46 other than a veterinarian, is qualified to, directly or indirectly,

1 diagnose, prognose, treat, or administer for, prescribe any treatment
2 for, operate concerning, manipulate or apply any apparatus or
3 appliance for addressing, any disease, pain, deformity, defect,
4 injury, wound ^{1,1} or physical condition of any animal after purchase
5 of the animal, for the prevention of, or to test for, the presence of
6 any disease, pain, deformity, defect, injury, wound ^{1,1} or physical
7 condition in an animal after its purchase. These prohibitions
8 include, but are not limited to, the giving of inoculations or
9 vaccinations after purchase, the diagnosing, prescribing ^{1,1} and
10 dispensing of medication to animals ^{1,1} and the prescribing of any
11 diet or dietary supplement as treatment for any disease, pain,
12 deformity, defect, injury, wound ^{1,1} or physical condition.

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

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

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

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

26 (4) The full text of the rights and responsibilities of the owner or
27 operator of the pet shop, and the employees thereof, and the
28 consumer provided in subsection l. of this section; ¹ **and** ¹

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 ¹; and

33 (6) The name, full street address, telephone number, and USDA
34 license number of the breeder of the animal and the broker of the
35 animal, if the broker is different from the breeder, with an
36 attestation by the owner or operator of the pet shop that, as of the
37 date of purchase of the animal by the pet shop, which shall be
38 specified in the attestation, the breeder and the broker of the animal
39 were in compliance with the requirements concerning the
40 maintenance and care of animals and the sanitary operation of
41 kennels, pet shops, shelters and pounds established in rules and
42 regulations adopted pursuant to section 14 of P.L.1941, c.152
43 (C.4:19-15.14), as required pursuant to section 3 of P.L. _____,
44 c. _____ (C. _____) (pending before the Legislature as this bill)¹.

45 The owner or operator of the pet shop, or an employee thereof,
46 shall obtain the signature of the consumer on the form and shall also
47 sign ¹and date¹ the form at the time of purchase of an animal ¹by

1 the consumer¹, and shall provide the consumer with a signed copy
2 of the form and retain a copy of the form on the pet shop premises.
3 Copies of all such notices shall be readily available for inspection
4 by an authorized representative of the Division of Consumer
5 Affairs, upon request. No pet shop owner or operator, or employee
6 thereof, may construe or use the signed notification form required
7 pursuant to this subsection as an abdication of the right to recourse
8 provided for in subsection i., or as a selection of recourse pursuant
9 to subsection k. of this section.

10 g. The owner or operator of a pet shop, or an employee thereof,
11 shall have any animal that has been examined more than 14 days
12 prior to the date of purchase, reexamined by a veterinarian for the
13 purpose of disclosing its condition, within 72 hours of the delivery
14 of the animal to the consumer, unless the consumer has waived the
15 right to the reexamination in writing. The owner or operator of a pet
16 shop, or an employee thereof, shall provide a copy of the written
17 waiver to the consumer prior to the signing of any **1[contact]**
18 contract¹ or agreement to purchase the animal and the written
19 waiver shall be in the form established by the director by regulation.

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

27 If the animal becomes sick or dies within 180 days after the date
28 of purchase and a veterinarian certifies, within the 180 days after
29 the date of purchase of the animal by the consumer, that the animal
30 is unfit for sale due to a congenital or hereditary cause or condition,
31 or a sickness brought on by a congenital or hereditary cause or
32 condition, or died from such a cause or condition or sickness, the
33 consumer shall be entitled to the recourse provided in subsection i.
34 of this section.

35 It shall be the responsibility of the consumer to obtain such
36 certification within the required amount of time provided by this
37 subsection, unless the owner or operator of the pet shop, or the
38 employee thereof selling the animal to the consumer, fails to
39 provide the notice required pursuant to subsection f. of this section.
40 If the owner or operator of the pet shop, or the employee thereof,
41 fails to provide the required notice, the consumer shall be entitled to
42 the recourse provided for in subsection i. of this section.

