

SENATE, No. 2625

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 8, 2014

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Establishes animal importer registration, and animal grooming facility and animal training facility licenses; establishes requirements for animal importers, animal grooming facilities, and animal training facilities and penalties for certain violations.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the importation, sale, care, and training of cats
2 and dogs, supplementing Title 4 of the Revised Statutes and
3 amending P.L.1941, c.151.

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

7
8 1. (New section) a. No person may import a cat or dog into
9 the State with the intent of selling the cat or dog or transferring
10 ownership of the cat or dog for the purpose of sale unless the person
11 is registered as an animal importer with the Department of Health.
12 Any person importing cats or dogs into the State for these purposes
13 shall comply with the provisions of this section.

14 b. The Commissioner of Health shall adopt, pursuant to the
15 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
16 seq.), rules and regulations establishing the procedures and
17 registration and reporting requirements for animal importers, and
18 the procedures and reporting requirements concerning the
19 importation of cats and dogs into the State.

20 The registration and reporting requirements shall include, but
21 need not be limited to:

22 (1) the name, mailing address, business address, telephone
23 number, and Internet address of the animal importer;

24 (2) if the animal importer’s business address is located outside of
25 the State, the name, mailing address, business address, telephone
26 number, and Internet address of an in-State representative of the
27 animal importer for service of process;

28 (3) the number of cats and the number of dogs, respectively,
29 brought into the State by the animal importer in the preceding
30 calendar year; and

31 (4) the State or country of origin of each cat or dog brought into
32 the state by the animal importer.

33 c. No later than the December 31 next following the date of
34 enactment of P.L. , c. (C.) (pending before the Legislature
35 as this bill), the Commissioner of Health shall adopt, pursuant to the
36 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
37 seq.), rules and regulations establishing requirements for the health,
38 safety, and humane treatment of cats and dogs by animal importers.
39 These requirements shall include, but need not be limited to,
40 providing appropriate shelter, making sufficient food and water
41 available, and establishing the standard of care to be provided by
42 animal importers.

43 d. The commissioner shall impose and collect a registration fee
44 of \$100 for each animal importer registration. Each new
45 registration shall expire on December 31 next following the date of

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 the first registration. Thereafter, each registration shall be renewed
2 annually on January 1, provided that the commissioner determines
3 the animal importer is in continued compliance with the
4 requirements for the health, safety, and humane treatment of cats
5 and dogs by animal importers established by rule or regulation
6 pursuant to subsection c. of this section. No employee, volunteer,
7 or other person assisting a registered animal importer shall be
8 required to register with the department, provided that the
9 employee, volunteer, or other person is not an animal importer.

10 e. The Department of Health may inspect any animal
11 importer's records or place of business, or the condition or health of
12 any cat or dog in the animal importer's possession, upon request,
13 provided the department does not enter the animal importer's
14 residence without authorization.

15 f. Any person who violates the provisions of this section, or
16 any rule or regulation adopted pursuant thereto, shall be subject to a
17 civil penalty of up to \$500, to be collected in a civil action by a
18 summary proceeding under the "Penalty Enforcement Law of
19 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or
20 municipal court shall have jurisdiction to enforce the provisions of
21 the "Penalty Enforcement Law of 1999" pursuant to this subsection.

22 g. For the purposes of this section, "animal importer" means a
23 person who brings any cat or dog into the State from any other state
24 or sovereign entity for the purpose of offering the cat or dog for
25 sale, adoption, or transfer in exchange for any fee, sale, voluntary
26 contribution, service, or other consideration. "Animal importer"
27 includes any commercial or nonprofit animal rescue, adoption, or
28 humane relocation or delivery organization that is not otherwise
29 required to be licensed by the Department of Health.

30

31 2. (New section) a. Any animal importer who intends to offer
32 for sale, adoption, or transfer any cat or dog at a venue or location
33 that is open to the public or at an outdoor location, including, but
34 not limited to, a parking lot or shopping center, shall provide notice
35 thereof in writing to the Department of Health and the municipal
36 zoning enforcement officer in the municipality where the sale,
37 adoption, or transfer is to occur, at least 10 days prior to the event.
38 The notice shall state the date of the sale, adoption, or transfer
39 event, the exact location thereof, and the anticipated number of cats
40 and dogs expected at the sale, adoption, or transfer event.

41 b. Any person who fails to provide the required notice pursuant
42 to subsection a. of this section shall be subject to a civil penalty of
43 up to \$100, to be collected in a civil action by a summary
44 proceeding under the "Penalty Enforcement Law of 1999,"
45 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or the
46 municipal court shall have jurisdiction to enforce the provisions of
47 the "Penalty Enforcement Law of 1999" pursuant to this subsection.

