

ASSEMBLY, No. 194

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Mukherji

SYNOPSIS

Requires registry of animal rescue organizations; requires animal rescue, pet shop, shelter, or pound notify person adopting or purchasing animal of animal's behavioral and medical history; designated as "Rocky's Law."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning notification of the behavioral and medical
2 history of an animal when offering the animal for sale or
3 adoption, and amending and supplementing Title 4 of the
4 Revised Statutes and P.L.1999, c.336 (C.56:8-1 et seq.).

5

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

8

9 1. (New section) a. In addition to the requirements of section
10 16 of P.L.1941, c.151 (C.4:19-15.16), an animal rescue organization
11 facility, shelter, and pound in the State shall document the health,
12 behavioral, and medical history of an animal prior to offering the
13 animal for adoption by obtaining and retaining records of:

14 (1) a complete medical examination by a State licensed
15 veterinarian performed on the animal when the animal is received
16 by the animal rescue organization facility, shelter, or pound and a
17 subsequent medical examination no more than 14 days before the
18 animal is adopted;

19 (2) a complete behavioral and psychological assessment by a
20 certified animal behaviorist, psychologist, or trainer, including a
21 safety and temperament certification verifying that the animal does
22 not appear to exhibit behavior or tendencies that would make the
23 animal dangerous or unsuitable for adoption;

24 (3) to the extent possible, information concerning the animal's
25 history, including any dangerous behavior, illnesses, injuries,
26 physical or behavioral abnormalities, history of dangerous behavior,
27 vaccinations received, number, type, and location of homes the
28 animal has had, the reasons the animal left its previous homes, any
29 history of biting, scratching, or attacking people or animals, or any
30 other known health, behavioral, or medical information that may
31 cause concern for a person adopting the animal.

32 b. To the extent possible, an animal rescue organization
33 facility, shelter, or pound shall determine and maintain records of
34 the:

35 (1) date and place of birth of each animal placed in its care, and
36 the actual age, or approximate age as established by a veterinarian,
37 of the animal;

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

41 (3) name and address of the veterinarian last attending to the
42 animal before the animal was placed in the animal rescue
43 organization facility, shelter, or pound and any health, behavioral,
44 or medical records that may be available from the veterinarian;

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 (4) name and address of the veterinarian attending to the animal
2 while the animal is in the custody of the animal rescue organization
3 facility, shelter, or pound, and the dates of the initial and any
4 subsequent examinations of the animal;

5 (5) first and last name of the breeder of the animal, the full
6 street address of where the breeder is doing business, an email
7 address, if available, by which to contact the breeder, the breeder's
8 United States Department of Agriculture license number, the
9 breeder's state license number if the breeder is required to be
10 licensed in the state in which the breeder is located, and any health,
11 behavioral, or medical records that may be available therefrom; and

12 (6) first and last name of the broker of the animal if different
13 from the breeder, the full street address of where the broker is doing
14 business, an email address, if available, by which to contact the
15 broker, the United States Department of Agriculture license number
16 of the broker, the broker's state license number if the broker is
17 required to be licensed in the state in which the broker is located,
18 and any health, behavioral, or medical records that may be available
19 therefrom.

20 c. An animal rescue organization facility, shelter, or pound in
21 the State shall disclose in writing any information obtained
22 concerning the animal pursuant to subsections a. and b. of this
23 subsection to any person considering, or applying for, adoption of
24 the animal, with an advisory notice that the records may be
25 incomplete. The person adopting the animal shall sign a form
26 verifying that the person received the written disclosure and
27 advisory notice required pursuant to this section.

28 d. An animal rescue organization facility, shelter, or pound
29 shall not post or describe any behavioral information about an
30 animal on the Internet without evidence of the behavioral
31 information posted or described. If the animal rescue organization
32 facility, shelter, or pound has no evidence of behavioral information
33 for the animal, the animal rescue organization facility, shelter, or
34 pound shall post that the animal's behavior history is unknown or
35 that the animal's behavior has not been tested or assessed in a home
36 environment.