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

46 (1) The right to return the animal and receive a full refund of the
47 purchase price, including sales tax, plus the reimbursement of the
48 veterinary fees, including the cost of the veterinarian certification,

1 incurred prior to the receipt by the consumer of the veterinarian
2 certification;

3 (2) The right to retain the animal and to receive reimbursement
4 for veterinary fees incurred prior to the consumer's receipt of the
5 veterinarian certification, plus the future cost of veterinary fees to
6 be incurred in curing or attempting to cure the animal, including the
7 cost of the veterinarian certification;

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

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

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

24 j. The veterinarian shall provide to the consumer in writing
25 and within the seven days after the consumer consults with the
26 veterinarian any certification that is appropriate pursuant to this
27 section upon the determination that such certification is appropriate.

28 The certification shall include:

29 (1) The name of the owner;

30 (2) The date or dates of examination;

31 (3) The breed, color, sex ¹ ₂ and age of the animal;

32 (4) A statement of the findings of the veterinarian;

33 (5) A statement that the veterinarian certifies the animal to be
34 "unfit for purchase";

35 (6) An itemized statement of veterinary fees incurred as of the
36 date of certification;

37 (7) If the animal may be curable, an estimate of the possible cost
38 to cure, or attempt to cure, the animal;

39 (8) If the animal has died, a statement establishing the probable
40 cause of death; and

41 (9) The name and address of the certifying veterinarian and the
42 date of the certification.

43 k. Upon the presentation of the veterinarian certification
44 required in subsection j. of this section to the pet shop, the
45 consumer shall select the recourse to be provided and the owner or
46 operator of the pet shop, or the employee thereof, shall confirm the
47 selection of recourse in writing. The confirmation of the selection
48 shall be signed by the owner or operator of the pet shop, 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 employee thereof, on the pet
4 shop premises. The confirmation of the selection shall be in the
5 form established by the director by regulation.

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

35 m. Any owner or operator of a pet shop, or employee thereof,
36 shall be guilty of a deceptive practice if the owner or operator, or
37 employee thereof, secures or attempts to secure a waiver of any of
38 the provisions of this section except as specifically authorized under
39 subsection g. of this section.

40 n. The owner of a pet shop shall be responsible and liable for
41 any recourse or reimbursement due to a consumer because of
42 violations of any provisions of this section by the owner or operator
43 of the pet shop, or any employee thereof, or because of any
44 document signed pursuant to this section by the owner or operator
45 of the pet shop, or any employee thereof.

46 o. Any pet ¹[dealer] shop¹ in the State advertising for sale ¹[a
47 cat or dog] an animal¹ bred by a USDA licensed breeder through
48 print or electronic means, including those posted on the Internet or a

1 website, shall continuously display the name, state of residence, and
2 USDA license number of the breeder of the ¹【cat or dog】 animal¹
3 in the advertisement so that this information is easily legible to the
4 consumer.

5 (cf: P.L.1999, c.336, s.4)】²

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

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

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

31 c. **【Each cage in a】** Every pet shop **【shall have a label**
32 identifying the sex and breed of each animal kept in the cage, the
33 date and place of birth of each animal, and the】 offering animals for
34 sale shall post, in a conspicuous location on the cage or enclosure
35 for each animal in the cage or enclosure, a sign declaring:

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

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

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

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

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

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

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

26 Every pet shop offering animals for sale shall also post, in a
27 conspicuous location on or near the cage or enclosure for each
28 animal in the cage or enclosure, the USDA inspection reports for
29 the breeder and the broker of the animal for the two years prior to
30 the first day that the animal is offered for sale by the pet shop.

31 The owner or operator of the pet shop shall regularly update the
32 information required to be posted pursuant to this subsection and
33 make changes as necessary to all signage required by this
34 subsection so that the public has access to the correct information at
35 all times .

