

ASSEMBLY, No. 3645

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 14, 2016

Sponsored by:

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman HOLLY SCHEPISI

District 39 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

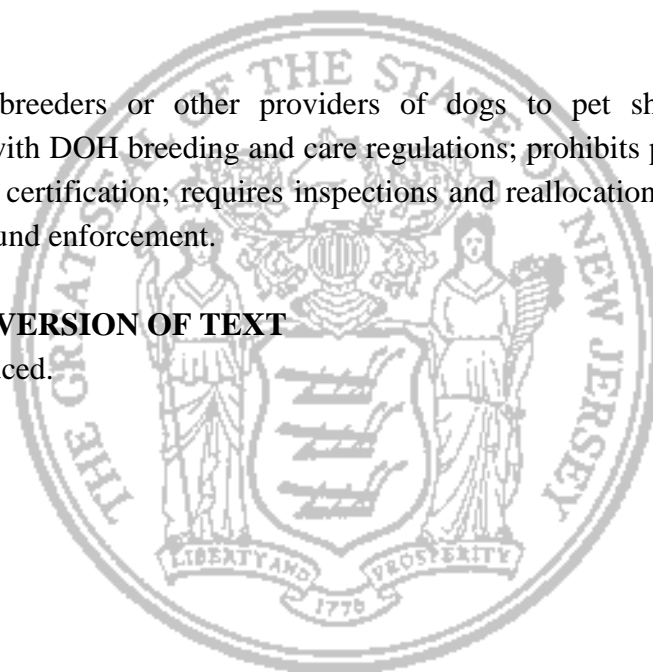
Assemblyman Conaway

SYNOPSIS

Requires breeders or other providers of dogs to pet shops to certify compliance with DOH breeding and care regulations; prohibits pet shop sale of dogs without certification; requires inspections and reallocation of dog license revenues to fund enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/13/2016)

1 AN ACT concerning the sale of dogs by pet shops, amending
2 P.L.1941, c.151 and P.L.1999, c.336, and supplementing
3 P.L.1960, c.39 (C.56:8-92 et seq.).
4

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

8 1. (New section) a. As a condition of the sale or transfer of a
9 dog within or into the State, any breeder or owner or operator of a
10 business providing dogs to pet shops in the State shall submit a
11 certification to the Department of Health, pursuant to subsection c.
12 of this section, that the breeder or the owner or operator of the
13 business providing dogs to pet shops is in compliance with the rules
14 and regulations adopted pursuant to subsection c. of this section.

15 b. No pet shop shall sell or offer to sell any dog unless the pet
16 shop has obtained from the breeder or the owner or operator of a
17 business providing dogs to pet shops a copy of the certification
18 submitted pursuant to subsection a. of this section.

19 c. The Department of Health, in consultation with the Division
20 of Consumer Affairs in the Department of Law and Public Safety,
21 shall adopt, pursuant to the "Administrative Procedure Act,"
22 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
23 establishing proper breeding practices and standards of care for
24 female dogs and puppies at any facility used for the breeding or
25 housing of dogs. These rules and regulations shall specify, at a
26 minimum, that a female dog shall not be bred more than once every
27 365 days, and shall establish the procedures and requirements for
28 the certification of compliance required to be submitted by any
29 breeder or owner or operator of a business providing dogs to pet
30 shops in the State pursuant to this section.
31

32 2. (New section) a. In addition to the prohibitions and
33 requirements established pursuant to section 3 of P.L.2015,
34 c.7 (C.56:8-95.1), it shall be unlawful for any pet shop licensed
35 pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8) to sell or
36 offer for sale any dog that:

37 (1) does not have the animal history and health certificate
38 required pursuant to subsection b. of section 4 of P.L.1999,
39 c.336 (C.56:8-95); or

40 (2) originated at a breeder or other business providing dogs to
41 pet shops that has not filed with the Department of Health the
42 certification required pursuant to section 1 of P.L. ,
43 c. (C.) (pending before the Legislature as this bill).

44 b. Notwithstanding any provision of subsection a. of this section
45 to the contrary, a pet shop may sell or offer for sale any dog

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 obtained by the pet shop directly from a shelter, pound, or animal
2 rescue organization.

3 c. The Department of Health or, if so authorized by the
4 department, the local health authority in the municipality where the
5 pet shop is licensed, shall inspect each pet shop within 30 days after
6 it opens for business, and once every 90 days thereafter, to
7 determine if the pet shop is in compliance with the requirements of
8 this section. During each inspection, the department or local health
9 authority, as applicable, shall review the documentation for each
10 dog at the pet shop, determine if the information on the animal
11 history and health certificate is complete and complies with the
12 requirements of subsection a. of this section.

13 d. Any person who violates the provisions of this section, or
14 any rule or regulation adopted pursuant thereto, shall be subject to a
15 civil penalty of up to \$1,000. The court may also, at its discretion,
16 suspend recommend that the license of the pet shop be suspended or
17 revoked pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).
18 The penalties established pursuant to this subsection may be
19 collected in a civil action by a summary proceeding under the
20 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
21 et seq.). The Superior Court or municipal court shall have
22 jurisdiction to enforce the provisions of the "Penalty Enforcement
23 Law of 1999" pursuant to this section.