37 e. At the time of adoption or no more than 14 days before an
38 adoption is final, a State licensed veterinarian shall examine and
39 certify that the animal:

40 (1) is free of fever, parasites, and contagious hair loss;

41 (2) is not vomiting;

42 (3) does not have loose stools and has feces free of disease,
43 infection, and parasites;

44 (4) is in good health, or has specific health, mental, or medical
45 problems as reported in writing and provided to the person adopting
46 the animal;

1 (5) if the animal is a dog, has received its first parvo and
2 distemper vaccines and at least one booster, and the dog's rabies
3 inoculations are up-to-date; and

4 (6) has not exhibited dangerous behavior, that the animal's
5 behavior history is unknown, or that any known dangerous behavior
6 has been disclosed in writing and provided to the person adopting
7 the animal.

8 f. Failure to comply with the provisions of this section, the
9 posting of unsubstantiated information concerning the health or
10 behavior of an animal on the Internet, or describing unsubstantiated
11 health or behavioral history on the Internet or to a person adopting
12 the animal shall constitute an unlawful practice and a violation of
13 P.L.1960, c.39 (C.56:8-1 et seq.).

14 g. In addition to the penalties that may apply pursuant to
15 P.L.1960, c.39 (C.56:8-1 et seq.), if an adopted animal causes
16 bodily harm to, or death of, another animal or any person after the
17 adoption of the animal from an animal rescue organization, shelter,
18 or pound, and the animal rescue organization, shelter, or pound
19 failed to provide the safety and temperament certification required
20 pursuant to paragraph (2) of subsection a. of this section or
21 knowingly withheld any behavioral information required to be
22 disclosed pursuant to paragraph (6) of subsection e. of this section,
23 the animal rescue organization, shelter, or pound shall be liable for
24 a penalty in the amount of five times the adoption fee charged for
25 the animal.

26

27 2. (New section) a. In addition to the requirements of section
28 4 of P.L.1999, c.331 (C.56:8-95), a pet shop in the State shall
29 document the health, behavioral, and medical history of an animal
30 to the extent possible prior to offering the animal for sale by
31 obtaining and retaining records of:

32 (1) a complete medical examination by a State licensed
33 veterinarian performed on the animal when the animal is received
34 by the pet shop for sale and a subsequent medical examination no
35 more than 14 days before the animal is sold;

36 (2) a complete behavioral and psychological assessment by a
37 certified animal behaviorist, psychologist, or trainer, including a
38 safety and temperament certification verifying that the animal does
39 not appear to exhibit behavior or tendencies that would make the
40 animal dangerous or unsuitable for sale as a pet; and

41 (3) information concerning the animal's history, including any
42 dangerous behavior, illnesses, injuries, physical or behavioral
43 abnormalities, history of dangerous behavior, vaccinations received,
44 number, type, and location of homes the animal has had, the reasons
45 the animal left its previous homes, any history of biting, scratching,
46 or attacking people or animals, or any other known health,
47 behavioral, or medical information that may cause concern for a
48 person purchasing the animal as a pet.

