

ASSEMBLY, No. 2992

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman ADAM J. TALIAFERRO
District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Establishes certain requirements concerning animal rescue organizations, breeders, importation of cats and dogs, and sale or adoption of cats and dogs; revises shelter and pound law.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning cats and dogs, amending various parts of the
2 statutory law, and supplementing Title 4 of the Revised Statutes.
3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6
7 1. (New section) a. No person shall import into the State in
8 any calendar year 10 or more cats or dogs in total for sale or
9 adoption unless the person is registered as an animal importer with
10 the Department of Health and complies with the provisions of this
11 section.
12 b. (1) Each registered animal importer shall provide to the
13 Department of Health:
14 (a) the name, mailing address, business address, telephone
15 number, electronic mail address, and Internet website of the
16 registered animal importer; and
17 (b) if the registered animal importer's business address is
18 located outside of the State, the name, mailing address, business
19 address, telephone number, electronic mail address, and Internet
20 website of the registered animal importer's in-State representative
21 for service of process.
22 (2) Each registered animal importer shall report:
23 (a) the number of cats and the number of dogs, respectively,
24 brought into the State by the registered animal importer in the
25 calendar year preceding the effective date of P.L. , c. (C.)
26 (pending before the Legislature as this bill), and the number thereof
27 annually each year thereafter; and
28 (b) the name, address, and state or country of origin of the
29 source of each cat or dog brought into the State by the registered
30 animal importer.
31 (3) Each registered animal importer shall:
32 (a) protect the health, safety, and welfare of every cat and dog
33 in the registered animal importer's possession;
34 (b) provide every cat and dog with appropriate shelter and
35 sufficient food and water that is easily available to the animal; and
36 (c) comply with the rules and regulations adopted pursuant to
37 subsection c. of this section.
38 c. Within 180 days after the effective date of P.L. , c. (C.)
39 (pending before the Legislature as this bill), the Commissioner of
40 Health shall adopt, pursuant to the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations:
42 (1) establishing a standard of care and requirements for the
43 health, safety, and humane treatment of cats and dogs to be
44 followed by animal importers; and

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 (2) implementing and enforcing the provisions of subsection b.
2 of this section.

3 d. The commissioner may impose and collect an annual
4 registration fee of up to \$25 for each animal importer registration.
5 Each registration shall expire on December 31 next following the
6 date of the first registration. Thereafter, each registration shall be
7 renewed annually on January 1, provided that the commissioner
8 determines the registered animal importer is in continued
9 compliance with the requirements for the health, safety, and
10 humane treatment of cats and dogs by animal importers established
11 pursuant to subsection c. of this section. No employee, volunteer,
12 or other person assisting a registered animal importer shall be
13 required to register with the department, provided that the
14 employee, volunteer, or other person is not an animal importer.

15 e. The Department of Health may inspect, upon request, any
16 animal importer's records or place of business, or the condition or
17 health of any cat or dog in the animal importer's possession,
18 provided the department does not enter the animal importer's
19 residence without authorization.
20

21 2. (New section) a. Any person who fails to register as an
22 animal importer pursuant to subsection a. of section 1 of P.L. ,
23 c. (C.) (pending before the Legislature as this bill), or any
24 rule or regulation adopted pursuant thereto, shall be subject to a
25 civil penalty of up to \$1,000. Any person who violates the
26 provisions of subsection b. of section 1 of
27 P.L. , c. (C.) (pending before the Legislature as this
28 bill), or any rule or regulation adopted pursuant thereto, shall be
29 subject to a civil penalty of up to \$2,500.

30 b. The penalties established pursuant to subsection a. of this
31 section may be collected in a civil action by a summary proceeding
32 under the "Penalty Enforcement Law of 1999," P.L.1999,
33 c.274 (C.2A:58-10 et seq.). The Superior Court and municipal
34 courts shall have jurisdiction to enforce the provisions of the
35 "Penalty Enforcement Law of 1999" pursuant to this section.