36 d. The owner or operator of a pet shop, or employee thereof,
37 shall quarantine any animal diagnosed as suffering from a
38 contagious or infectious disease, illness, or condition and may not
39 sell such an animal until such time as a veterinarian licensed to
40 practice in the State treats the animal and determines that such
41 animal is free of clinical signs of infectious disease or that the
42 animal is fit for sale. All animals required to be quarantined
43 pursuant to this subsection shall be placed in a quarantine area,
44 separated from the general animal population of the pet shop.

45 e. The owner or operator of a pet shop, or designated employee
46 thereof, may inoculate and vaccinate animals prior to purchase only
47 upon the order of a veterinarian. No owner or operator of a pet
48 shop, or employee thereof, may represent, directly or indirectly, that

1 the owner or operator of the pet shop, or any employee thereof,
2 other than a veterinarian, is qualified to, directly or indirectly,
3 diagnose, prognose, treat, or administer for, prescribe any treatment
4 for, operate concerning, manipulate or apply any apparatus or
5 appliance for addressing, any disease, pain, deformity, defect,
6 injury, wound, or physical condition of any animal after purchase
7 of the animal, for the prevention of, or to test for, the presence of
8 any disease, pain, deformity, defect, injury, wound, or physical
9 condition in an animal after its purchase. These prohibitions
10 include, but are not limited to, the giving of inoculations or
11 vaccinations after purchase, the diagnosing, prescribing, and
12 dispensing of medication to animals, and the prescribing of any diet
13 or dietary supplement as treatment for any disease, pain, deformity,
14 defect, injury, wound, or physical condition.

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

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

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

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

28 (4) The full text of the rights and responsibilities of the owner or
29 operator of the pet shop, and the employees thereof, and the
30 consumer provided in subsection l. of this section; **【and】**

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

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

38 (7) The breeder's state license number, if the breeder is required
39 to be licensed in the state in which the breeder is located, and, if the
40 broker is different from the breeder and the broker is required to be
41 licensed in the state in which the broker is located, the broker's
42 state license number; and

43 (8) An attestation by the owner or operator of the pet shop that,
44 as of the date of purchase of the animal by the pet shop, which shall
45 be specified in the attestation, the breeder and the broker of the
46 animal were in compliance with the requirements concerning the
47 maintenance and care of animals and the sanitary operation of
48 kennels, pet shops, shelters and pounds established in rules and

1 regulations adopted pursuant to section 14 of P.L.1941, c.151
2 (C.4:19-15.14), as required pursuant to section 3 of P.L. _____,
3 c. (C. _____) (pending before the Legislature as this bill).

4 The owner or operator of the pet shop, or an employee thereof,
5 shall obtain the signature of the consumer on the form and shall also
6 sign and date the form at the time of purchase of an animal by the
7 consumer, and shall provide the consumer with a signed copy of the
8 form and retain a copy of the form on the pet shop premises.
9 Copies of all such notices shall be readily available for inspection
10 by an authorized representative of the Division of Consumer
11 Affairs, upon request. No pet shop owner or operator, or employee
12 thereof, may construe or use the signed notification form required
13 pursuant to this subsection as an abdication of the right to recourse
14 provided for in subsection i., or as a selection of recourse pursuant
15 to subsection k. of this section.

16 g. The owner or operator of a pet shop, or an employee thereof,
17 shall have any animal that has been examined more than 14 days
18 prior to the date of purchase, reexamined by a veterinarian for the
19 purpose of disclosing its condition, within 72 hours of the delivery
20 of the animal to the consumer, unless the consumer has waived the
21 right to the reexamination in writing. The owner or operator of a pet
22 shop, or an employee thereof, shall provide a copy of the written
23 waiver to the consumer prior to the signing of any **【contact】**
24 contract or agreement to purchase the animal and the written waiver
25 shall be in the form established by the director by regulation.

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

33 If the animal becomes sick or dies within 180 days after the date
34 of purchase and a veterinarian certifies, within the 180 days after
35 the date of purchase of the animal by the consumer, that the animal
36 is unfit for sale due to a congenital or hereditary cause or condition,
37 or a sickness brought on by a congenital or hereditary cause or
38 condition, or died from such a cause or condition or sickness, the
39 consumer shall be entitled to the recourse provided in subsection i.
40 of this section.