- 1 b. A pet shop shall disclose in writing all information obtained
2 concerning the animal pursuant to subsection a. of this subsection,
3 and the information required to be recorded or posted pursuant to
4 subsections b. and c. of section 4 of P.L.1999, c.331 (C.56:8-95) to
5 any person who considers the purchase of, or purchases, an animal,
6 with an advisory notice that the records may be incomplete. The
7 person adopting the animal shall sign a form verifying that the
8 person received the written disclosure and advisory notice required
9 pursuant to this section.
- 10 c. A pet shop shall not post or describe any behavioral
11 information about an animal on the Internet without evidence of the
12 behavioral information posted or described. If the pet shop has no
13 evidence of behavioral information for the animal, the pet shop
14 shall post that the animal's behavior history is unknown or that the
15 animal's behavior has not been tested or assessed in a home
16 environment.
- 17 d. At the time of sale or no more than 14 days before the sale
18 of an animal is final, a State licensed veterinarian shall examine and
19 certify that the animal:
- 20 (1) is free of fever, parasites, and contagious hair loss;
21 (2) is not vomiting;
22 (3) does not have loose stools and has feces free of disease,
23 infection, or parasites;
24 (4) is in good health, or has specific health, mental, or medical
25 problems as reported in writing and provided to the person
26 purchasing the animal;
27 (5) if the animal is a dog, has received its first parvo and
28 distemper vaccines and at least one booster, and the dog's rabies
29 inoculations are up-to-date; and
30 (6) has not exhibited dangerous behavior, that the animal's
31 behavior history is unknown, or that any known dangerous behavior
32 has been disclosed in writing and provided to the person purchasing
33 the animal.
- 34 e. Failure to comply with the provisions of this section, the
35 posting of unsubstantiated information concerning the health or
36 behavior of an animal on the Internet, or describing unsubstantiated
37 health or behavioral history on the Internet or to a person
38 purchasing the animal shall constitute an unlawful practice and a
39 violation of P.L.1960, c.39 (C.56:8-1 et seq.).
- 40 f. In addition to the penalties that may apply pursuant to
41 P.L.1960, c.39 (C.56:8-1 et seq.), a pet shop that sells an animal
42 without providing the purchaser with the safety and temperament
43 certification required pursuant to paragraph (2) of subsection a. of
44 this section shall be liable for five times the amount paid for the
45 animal if the animal causes bodily harm to, or death of, another
46 animal or any person following the purchase of the animal as a pet.

1 3. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
2 read as follows:

3 6. a. The Department of Health shall establish a registry of
4 animal rescue organizations and their facilities in the State. Any
5 animal rescue organization **【may voluntarily participate in the**
6 **registry】** operating in the State shall register with the Department of
7 Health and shall comply with the provisions of P.L.2011, c.142
8 (C.4:19-15.30 et al.), section 16 of P.L.1941, c.151 (C.4:19-15.16),
9 and section 1 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 b. The department, pursuant to the "Administrative Procedure
12 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
13 and regulations determined necessary to implement the **【voluntary】**
14 registry and coordinate its use with the provisions of P.L.2011,
15 c.142 (C.4:19-15.30 et al.) **【and】** , section 16 of P.L.1941, c.151
16 (C.4:19-15.16) , and section 1 of P.L. , c. (C.) (pending
17 before the Legislature as this bill).
18 (cf: P.L.2012, c.17, s.13)
19

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

22 4. a. Notwithstanding the provisions of any rule or regulation
23 adopted pursuant to **【Title 56 of the Revised Statutes as such**
24 **provisions are applied to pet shops,】** P.L.1960, c.39 (C.56:8-1 et
25 seq.) or any other law, and without limiting the prosecution of any
26 other practices which may be unlawful pursuant to **【Title 56 of the**
27 **Revised Statutes, it shall be a deceptive】** P.L.1960, c.39 (C.56:8-1
28 et seq.) or any other law, it shall be an unlawful practice and a
29 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any owner or
30 operator of a pet shop, or employee thereof, to sell 【animals
31 within】 an animal to a consumer in the State without complying
32 with the provisions and requirements of this section 【and】 , section
33 3 of P.L.2015, c.7 (C.56:8-95.1), and any other applicable
34 provisions, requirements, and prohibitions of P.L.1999, c.336
35 (C.56:8-92 et al.).

36 b. Within five days prior to the offering for sale of any animal,
37 the owner or operator of a pet shop, or employee thereof, shall have
38 the animal examined by a veterinarian licensed to practice in the
39 State. The name and address of the examining veterinarian,
40 together with the findings made and treatment, if any, ordered as a
41 result of the examination, shall be noted on the animal history and
42 health certificate for each animal as required by regulations adopted
43 pursuant to Title 56 of the Revised Statutes. If 14 days have passed
44 since the last veterinarian examination of the animal, the owner or
45 operator of the pet shop, or employee thereof, shall have the animal
46 reexamined by a veterinarian licensed to practice in the State as

1 provided for in subsection g. of this section, except as otherwise
2 provided in that subsection.