36 c. For a second or subsequent violation of subsection a. or b. of
37 section 1 of P.L. , c. (C.) (pending before the Legislature
38 as this bill), at the discretion of the court, the person may also be
39 suspended or permanently prohibited from importing animals or
40 from operating as a registered animal importer in the State.
41

42 3. (New section) a. Each cat or dog brought into the State for
43 the purpose of sale, adoption, barter, exchange, or transfer shall be
44 accompanied with an animal history and health certificate certified
45 by a licensed veterinarian and providing the following information:

46 (1) the name, address, and other contact information of the
47 breeder of the cat or dog, if known;

1 (2) the origin of the cat or dog, the animal's date of birth, and, if
2 the date of birth is not known, the animal's approximate age as
3 estimated by a licensed veterinarian; and

4 (3) any illnesses identified in the cat or dog, any treatments,
5 medications, or vaccinations received, and a list of the treatments,
6 medications, and vaccinations received, the dates of administration
7 thereof, and the illnesses identified in the cat or dog and the date on
8 which the illness was identified.

9 b. If the cat or dog is being brought into the State, sold,
10 adopted, bartered, exchanged, or transferred by a USDA licensed
11 breeder, the USDA licensed breeder shall provide a copy of the
12 breeder's USDA license and attach it to the animal history and
13 health certificate of the cat or dog.

14 c. No person may bring a cat or dog into the State for the
15 purpose of sale, adoption, barter, exchange, or transfer without the
16 animal history and health certificate required pursuant to subsection
17 a. of this section. The animal history and health certificate shall
18 accompany the cat or dog until the end of the animal's life.

19 d. As used in this section, "USDA licensed breeder" means a
20 breeder who has been issued a valid breeder's license by the United
21 States Department of Agriculture.

22
23 4. (New section) The provisions of sections 1, 2, and 3 of
24 P.L., c. (C. , C. , and C.) (pending before the
25 Legislature as this bill) shall not apply to any sale, barter, exchange,
26 or transfer of a cat or dog for purposes related to the conduct of
27 biomedical research by a research facility registered with the United
28 States Department of Agriculture pursuant to the federal "Animal
29 Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting
30 biomedical research in compliance with the "Public Health Service
31 Policy on Humane Care and Use of Laboratory Animals" issued by
32 the United States National Institutes of Health.

33
34 5. (New section) a. Every animal rescue organization
35 registered pursuant to section 6 of P.L.2011, c.142 (C.4:19-15.33)
36 shall accept the return of any cat or dog received from the animal
37 rescue organization and may accept any other cat or dog
38 surrendered to the animal rescue organization. The animal rescue
39 organization may charge the person returning the cat or dog or
40 otherwise surrendering a cat or dog a fee of up to \$100 for
41 accepting the cat or dog.

42 b. An animal rescue organization that fails to accept the return
43 of an animal as required by subsection a. of this section shall be
44 subject to a civil penalty of up to \$1,000, to be collected by the
45 Department of Health in a civil action by a summary proceeding
46 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
47 (C.2A:58-10 et seq.).

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

3 6. Any person who shall bring or cause to be brought into this
4 State any dog licensed in another State for the current year, and
5 bearing a registration tag, and who shall keep the **【same】 dog** or
6 permit the **【same】 dog** to be kept **【within】 in** the State for a period
7 of more than **【ninety】 90** days shall immediately apply for a license
8 and registration tag for each **【such】 dog** **【unless such dog be**
9 **licensed under section eight of this act】** except as otherwise
10 provided for a licensed kennel, pet shop, shelter, or pound pursuant
11 to subsection b. of section 8 of P.L.1941, c.151 (C.4:19-15.8).

12 Any person, other than an animal importer, who shall bring or
13 cause to be brought into this State any unlicensed dog and who shall
14 keep the **【same】 dog** or permit the **【same】 dog** to be kept **【within】**
15 **in** the State for a period of more than **【ten】 10** days shall
16 immediately apply for a license and registration tag for each **【such】**
17 **dog** **【unless such dog be licensed under section eight of this act】**
18 except as otherwise provided for a licensed kennel, pet shop,
19 shelter, or pound pursuant to subsection b. of section 8 of P.L.1941,
20 c.151 (C.4:19-15.8). Any animal importer shall comply with the
21 requirements established pursuant to section 1 of P.L. ,
22 c. (C.) (pending before the Legislature as this bill.