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1 3. (New section) a. Any person who owns, operates, or
2 proposes to establish an animal grooming facility or animal training
3 facility shall obtain a license from the municipal clerk in the
4 municipality in which the animal grooming facility or an animal
5 training facility is or would be located. Each license shall have an
6 application fee of \$100, to be collected by the municipality in which
7 the facility is to be located, with the written application for the
8 license as established by the Department of Health pursuant to
9 subsection b. of this section. The first license issued to each animal
10 grooming facility or an animal training facility shall expire on
11 December 31 next following the date upon which the license is
12 issued. The license shall be renewed every January 1 thereafter,
13 provided that the animal grooming facility or animal training
14 facility is in compliance with subsection b. of this section and the
15 facility continues to do business in the municipality. A valid
16 license issued pursuant to this subsection may be transferred to
17 another person owning or operating the facility with the approval of
18 the Commissioner of Health.

19 b. The Commissioner of Health shall adopt, pursuant to the
20 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
21 seq.), rules and regulations establishing the license requirements
22 and application process, and providing for the sanitation, disease
23 control, and humane treatment of animals in animal grooming
24 facilities and animal training facilities. The commissioner shall
25 inspect these facilities upon the first licensing of the facility, and at
26 least once per calendar year thereafter. If the commissioner finds
27 that the animal grooming facility or animal training facility is in
28 violation of the rules and regulations adopted pursuant to this
29 subsection, the commissioner shall notify the facility, in writing, of
30 its violation and the requirement to comply so as to avoid loss of
31 the facility’s license. If the commissioner finds that the violation is
32 not corrected, after a hearing in accordance with the rules and
33 regulations established pursuant to this subsection, the
34 commissioner may revoke the license of the animal grooming
35 facility or animal training facility. The commissioner shall notify in
36 writing the facility and the municipality in which it is located of the
37 decision to revoke the license, within 10 business days after the
38 decision is made.

39
40 4. Section 6 of P.L.1941, c.151 (C.4:19-15.6) is amended to
41 read as follows:

42 6. Any person who shall bring or cause to be brought into this
43 State any dog licensed in another State for the current year, and
44 bearing a registration tag, and who shall keep the **【same】 dog** or
45 permit the **【same】 dog** to be kept **【within】 in** the State for a period
46 of more than **【ninety】 90** days shall immediately apply for a license
47 and registration tag for each **【such】 dog** unless **【such dog be**

1 licensed under section eight of this act] the dog shall be licensed
2 pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).
3 Any person, other than an animal importer, who shall bring or
4 cause to be brought into this State any unlicensed dog and who shall
5 keep the **【same】 dog** or permit the **【same】 dog** to be kept **【within】**
6 in the State for a period of more than **【ten】 10** days shall
7 immediately apply for a license and registration tag for each **【such】**
8 dog unless **【such dog be licensed under section eight of this act】**
9 the dog shall be licensed pursuant to section 8 of P.L.1941, c.151
10 (C.4:19-15.8). Any animal importer shall comply with the
11 requirements established pursuant to sections 1 and 2 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill.
13 (cf: P.L.1941, c. 151, s.6)

14
15 5. This act shall take effect immediately.

16
17
18 STATEMENT

19
20 This bill requires registration and reporting of certain
21 information by animal importers, and municipal licensing of animal
22 grooming facilities and animal training facilities. Any person who
23 brings a cat or dog into the State from another state or sovereign
24 entity for the purpose of offering the cat or dog for sale, adoption,
25 or transfer in exchange for any fee, sale, voluntary contribution,
26 service, or other consideration is considered an animal importer
27 under the bill, including animal rescues, adoption, or humane
28 relocation, or delivery organizations.

29 Animal importers are required under the bill to register and
30 report certain information enumerated in section 1 of the bill. in
31 the bill. The Department of Health is directed to establish rules and
32 regulations for the health, safety, and humane treatment of cats and
33 dogs by animal importers, and for licensing animal grooming
34 facilities and animal training facilities. The license fee is \$100 and
35 requires submittal of a written application to the municipality where
36 the facility is located.

37 Animal importers who violate the bill's provisions are subject to
38 a civil penalty of up to \$500. They are also required to notify a
39 municipality of plans to offer for sale, adoption, or transfer cats or
40 dogs at a location that is open to the public or at an outdoor
41 location, including a parking lot or shopping center. If they fail to
42 do so, they are subject to a civil fine of up to \$100.