3 c. Every pet shop offering animals for sale shall post, in a
4 conspicuous location on the cage or enclosure for each animal in the
5 cage or enclosure, a sign declaring:

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

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

12 (3) The name and address of the veterinarian attending to the
13 animal while the animal is in the custody of the pet shop, and the
14 date of the initial and any subsequent examination of the animal;

15 (4) The first and last name of the breeder of the animal, the full
16 street address of where the breeder is doing business, an email
17 address, if available, by which to contact the breeder, the breeder's
18 USDA license number, and, if the breeder is required to be licensed
19 in the state in which the breeder is located, the breeder's state
20 license number;

21 (5) If the broker is different from the breeder, the first and last
22 name of the broker of the animal, the full street address of where
23 the broker is doing business, an email address, if available, by
24 which to contact the broker, the USDA license number of the
25 broker, and, if the broker is required to be licensed in the state in
26 which the broker is located, the broker's state license number; and

27 (6) The statement "Know Your Rights" in bold type face and no
28 less than 12 point type, followed by the statement in no less than 10
29 point type, "State law requires that every pet shop offering cats or
30 dogs for sale post in a conspicuous location on or near each cat or
31 dog's cage or enclosure the USDA inspection reports for the breeder
32 and broker of each cat or dog for the two years prior to the first day
33 that the cat or dog is offered for sale. If you do not see a required
34 inspection report, please request the report from the pet shop. If you
35 have any concerns, please contact the New Jersey Division of
36 Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-
37 6200. You may also view these and other USDA inspection reports
38 for the breeder and broker of each cat or dog on the USDA Animal
39 and Plant Health Inspection Service (APHIS) website. You are
40 entitled to receive additional information from APHIS about the
41 breeder's or broker's history through the federal Freedom of
42 Information Act."

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

1 The owner or operator of the pet shop shall regularly update the
2 information required to be posted pursuant to this subsection and
3 make changes as necessary to all signage required by this
4 subsection so that the public has access to the correct information at
5 all times.

6 d. The owner or operator of a pet shop, or employee thereof,
7 shall quarantine any animal diagnosed as suffering from a
8 contagious or infectious disease, illness, or condition and may not
9 sell such an animal until such time as a veterinarian licensed to
10 practice in the State treats the animal and determines that such
11 animal is free of clinical signs of infectious disease or that the
12 animal is fit for sale. All animals required to be quarantined
13 pursuant to this subsection shall be placed in a quarantine area,
14 separated from the general animal population of the pet shop.

15 e. The owner or operator of a pet shop, or designated employee
16 thereof, may inoculate and vaccinate animals prior to purchase only
17 upon the order of a veterinarian. No owner or operator of a pet
18 shop, or employee thereof, may represent, directly or indirectly, that
19 the owner or operator of the pet shop, or any employee thereof,
20 other than a veterinarian, is qualified to, directly or indirectly,
21 diagnose, prognose, treat, or administer for, prescribe any treatment
22 for, operate concerning, manipulate or apply any apparatus or
23 appliance for addressing, any disease, pain, deformity, defect,
24 injury, wound, or physical condition of any animal after purchase of
25 the animal, for the prevention of, or to test for, the presence of any
26 disease, pain, deformity, defect, injury, wound, or physical
27 condition in an animal after its purchase. These prohibitions
28 include, but are not limited to, the giving of inoculations or
29 vaccinations after purchase, the diagnosing, prescribing, and
30 dispensing of medication to animals, and the prescribing of any diet
31 or dietary supplement as treatment for any disease, pain, deformity,
32 defect, injury, wound, or physical condition.