23 (cf: P.L.1941, c.151, s.6)

24

25 7. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
26 read as follows:

27 16. a. The certified animal control officer appointed by the
28 governing body of the municipality shall take into custody and
29 impound any animal, to thereafter be euthanized or offered for
30 adoption, as provided in this section:

31 (1) Any dog off the premises of the owner or of the person
32 charged with the care of the dog, which is reasonably believed to be
33 a stray dog;

34 (2) Any dog off the premises of the owner or the person charged
35 with the care of the dog without a current registration tag **【on its**
36 **collar or elsewhere】**;

37 (3) Any female dog in season off the premises of the owner or
38 the person charged with the care of the dog;

39 (4) Any dog or other animal which is suspected to be rabid; or

40 (5) Any dog or other animal off the premises of the owner or the
41 person charged with **【its】 the dog's or other animal's** care that is
42 reported to, or observed by, a certified animal control officer to be
43 ill, injured, or creating a threat to public health, safety, or welfare,
44 or otherwise interfering with the enjoyment of property.

45 b. If an animal taken into custody and impounded pursuant to
46 subsection a. of this section has a collar or harness with
47 identification of the name and address of any person, or has a

1 registration tag, or has a microchip with an identification number
2 that can be traced to the owner or person charged with the care of
3 the animal, or the owner or the person charged with the care of the
4 animal is otherwise known, the certified animal control officer shall
5 ascertain the name and address of the owner or the person charged
6 with the care of the animal, and serve to the identified person as
7 soon as practicable, a notice in writing that the animal has been
8 seized and will be liable to be offered for adoption or euthanized if
9 not claimed within seven days after the service of the notice.

10 c. A notice required pursuant to this section may be served: (1)
11 by delivering it to the person on whom it is to be served, or by
12 leaving it at the person's usual or last known place of residence or
13 the address given on the collar, harness, or microchip identification;
14 or (2) by mailing the notice to that person at the person's usual or
15 last known place of residence, or to the address given on the collar,
16 harness or microchip identification.

17 d. A shelter, pound, or kennel operating as a shelter or pound
18 receiving an animal from a certified animal control officer pursuant
19 to subsection a. of this section, or from any other individual, group,
20 or organization, shall hold the animal for at least seven days before
21 offering **【it】** the animal for adoption, or euthanizing, relocating, or
22 sterilizing the animal, except if:

23 (1) the animal is surrendered voluntarily by **【its】** the animal's
24 owner to the shelter, pound, or kennel operating as a shelter or
25 pound, in which case the provisions of subsection e. of this section
26 shall apply; or

27 (2) the animal is suspected of being rabid, in which case the
28 provisions of subsection j. of this section shall apply.

29 e. If a shelter, pound or kennel operating as a shelter or pound
30 is not required to hold an animal for at least seven days pursuant to
31 paragraph (1) of subsection d. of this section, the shelter, pound, or
32 kennel operating as a shelter or pound:

33 (1) shall offer the animal for adoption for at least seven days
34 before euthanizing **【it】** the animal; or

35 (2) may transfer the animal to an animal rescue organization
36 facility or a foster home prior to offering **【it】** the animal for
37 adoption if such a transfer is determined to be in the best interest of
38 the animal by the shelter, pound, or kennel operating as a shelter or
39 pound.

40 f. Except as otherwise provided for under subsection e. of this
41 section, no shelter, pound, or kennel operating as a shelter or pound
42 receiving an animal from a certified animal control officer may
43 transfer the animal to an animal rescue organization facility or a
44 foster home until the shelter, pound, or kennel operating as a shelter
45 or pound has held the animal for at least seven days.