24

25 3. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to read
26 as follows:

27 8. a. Any person who keeps or operates or proposes to establish
28 a kennel, a pet shop, a shelter or a pound shall apply to the clerk or
29 other official designated to license dogs in the municipality where
30 such establishment is located, for a license entitling **him** the
31 applicant to keep or operate such establishment.

32 The application shall describe the premises where the
33 establishment is located or is proposed to be located, the purpose or
34 purposes for which it is to be maintained, and shall be accompanied
35 by the written approval of the local municipal and health authorities
36 showing compliance with the local and State rules and regulations
37 governing location of and sanitation at such establishments, section
38 1 of P.L. , c. (C.) (pending before the Legislature as this
39 bill), and any rules or regulations adopted pursuant thereto.

40 b. All licenses issued for a kennel, pet shop, shelter, or pound
41 shall state the purpose for which the establishment is maintained,
42 and all licenses shall expire on the last day of June of each year, and
43 be subject to revocation by the municipality on recommendation of
44 the Department of Health or the local board of health for failure to
45 comply with the rules and regulations of the State department or
46 local board governing the same, after the owner has been afforded a
47 hearing by either the State department or local board, except as
48 provided in subsection c. of this section.

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

5 c. The license for a pet shop shall be subject to review by the
6 municipality, upon recommendation by :

7 (1) the Department of Health or the local health authority for
8 failure by the pet shop to comply with the rules and regulations of
9 the State department or local health authority governing pet shops;

10 (2) a court, the department, or the local health authority for
11 violation of section 1 of P.L. , c. (C.) (pending before the
12 Legislature as this bill); or

13 (3) by the municipality if the pet shop meets the criteria for
14 recommended suspension or revocation provided under subsection
15 c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after the owner
16 of the pet shop has been afforded a hearing pursuant to subsection
17 e. of section 5 of P.L.1999, c.336 (C.56:8-96).

18 The municipality, based on the criteria for the recommendation
19 of the local health authority provided under subsections c. and d. of
20 section 5 of P.L.1999, c.336 (C.56:8-96), may suspend the license
21 for 90 days or may revoke the license if it is determined at the
22 hearing that the pet shop: (1) failed to maintain proper hygiene and
23 exercise reasonable care in safeguarding the health of animals in its
24 custody or (2) sold a substantial number of animals that the pet shop
25 knew, or reasonably should have known, to be unfit for purchase.

26 d. The municipality may issue a license for a pet shop that
27 permits the pet shop to sell pet supplies for all types of animals,
28 including cats and dogs, and sell animals other than cats and dogs
29 but restricts the pet shop from selling cats or dogs, or both.

30 e. Every pet shop licensed in the State shall submit annually
31 and no later than May 1 of each year records of the total number of
32 cats and dogs, respectively, sold by the pet shop each year to the
33 municipality in which it is located, and the municipality shall
34 provide this information to the local health authority.

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

36
37 4. Section 11 of P.L.1941, c.151 (C.4:19-15.11) is amended to
38 read as follows:

39 11. License fees and other moneys collected or received under
40 the provisions of sections 3, 8, 9 and 16 of **[this act, except]**
41 P.L.1941, c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and
42 C.4:19-15.16), including one third of registration tag fees, shall be
43 forwarded to the treasurer of the municipality within 30 days after
44 collection or receipt and shall be placed in a special account
45 separate from any of the other accounts of the municipality and
46 shall be used for the following purposes only**【;】** : for collecting,
47 keeping and disposing of dogs liable to seizure under this act or
48 under local dog control ordinances; for inspecting pet shops for

1 compliance with P.L. , c. (C.) (pending before the Legislature
2 as this bill); for local prevention and control of rabies; for
3 providing antirabic treatment under the direction of the local board
4 of health for any person known or suspected to have been exposed
5 to rabies, for payment of damage to or losses of poultry and
6 domestic animals, except dogs and cats, caused by a dog or dogs
7 and for administering the provisions of this act. Any unexpended
8 balance remaining in such special account shall be retained therein
9 until the end of the third fiscal year following and may be used for
10 any of the purposes set forth in this section. At the end of the said
11 third fiscal year following, and at the end of each fiscal year
12 thereafter, there shall be transferred from such special account to
13 the general funds of the municipality any amount then in such
14 account which is in excess of the total amount paid into said
15 special account during the last 2 fiscal years next preceding.