33 f. The Director of the Division of Consumer Affairs in the
34 Department of Law and Public Safety shall provide each owner or
35 operator of a pet shop with notification forms, to be signed by the
36 owner or operator of the pet shop, or employee thereof, and the
37 consumer at the time of purchase of an animal. The notification
38 form shall provide the following:

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

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

43 (3) The statement that it is the responsibility of the consumer to
44 obtain such certification within the required amount of time
45 provided by subsection h. of this section.

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

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

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

8 (7) The breeder's state license number, if the breeder is required
9 to be licensed in the state in which the breeder is located, and, if the
10 broker is different from the breeder and the broker is required to be
11 licensed in the state in which the broker is located, the broker's state
12 license number; and

13 (8) An attestation by the owner or operator of the pet shop that,
14 as of the date of purchase of the animal by the pet shop, which shall
15 be specified in the attestation, the breeder and the broker of the
16 animal were in compliance with the requirements concerning the
17 maintenance and care of animals and the sanitary operation of
18 kennels, pet shops, shelters and pounds established in rules and
19 regulations adopted pursuant to section 14 of P.L.1941, c.151
20 (C.4:19-15.14), as required pursuant to section 3 of P.L.2015, c.7
21 (C.56:8-95.1).

22 The owner or operator of the pet shop, or an employee thereof,
23 shall obtain the signature of the consumer on the form and shall also
24 sign and date the form at the time of purchase of an animal by the
25 consumer, and shall provide the consumer with a signed copy of the
26 form and retain a copy of the form on the pet shop premises.
27 Copies of all such notices shall be readily available for inspection
28 by an authorized representative of the Division of Consumer
29 Affairs, upon request. No pet shop owner or operator, or employee
30 thereof, may construe or use the signed notification form required
31 pursuant to this subsection as an abdication of the right to recourse
32 provided for in subsection i., or as a selection of recourse pursuant
33 to subsection k. of this section.

34 g. The owner or operator of a pet shop, or an employee thereof,
35 shall have any animal that has been examined more than 14 days
36 prior to the date of purchase, reexamined by a veterinarian for the
37 purpose of disclosing its condition, within 72 hours of the delivery
38 of the animal to the consumer, unless the consumer has waived the
39 right to the reexamination in writing. The owner or operator of a pet
40 shop, or an employee thereof, shall provide a copy of the written
41 waiver to the consumer prior to the signing of any contract or
42 agreement to purchase the animal and the written waiver shall be in
43 the form established by the director by regulation.

44 h. If at any time within 14 days after the sale and delivery of an
45 animal to a consumer, the animal becomes sick or dies and a
46 veterinarian certifies, within the 14 days after the date of purchase
47 of the animal by the consumer, that the animal is unfit for purchase
48 due to a non-congenital cause or condition, or that the animal died

1 from causes other than an accident, the consumer is entitled to the
2 recourse described in subsection i. of this section.

3 If the animal becomes sick or dies within 180 days after the date
4 of purchase and a veterinarian certifies, within the 180 days after
5 the date of purchase of the animal by the consumer, that the animal
6 is unfit for sale due to a congenital or hereditary cause or condition,
7 or a sickness brought on by a congenital or hereditary cause or
8 condition, or died from such a cause or condition or sickness, the
9 consumer shall be entitled to the recourse provided in subsection i.
10 of this section.

11 It shall be the responsibility of the consumer to obtain such
12 certification within the required amount of time provided by this
13 subsection, unless the owner or operator of the pet shop, or the
14 employee thereof selling the animal to the consumer, fails to
15 provide the notice required pursuant to subsection f. of this section.
16 If the owner or operator of the pet shop, or the employee thereof,
17 fails to provide the required notice, the consumer shall be entitled to
18 the recourse provided for in subsection i. of this section.