46 g. If the owner or the person charged with the care of the
47 animal seeks to claim **【it】** the animal within seven days, or after the

1 seven days have elapsed but before the animal has been adopted or
2 euthanized, the shelter, pound, or kennel operating as a shelter or
3 pound:

4 (1) shall, in the case of a cat or dog, release **【it】** the cat or dog
5 to the owner or person charged with **【its】** the animal's care,
6 provided the owner or person charged with the care of the animal
7 provides proof of ownership, which may include a valid cat or dog
8 license, registration, rabies inoculation certificate, or documentation
9 from the owner's veterinarian that the cat or dog has received
10 regular care from that veterinarian;

11 (2) may, in the case of a cat or dog, charge the cost of sterilizing
12 the cat or dog, if the owner requests such sterilizing when claiming
13 **【it】** the cat or dog; and

14 (3) may require the owner or person charged with the care of the
15 animal to pay all the animal's expenses while in the care of the
16 shelter, pound, or kennel operating as a shelter or pound, not to
17 exceed \$4 per day.

18 h. If the animal remains unclaimed, is not claimed due to the
19 failure of the owner or other person to comply with the
20 requirements of this section, or is not adopted after seven days after
21 the date on which notice is served pursuant to subsection c. of this
22 section or, if no notice can be served, not less than seven days after
23 the date on which the animal was impounded, the impounded
24 animal may be placed in a foster home, transferred to another
25 shelter, pound, kennel operating as a shelter or pound, or animal
26 rescue organization facility, or euthanized in a manner causing as
27 little pain as possible and consistent with the provisions of
28 R.S.4:22-19.

29 i. At the time of adoption, the right of ownership in the animal
30 shall transfer to the new owner. No dog or other animal taken into
31 custody, impounded, sent or otherwise brought to a shelter, pound,
32 or kennel operating as a shelter or pound shall be sold or otherwise
33 be made available for the purpose of experimentation. Any person
34 who sells or otherwise makes available any such dog or other
35 animal for the purpose of experimentation shall be guilty of a crime
36 of the fourth degree.

37 j. Any animal seized under this section suspected of being
38 rabid shall be immediately reported to the executive officer of the
39 local board of health and to the Department of Health, and shall be
40 quarantined, observed, and otherwise handled and dealt with as
41 appropriate for an animal suspected of being rabid or as required by
42 the Department of Health for the animals.

43 k. When a certified animal control officer takes into custody
44 and impounds, or causes to be taken into custody and impounded,
45 an animal, the certified animal control officer may place the animal
46 in the custody of, or cause the animal to be placed in the custody of,
47 only a licensed shelter, pound, or kennel operating as a shelter or
48 pound. The certified animal control officer may not place the

1 animal in the custody of, or cause the animal to be placed in the
2 custody of, any animal rescue organization facility, foster home, or
3 other unlicensed facility. However, the licensed shelter, pound, or
4 kennel operating as a shelter or pound may place the animal in an
5 animal rescue organization facility, foster home, or other unlicensed
6 facility if necessary pursuant to subsection e. or h. of this section.

7 l. Notwithstanding the provisions of this section and sections 3
8 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the
9 contrary, no cat or dog being transferred between shelters, pounds,
10 or kennels operating as shelters or pounds, or being transferred to
11 an animal rescue organization facility or placed in a foster home,
12 shall be required to be sterilized prior to that transfer.

13 m. A shelter, pound, or kennel operating as a shelter or pound
14 shall accept the return of any cat or dog adopted from the shelter or
15 pound, and may accept any other cat or dog being surrendered to
16 the shelter or pound for any other reason. The shelter or pound may
17 charge the person returning the animal or otherwise surrendering
18 the animal a fee of up to \$100 for accepting the animal. A shelter
19 or pound that fails to accept the return of an animal as required by
20 this subsection shall be subject to a civil penalty of up to \$1,000, to
21 be collected by the Department of Health in a civil action by a
22 summary proceeding under the "Penalty Enforcement Law of
23 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

24 (cf: P.L.2012, c.17, s.7)