41 It shall be the responsibility of the consumer to obtain such
42 certification within the required amount of time provided by this
43 subsection, unless the owner or operator of the pet shop, or the
44 employee thereof selling the animal to the consumer, fails to
45 provide the notice required pursuant to subsection f. of this section.
46 If the owner or operator of the pet shop, or the employee thereof,
47 fails to provide the required notice, the consumer shall be entitled to
48 the recourse provided for in subsection i. of this section.

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

4 (1) The right to return the animal and receive a full refund of the
5 purchase price, including sales tax, plus the reimbursement of the
6 veterinary fees, including the cost of the veterinarian certification,
7 incurred prior to the receipt by the consumer of the veterinarian
8 certification;

9 (2) The right to retain the animal and to receive reimbursement
10 for veterinary fees incurred prior to the consumer's receipt of the
11 veterinarian certification, plus the future cost of veterinary fees to
12 be incurred in curing or attempting to cure the animal, including the
13 cost of the veterinarian certification;

14 (3) The right to return the animal and to receive in exchange an
15 animal of the consumer's choice, of equivalent value, plus
16 reimbursement of veterinary fees, including the cost of the
17 veterinarian certification, incurred prior to the consumer's receipt of
18 the veterinarian certification; or

19 (4) In the event of the death of the animal from causes other
20 than an accident, the right to a full refund of the purchase price of
21 the animal, including sales tax, or another animal of the consumer's
22 choice of equivalent value, plus reimbursement of veterinary fees,
23 including the cost of the veterinarian certification, incurred prior to
24 the death of the animal.

25 The consumer shall be entitled to be reimbursed an amount for
26 veterinary fees up to and including two times the purchase price,
27 including sales tax, of the sick or dead animal. No reimbursement
28 of veterinary fees shall exceed two times the purchase price,
29 including sales tax, of the sick or dead animal.

30 j. The veterinarian shall provide to the consumer in writing
31 and within the seven days after the consumer consults with the
32 veterinarian any certification that is appropriate pursuant to this
33 section upon the determination that such certification is appropriate.

34 The certification shall include:

35 (1) The name of the owner;

36 (2) The date or dates of examination;

37 (3) The breed, color, sex, and age of the animal;

38 (4) A statement of the findings of the veterinarian;

39 (5) A statement that the veterinarian certifies the animal to be
40 "unfit for purchase";

41 (6) An itemized statement of veterinary fees incurred as of the
42 date of certification;

43 (7) If the animal may be curable, an estimate of the possible cost
44 to cure, or attempt to cure, the animal;

45 (8) If the animal has died, a statement establishing the probable
46 cause of death; and

47 (9) The name and address of the certifying veterinarian and the
48 date of the certification.

1 k. Upon the presentation of the veterinarian certification
2 required in subsection j. of this section to the pet shop, the
3 consumer shall select the recourse to be provided and the owner or
4 operator of the pet shop, or the employee thereof, shall confirm the
5 selection of recourse in writing. The confirmation of the selection
6 shall be signed by the owner or operator of the pet shop, or an
7 employee thereof, and the consumer and a copy of the signed
8 confirmation shall be given to the consumer and retained by the
9 owner or operator of the pet shop, or employee thereof, on the pet
10 shop premises. The confirmation of the selection shall be in the
11 form established by the director by regulation.

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

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

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

1 of the pet shop, or any employee thereof, or because of any
2 document signed pursuant to this section by the owner or operator
3 of the pet shop, or any employee thereof.