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

22 (1) The right to return the animal and receive a full refund of the
23 purchase price, including sales tax, plus the reimbursement of the
24 veterinary fees, including the cost of the veterinarian certification,
25 incurred prior to the receipt by the consumer of the veterinarian
26 certification;

27 (2) The right to retain the animal and to receive reimbursement
28 for veterinary fees incurred prior to the consumer's receipt of the
29 veterinarian certification, plus the future cost of veterinary fees to
30 be incurred in curing or attempting to cure the animal, including the
31 cost of the veterinarian certification;

32 (3) The right to return the animal and to receive in exchange an
33 animal of the consumer's choice, of equivalent value, plus
34 reimbursement of veterinary fees, including the cost of the
35 veterinarian certification, incurred prior to the consumer's receipt of
36 the veterinarian certification; or

37 (4) In the event of the death of the animal from causes other
38 than an accident, the right to a full refund of the purchase price of
39 the animal, including sales tax, or another animal of the consumer's
40 choice of equivalent value, plus reimbursement of veterinary fees,
41 including the cost of the veterinarian certification, incurred prior to
42 the death of the animal.

43 The consumer shall be entitled to be reimbursed an amount for
44 veterinary fees up to and including two times the purchase price,
45 including sales tax, of the sick or dead animal. No reimbursement
46 of veterinary fees shall exceed two times the purchase price,
47 including sales tax, of the sick or dead animal.

- 1 j. The veterinarian shall provide to the consumer in writing
2 and within the seven days after the consumer consults with the
3 veterinarian any certification that is appropriate pursuant to this
4 section upon the determination that such certification is appropriate.
5 The certification shall include:
6 (1) The name of the owner;
7 (2) The date or dates of examination;
8 (3) The breed, color, sex, and age of the animal;
9 (4) A statement of the findings of the veterinarian;
10 (5) A statement that the veterinarian certifies the animal to be
11 "unfit for purchase";
12 (6) An itemized statement of veterinary fees incurred as of the
13 date of certification;
14 (7) If the animal may be curable, an estimate of the possible cost
15 to cure, or attempt to cure, the animal;
16 (8) If the animal has died, a statement establishing the probable
17 cause of death; and
18 (9) The name and address of the certifying veterinarian and the
19 date of the certification.
20 k. Upon the presentation of the veterinarian certification
21 required in subsection j. of this section to the pet shop, the
22 consumer shall select the recourse to be provided and the owner or
23 operator of the pet shop, or the employee thereof, shall confirm the
24 selection of recourse in writing. The confirmation of the selection
25 shall be signed by the owner or operator of the pet shop, or an
26 employee thereof, and the consumer and a copy of the signed
27 confirmation shall be given to the consumer and retained by the
28 owner or operator of the pet shop, or employee thereof, on the pet
29 shop premises. The confirmation of the selection shall be in the
30 form established by the director by regulation.
31 l. The owner or operator of the pet shop, or an employee
32 thereof, shall comply with the selection of recourse by the consumer
33 no later than 10 days after the receipt of the veterinarian
34 certification and the signed confirmation of selection of recourse
35 form. In the event the owner or operator of the pet shop, or an
36 employee thereof, wishes to contest the selection of recourse of the
37 consumer, the owner or operator of the pet shop, or an employee
38 thereof, shall notify the consumer and the director in writing within
39 the five days after the receipt of the veterinarian certification and
40 the signed confirmation of selection of recourse form. After
41 notification to the consumer and the director of the division, the
42 owner or operator of the pet shop, or an employee thereof, may
43 require the consumer to produce the animal for examination by a
44 veterinarian chosen by the owner or operator of the pet shop, or
45 employee thereof, at a mutually convenient time and place, except
46 if the animal has died and was required to be cremated for public
47 health reasons. The director shall set, upon receipt of such notice of
48 contest on the part of the owner or operator of the pet shop, or an

1 employee thereof, a hearing date and hold a hearing, pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.) and the Uniform Administrative Procedure Rules adopted
4 pursuant thereto, to determine whether the recourse selected by the
5 consumer should be allowed. The consumer and the owner or
6 operator of the pet shop, or employee thereof, shall be entitled to
7 any appeal of the decision resulting from the hearing as may be
8 provided for under the law, or any rule or regulation adopted
9 pursuant thereto, but upon the exhaustion of such remedies and
10 recourse, the consumer and the owner or operator of the pet shop
11 shall comply with the final decision rendered.