25
26 8. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
27 read as follows:

28 6. a. The Department of Health shall establish a registry of
29 animal rescue organizations and their facilities in the State. Any
30 animal rescue organization may voluntarily participate in the
31 registry, until the 180th day after the date of enactment of P.L. ,
32 c. (C.) (pending before the Legislature as this bill), upon
33 which the registration of animal rescue organizations shall be
34 mandatory. Each animal rescue organization shall register with the
35 department and annually report the number of cats and dogs sold,
36 released for adoption, bartered, exchanged, or transferred in the
37 preceding calendar year by the animal rescue organization, and to
38 whom the cats and dogs were sold, released for adoption, bartered,
39 exchanged, or transferred. The annual registration fee shall be \$25.

40 b. The department, pursuant to the "Administrative Procedure
41 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules
42 and regulations determined necessary to implement the **【voluntary】**
43 registry and coordinate its use with the provisions of sections 1 and
44 4 of P.L. , c. (C.) (pending before the Legislature as this
45 bill), P.L.2011, c.142 (C.4:19-15.30 et al.), and section 16 of
46 P.L.1941, c.151 (C.4:19-15.16).

47 c. Any person required to register with the department pursuant
48 to this section who fails to do so shall be subject to a civil penalty

1 of up to \$1,000, to be collected by the Department of Health in a
2 civil action by a summary proceeding under the "Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
4 The Superior Court and municipal courts shall have jurisdiction to
5 enforce the provisions of the "Penalty Enforcement Law of 1999"
6 pursuant to this subsection. For a second or subsequent violation, at
7 the discretion of the court, the person may also be suspended or
8 permanently prohibited from operating as an animal rescue
9 organization in the State.

10 (cf: P.L.2012, c.17, s.13)

11
12 9. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
13 as follows:

14 4. a. Notwithstanding the provisions of any rule or regulation
15 adopted pursuant to Title 56 of the Revised Statutes as such
16 provisions are applied to pet shops, and without limiting the
17 prosecution of any other practices which may be unlawful pursuant
18 to Title 56 of the Revised Statutes, it shall be **【a deceptive】** an
19 unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et
20 seq.) for any owner or operator of a pet shop, or employee thereof,
21 to sell animals within the State without complying with the
22 provisions and requirements of this section and section 3 of
23 P.L.2015, c.7 (C.56:8-95.1).

24 b. Within five days prior to the offering for sale of any animal,
25 the owner or operator of a pet shop, or employee thereof, shall have
26 the animal examined by a veterinarian licensed to practice in the
27 State. The name and address of the examining veterinarian,
28 together with the findings made and treatment, if any, ordered as a
29 result of the examination, shall be noted on the animal history and
30 health certificate for each animal as required by regulations adopted
31 pursuant to Title 56 of the Revised Statutes. The animal history and
32 health certificate required pursuant to section 3 of P.L. , c. (C.)
33 (pending before the Legislature as this bill) for each animal shall
34 also provide and be updated with the treatments, medications, and
35 vaccinations received, the dates of administration thereof, and the
36 illnesses identified in the cat or dog and the date on which the
37 illness was identified. If 14 days have passed since the last
38 veterinarian examination of the animal, the owner or operator of the
39 pet shop, or employee thereof, shall have the animal reexamined by
40 a veterinarian licensed to practice in the State as provided for in
41 subsection g. of this section, except as otherwise provided in that
42 subsection.

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

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

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

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

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

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

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

40 The owner or operator of the pet shop shall regularly update the
41 information required to be posted pursuant to this subsection and
42 make changes as necessary to all signage required by this
43 subsection so that the public has access to the correct information at
44 all times.

45 d. The owner or operator of a pet shop, or employee thereof,
46 shall quarantine any animal diagnosed as suffering from a
47 contagious or infectious disease, illness, or condition and may not
48 sell such an animal until such time as a veterinarian licensed to

1 practice in the State treats the animal and determines that such
2 animal is free of clinical signs of infectious disease or that the
3 animal is fit for sale. All animals required to be quarantined
4 pursuant to this subsection shall be placed in a quarantine area,
5 separated from the general animal population of the pet shop.