4 o. Any pet shop in the State advertising for sale an animal bred
5 by a USDA licensed breeder through print or electronic means,
6 including those posted on the Internet or a website, shall
7 continuously display the name, state of residence, and USDA
8 license number of the breeder of the animal in the advertisement so
9 that this information is easily legible to the consumer.²

10 (cf: P.L.1999, c.336, s.4)

11
12 ²[¹³. (New section) a. No pet shop shall sell or offer for sale,
13 or purchase for resale, any animal purchased from any breeder or
14 broker who:

15 (1) is not in compliance with the requirements concerning the
16 maintenance and care of animals and the sanitary operation of
17 kennels, pet shops, shelters and pounds established in rules and
18 regulations adopted pursuant to section 14 of P.L.1941, c.152
19 (C.4:19-15.14) at the time of purchase of the animal by the pet
20 shop;

21 (2) is not in possession of a current license issued by the USDA
22 under 9 C.F.R. s.1.1 et seq., or by any applicable state agency;

23 (3) has been cited on a USDA inspection report for a direct
24 violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et
25 seq., or the corresponding federal animal welfare regulations at 9
26 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase
27 of the animal by the pet shop;

28 (4) has been cited on a USDA inspection report during the two-
29 year period prior to the purchase of the animal by the pet shop for
30 three or more indirect violations of the federal "Animal Welfare
31 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal
32 welfare regulations at 9 C.F.R. s.1.1 et seq., that pertain to the
33 health and welfare of the animal, but indirect violations of an
34 administrative nature shall not apply;

35 (5) is cited on the two most recent USDA inspection reports
36 prior to the purchase of the animal by the pet shop for no-access
37 violations pursuant to enforcement of the federal "Animal Welfare
38 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal
39 welfare regulations at 9 C.F.R. s.1.1 et seq.; or

40 (6) directly or indirectly obtained an animal from a breeder,
41 broker, or other person, firm, corporation, or organization to whom
42 paragraph (1), (2), (3), (4), or (5) of this subsection applies.

43 b. Nothing in this subsection shall be construed as prohibiting
44 or otherwise preventing a pet shop from:

45 (1) purchasing for resale or adoption, selling, or offering for
46 adoption, an animal purchased or otherwise obtained from a
47 publicly operated animal control facility, an animal rescue
48 organization or pound as defined in section 1 of P.L.1941, c.151

1 (C.4:19-15.1), or a shelter as defined in that section of law whose
2 primary mission and practice is the placement of abandoned,
3 unwanted, neglected, or abused animals and that is also a tax
4 exempt organization under paragraph (3) of subsection (c) of
5 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
6 or any subsequent corresponding sections of the federal Internal
7 Revenue Code, as from time to time amended; or

8 (2) transferring adopted animals to or from any entity
9 enumerated in paragraph (1) of this subsection to or from any pet
10 shop.

11 c. Every pet shop shall submit, annually and no later than May
12 1 of each year, a report to the municipality in which it is located and
13 licensed, providing:

14 (1) the name, full street address, telephone number, and USDA
15 license number of –

16 (a) the breeder of each animal offered for sale by the pet shop,

17 (b) any broker from whom the pet shop purchased an animal;

18 and

19 (c) each person, firm, corporation, or organization who
20 purchased or sold for the purposes of resale each animal offered for
21 sale by the pet shop in the lifetime of the animal; and

22 (2) the total number of animals purchased from each breeder
23 and broker.¹²

24
25 ²3. (New section) a. No pet shop shall sell or offer for sale, or
26 purchase for resale whether or not actually offered for sale by the
27 pet shop, any animal purchased from any breeder or broker who:

28 (1) is not in compliance with the requirements concerning the
29 maintenance and care of animals and the sanitary operation of
30 kennels, pet shops, shelters and pounds established in rules and
31 regulations adopted pursuant to section 14 of P.L.1941, c.151
32 (C.4:19-15.14) at the time of purchase of the animal by the pet
33 shop;

34 (2) is not in possession of a current license issued by the USDA
35 pursuant to 9 C.F.R. s.1.1 et seq.;

36 (3) is not in possession of all other licenses required for a
37 breeder or broker by the state in which the breeder or broker is
38 located;

39 (4) has been cited on a USDA inspection report for a direct
40 violation of the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et
41 seq., or the corresponding federal animal welfare regulations at 9
42 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase
43 of the animal by the pet shop;

44 (5) has been cited on a USDA inspection report during the two-
45 year period prior to the purchase of the animal by the pet shop for
46 three or more indirect violations of the federal “Animal Welfare
47 Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal
48 welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60,