16 **【The】** Two thirds of the registration tag fee for each dog shall be
17 forwarded within 30 days after collection by the clerk or other
18 official designated to license dogs to the **【State】** Department of
19 Health which department shall forward said sum to the State
20 Treasurer who shall place all such moneys in a special account for
21 use only by the **【State】** Department of Health in administering **【this**
22 **act】** P.L.1941, c.151, P.L. , c. (C.) (pending before the
23 Legislature as this bill), and for the prevention and control of rabies
24 throughout the State, and such account is hereby declared to be a
25 trust fund not subject to legislative appropriation. At the end of the
26 third fiscal year following the adoption of this act and at the end of
27 each fiscal year thereafter, there shall be withdrawn from this trust
28 fund and transferred to the general funds of the State any amount
29 then in such fund which is in excess of the total amount paid into
30 such fund during the last 2 fiscal years next preceding.

31 (cf: P.L.1981, c. 235, s. 3)

32

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

35 4. a. Notwithstanding the provisions of any rule or regulation
36 adopted pursuant to Title 56 of the Revised Statutes as such
37 provisions are applied to pet shops, and without limiting the
38 prosecution of any other practices which may be unlawful pursuant
39 to Title 56 of the Revised Statutes, it shall be **【a deceptive】** an
40 unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et
41 seq.) for any owner or operator of a pet shop, or employee thereof,
42 to sell animals within the State without complying with the
43 provisions and requirements of this section, section 1 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill), and
45 section 3 of P.L.2015, c.7 (C.56:8-95.1).

46 b. Each cat or dog sold or offered for sale by a pet shop shall
47 be accompanied by its animal history and health certificate which
48 shall include at a minimum:

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

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

7 (3) The first and last name of the breeder of the animal, the full
8 street address of where the breeder is doing business, an email
9 address, if available, by which to contact the breeder, the breeder's
10 USDA license number, and, if the breeder is required to be licensed
11 in the state in which the breeder is located, the breeder's state
12 license number;

13 (4) The name and address of any veterinarian attending to the
14 animal, the dates of any care or treatment provided, including any
15 vaccines administered to the cat or dog and the dates of
16 administration thereof, and the dates of examination of the animal;
17 and

18 (5) if a female dog, each date on which the female dog was bred
19 and each date on which the female birthed puppies or miscarried.

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

33 c. Every pet shop offering animals for sale shall post, in a
34 conspicuous location on the cage or enclosure for each animal in the
35 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
48 USDA license number, and, if the breeder is required to be licensed

1 in the state in which the breeder is located, the breeder's state
2 license number;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (8) An attestation by the owner or operator of the pet shop that,
43 as of the date of purchase of the animal by the pet shop, which shall
44 be specified in the attestation, the breeder and the broker of the
45 animal were in compliance with the requirements concerning the
46 maintenance and care of animals and the sanitary operation of
47 kennels, pet shops, shelters and pounds established in rules and
48 regulations adopted pursuant to section 14 of P.L.1941,

1 c.151 (C.4:19-15.14), as required pursuant to section 3 of P.L.2015,
2 c.7 (C.56:8-95.1).

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

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

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

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

40 It shall be the responsibility of the consumer to obtain such
41 certification within the required amount of time provided by this
42 subsection, unless the owner or operator of the pet shop, or the
43 employee thereof selling the animal to the consumer, fails to
44 provide the notice required pursuant to subsection f. of this section.
45 If the owner or operator of the pet shop, or the employee thereof,
46 fails to provide the required notice, the consumer shall be entitled to
47 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.
10 (cf: P.L.2015, c.7, s.2)

11

12 6. This act shall take effect immediately.

13

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STATEMENT

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17 This bill requires that, as a condition of the sale or transfer of a
18 dog within or into the State, any breeder or owner or operator of a
19 business providing dogs to pet shops submit a certification to the
20 Department of Health (DOH) that it is in compliance with DOH
21 regulations establishing proper breeding practices and standards of
22 care for female dogs and puppies at any facility used for the
23 breeding or housing of dogs. The bill directs the DOH to adopt
24 regulations that:

25 1) establish breeding practices and a standard of care for female
26 dogs and puppies at a facility used for breeding or housing dogs;

27 2) prohibit a female dog from being bred more than once every
28 365 days; and

29 3) establish the procedures and requirements for the certification
30 of compliance required to be submitted by breeders or owners or
31 operators of a business providing dogs to pet shops in the State.

32 Furthermore, the bill prohibits a pet shop from selling or offering
33 to sell any dog unless the pet shop has obtained from the breeder or
34 the owner or operator of a business providing dogs to pet shops a
35 copy of the certification submitted to the DOH. The bill also
36 provides that, notwithstanding this prohibition, a pet shop may sell
37 or offer for sale any dog obtained by the pet shop directly from a
38 shelter, pound, or animal rescue organization. The DOH or the
39 local health authority, if so authorized by the DOH, is required to
40 inspect each pet shop within 30 days after it opens for business, and
41 once every 90 days thereafter, to determine if the pet shop is in
42 compliance with the requirements of the bill. The bill provides a
43 revenue source for implementing the bill by reallocating one third
44 of dog registration tag fees moneys collected by municipalities to
45 the municipality for this purpose. Finally, the bill also establishes a
46 penalty for violations of a fine for up to \$1,000 and possible license
47 revocation for the pet shop.