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

24 f. The Director of the Division of Consumer Affairs in the
25 Department of Law and Public Safety shall provide each owner or
26 operator of a pet shop with notification forms, to be signed by the
27 owner or operator of the pet shop, or employee thereof, and the
28 consumer at the time of purchase of an animal. The notification
29 form shall provide the following:

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

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

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

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

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

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

47 (7) The breeder's state license number, if the breeder is required
48 to be licensed in the state in which the breeder is located, and, if the

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

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

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

25 g. The owner or operator of a pet shop, or an employee thereof,
26 shall have any animal that has been examined more than 14 days
27 prior to the date of purchase, reexamined by a veterinarian for the
28 purpose of disclosing its condition, within 72 hours of the delivery
29 of the animal to the consumer, unless the consumer has waived the
30 right to the reexamination in writing. The owner or operator of a pet
31 shop, or an employee thereof, shall provide a copy of the written
32 waiver to the consumer prior to the signing of any contract or
33 agreement to purchase the animal and the written waiver shall be in
34 the form established by the director by regulation.

35 h. If at any time within **【14 days】** one year after the sale and
36 delivery of an animal to a consumer, the animal becomes sick or
37 dies and a veterinarian certifies, within **【the 14 days】** one year after
38 the date of purchase of the animal by the consumer, that the animal
39 is unfit for purchase due to a non-congenital cause or condition, or
40 that the animal died from causes other than an accident, the
41 consumer is entitled to the recourse described in subsection i. of
42 this section.

43 If the animal becomes sick or dies within **【180 days】** one year
44 after the date of purchase and a veterinarian certifies, within the
45 **【180 days】** one year after the date of purchase of the animal by the
46 consumer, that the animal is unfit for sale due to a congenital or
47 hereditary cause or condition, or a sickness brought on by a
48 congenital or hereditary cause or condition, or died from such a

1 cause or condition or sickness, the consumer shall be entitled to the
2 recourse provided in subsection i. of this section.

3 It shall be the responsibility of the consumer to obtain such
4 certification within the required amount of time provided by this
5 subsection, unless the owner or operator of the pet shop, or the
6 employee thereof selling the animal to the consumer, fails to
7 provide the notice required pursuant to subsection f. of this section.
8 If the owner or operator of the pet shop, or the employee thereof,
9 fails to provide the required notice, the consumer shall be entitled to
10 the recourse provided for in subsection i. of this section.

11 The pet shop shall also accept the return of a cat or dog for any
12 reason within one year after the date of purchase if purchased at the
13 pet shop, but the recourse provided in subsection i. of this section
14 shall only apply to an animal that is unfit for sale or dies for the
15 reasons described in this subsection.

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

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

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

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

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

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

45 j. The veterinarian shall provide to the consumer in writing
46 and within the seven days after the consumer consults with the
47 veterinarian any certification that is appropriate pursuant to this

1 section upon the determination that such certification is appropriate.

2 The certification shall include:

3 (1) The name of the owner;

4 (2) The date or dates of examination;

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

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

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

9 (6) An itemized statement of veterinary fees incurred as of the
10 date of certification;

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

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

15 (9) The name and address of the certifying veterinarian and the
16 date of the certification.

17 k. Upon the presentation of the veterinarian certification
18 required in subsection j. of this section to the pet shop, the
19 consumer shall select the recourse to be provided and the owner or
20 operator of the pet shop, or the employee thereof, shall confirm the
21 selection of recourse in writing. The confirmation of the selection
22 shall be signed by the owner or operator of the pet shop, or an
23 employee thereof, and the consumer and a copy of the signed
24 confirmation shall be given to the consumer and retained by the
25 owner or operator of the pet shop, or employee thereof, on the pet
26 shop premises. The confirmation of the selection shall be in the
27 form established by the director by regulation.