12 m. Any owner or operator of a pet shop, or employee thereof,
13 shall be guilty of **【a deceptive】** an unlawful practice and a violation
14 of P.L.1960, c.39 (C.56:8-1 et seq.) if the owner or operator, or
15 employee thereof, secures or attempts to secure a waiver of any of
16 the provisions of this section except as specifically authorized under
17 subsection g. of this section.

18 n. The owner of a pet shop shall be responsible and liable for
19 any recourse or reimbursement due to a consumer because of
20 violations of any provisions of this section by the owner or operator
21 of the pet shop, or any employee thereof, or because of any
22 document signed pursuant to this section by the owner or operator
23 of the pet shop, or any employee thereof.

24 o. Any pet shop in the State advertising for sale an animal bred
25 by a USDA licensed breeder through print or electronic means,
26 including those posted on the Internet or a website, shall
27 continuously display the name, state of residence, and USDA
28 license number of the breeder of the animal in the advertisement so
29 that this information is easily legible to the consumer.

30 (cf: P.L.2015, c.7, s.2)

31

32 5. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill requires every animal rescue organization facility,
38 shelter, pound, and pet shop in the State to establish an animal's
39 health, behavioral, and medical history prior to offering the animal
40 for adoption or sale, as applicable, by obtaining and retaining
41 records of:

42 (1) a complete medical examination by a State licensed
43 veterinarian performed on the animal when the animal is received
44 by the animal rescue organization facility, shelter, or pound and a
45 subsequent medical examination no more than 14 days before the
46 animal is adopted;

47 (2) a complete behavioral and psychological assessment by a
48 certified animal behaviorist, psychologist, or trainer, including a

1 safety and temperament certification verifying that the animal does
2 not appear to exhibit behavior or tendencies that would make the
3 animal dangerous or unsuitable for adoption; and

4 (3) to the extent possible, any information concerning the
5 animal's history, including any dangerous behavior, illnesses,
6 injuries, physical or behavioral abnormalities, history of dangerous
7 behavior, vaccinations received, number, type, and location of
8 homes the animal has had, the reasons the animal left its previous
9 homes, any history of biting, scratching, or attacking people or
10 animals, or any other known health, behavioral, or medical
11 information that may cause concern for a person adopting the
12 animal.

13 The bill requires every animal rescue organization facility,
14 shelter, pound, and pet shop in the State to disclose in writing any
15 and all information obtained concerning the animal's history to any
16 person considering adopting or purchasing the animal as a pet, with
17 an advisory notice that the records may be incomplete. The bill
18 also requires the person adopting or purchasing the animal to sign a
19 form verifying that the written disclosure was provided.

20 Under the bill, it would be an unlawful practice and a violation
21 of the State consumer fraud law to fail to comply with the
22 provisions of sections 1 or 2 of the bill, or to post or describe
23 behavioral information about an animal on the Internet without
24 evidence of that behavioral information. In addition to the penalties
25 imposed for violating consumer fraud law, if the animal causes
26 bodily harm to, or death of, another animal or any person following
27 the adoption or sale of the animal, and the animal rescue
28 organization, shelter, pound, or pet shop, as applicable, failed to
29 provide the safety and temperament certification required under the
30 bill or knowingly withheld any behavioral information required to
31 be disclosed under the bill, the animal rescue organization, shelter,
32 or pound would be liable for a penalty of five times the adoption fee
33 charged for the animal or a pet shop would be liable for a penalty of
34 five times the purchase price of the animal.

35 This bill is designated as "Rocky's Law" in honor of a domestic
36 companion animal Rocky who lost his life to a rescue animal that
37 had mental health issues that were not disclosed at the time of
38 adoption.