1 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125
2 through 3.142 of Title 9 of the Code of Federal Regulations;

3 (6) is cited on the two most recent USDA inspection reports
4 prior to the purchase of the animal by the pet shop for no-access
5 violations pursuant to enforcement of the federal “Animal Welfare
6 Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal
7 welfare regulations at 9 C.F.R. s.1.1 et seq.; or

8 (7) directly or indirectly obtained the animal from a breeder,
9 broker, or other person, firm, corporation, or organization to whom
10 paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

11 b. Nothing in this subsection shall be construed as prohibiting
12 or otherwise preventing a pet shop from:

13 (1) purchasing for resale or adoption, selling, or offering for
14 adoption, an animal purchased or otherwise obtained from –

15 (a) a publicly operated animal control facility,

16 (b) an animal rescue organization or pound as defined in section
17 1 of P.L.1941, c.151 (C.4:19-15.1), or

18 (c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-
19 15.1) whose primary mission and practice is the placement of
20 abandoned, unwanted, neglected, or abused animals and that is also
21 a tax exempt organization under paragraph (3) of subsection (c) of
22 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
23 or any subsequent corresponding sections of the federal Internal
24 Revenue Code, as from time to time amended; or

25 (2) transferring adopted animals to or from any entity
26 enumerated in paragraph (1) of this subsection or to or from any pet
27 shop.

28 c. Every pet shop shall submit, annually and no later than May
29 1 of each year, a report to the municipality in which it is located and
30 licensed, providing:

31 (1) the name, full street address, email address, if available, and
32 USDA license number of –

33 (a) any breeder from which the pet shop purchased an animal,
34 whether or not the pet shop offered the animal for sale,

35 (b) any breeder that bred an animal that the pet shop purchased
36 from a broker, whether or not the pet shop offered the animal for
37 sale, and

38 (c) any broker from which the pet shop purchased an animal,
39 whether or not the pet shop offered the animal for sale;

40 (2) if a breeder whose identity the pet shop is required to report
41 pursuant to subparagraph (a) or (b) of paragraph (1) of this
42 subsection is required to be licensed in the state in which the
43 breeder is located, the breeder’s state license number;

44 (3) if a broker whose identity the pet shop is required to report
45 pursuant to subparagraph (c) of paragraph (1) of this subsection is
46 different from any breeder whose identity the pet shop is required to
47 report pursuant to subparagraphs (a) or (b) of paragraph (1) of this

1 subsection, and the broker is required to be licensed in the state in
2 which the broker is located, the broker's state license number; and

3 (4) the total number of animals for each breeder and broker for
4 which the pet shop has reporting requirements pursuant to
5 subparagraphs (a), (b), and (c) of paragraph (1) of this subsection.²
6

7 ¹4. (New section) No provision of P.L. , c. (C.)
8 (pending before the Legislature as this bill) shall be construed to
9 limit or restrict any municipality, county, ²local health agency,² or
10 municipal or county board of health from enacting or enforcing, or
11 interfere with the implementation of, or otherwise invalidate, any
12 law, ordinance, rule, or regulation that places additional
13 ²obligations on pet shops or² restrictions on pet shops or pet ²shop²
14 sales.¹
15

16 ¹**[2.] 5.**¹ (New section) Any person ²**[violating]** who violates²
17 subsection c. of section 4 of P.L.1999, c.336 (C.56:8-95) ¹or section
18 3 of P.L. , c. (C.) (pending before the Legislature as this bill)¹
19 ², and any owner or operator who fails to provide information or
20 provides false information pursuant to the requirements of
21 subsection f. of section 4 of P.L.1999, c.336 (C.56:8-95),² shall be
22 subject to a fine of \$500 for each violation, to be collected by the
23 division in a civil action by a summary proceeding under the
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
25 et seq).
26

27 ¹**[3.] 6.**¹ This act shall take effect ²**[immediately]** on the first
28 day of the fourth month following the date of enactment².