28 l. The owner or operator of the pet shop, or an employee
29 thereof, shall comply with the selection of recourse by the consumer
30 no later than 10 days after the receipt of the veterinarian
31 certification and the signed confirmation of selection of recourse
32 form. In the event the owner or operator of the pet shop, or an
33 employee thereof, wishes to contest the selection of recourse of the
34 consumer, the owner or operator of the pet shop, or an employee
35 thereof, shall notify the consumer and the director in writing within
36 the five days after the receipt of the veterinarian certification and
37 the signed confirmation of selection of recourse form. After
38 notification to the consumer and the director of the division, the
39 owner or operator of the pet shop, or an employee thereof, may
40 require the consumer to produce the animal for examination by a
41 veterinarian chosen by the owner or operator of the pet shop, or
42 employee thereof, at a mutually convenient time and place, except
43 if the animal has died and was required to be cremated for public
44 health reasons. The director shall set, upon receipt of such notice of
45 contest on the part of the owner or operator of the pet shop, or an
46 employee thereof, a hearing date and hold a hearing, pursuant to the
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
48 seq.) and the Uniform Administrative Procedure Rules adopted

1 pursuant thereto, to determine whether the recourse selected by the
2 consumer should be allowed. The consumer and the owner or
3 operator of the pet shop, or employee thereof, shall be entitled to
4 any appeal of the decision resulting from the hearing as may be
5 provided for under the law, or any rule or regulation adopted
6 pursuant thereto, but upon the exhaustion of such remedies and
7 recourse, the consumer and the owner or operator of the pet shop
8 shall comply with the final decision rendered.

9 m. Any owner or operator of a pet shop, or employee thereof,
10 shall be guilty of a deceptive practice if the owner or operator, or
11 employee thereof, secures or attempts to secure a waiver of any of
12 the provisions of this section except as specifically authorized under
13 subsection g. of this section.

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

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

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

27
28 10. This act shall take effect immediately.
29
30

31 STATEMENT

32
33 This bill requires any person importing into the State in any
34 calendar year 10 or more cats or dogs in total for sale or adoption to
35 register as an animal importer with the Department of Health
36 (DOH). The bill authorizes the DOH to charge an animal importer
37 an annual registration fee of up to \$25. The bill requires each
38 registered animal importer to provide the DOH with:

39 1) the name, mailing address, business address, telephone
40 number, electronic mail address, and Internet website of the animal
41 importer;

42 2) if the animal importer's business address is located outside
43 of the State, the name, mailing address, business address, telephone
44 number, electronic mail address, and Internet website of the animal
45 importer's in-State representative for service of process;

46 3) the number of cats and the number of dogs, respectively,
47 brought into the State by the animal importer in the calendar year

1 preceding the effective date of the bill, and the number thereof
2 annually each year thereafter; and

3 4) the name, address, and state or country of origin of the
4 source of each cat or dog brought into the State by the animal
5 importer.

6 The bill also requires each animal importer to:

7 1) protect the health, safety, and welfare of every cat and dog
8 in the animal importer's possession;

9 2) provide every cat and dog with appropriate shelter and
10 sufficient food and water that is easily available to the animal; and

11 3) comply with the regulations adopted by the DOH to
12 implement the bill's requirements and provisions, including
13 standards of care and requirements for the health, safety, and
14 humane treatment of cats and dogs for animal importers.

15 The bill authorizes the DOH, provided the DOH does not enter
16 the animal importer's residence without authorization, to inspect
17 any animal importer's records, place of business, or the condition or
18 health of any cat or dog in the animal importer's possession, upon
19 request. The bill establishes a civil penalty of up to \$1,000 for any
20 violation of subsection a. of section 1 of the bill, up to \$2,500 for
21 any violation of subsection b. of section 1 of the bill, and for second
22 or subsequent violations, at the discretion of the court, the violator
23 may also be suspended or permanently prohibited from operating as
24 an animal importer in the State.

25 The bill also requires all cats and dogs brought into the State
26 from other jurisdictions to have an animal history and health
27 certificate certified by a licensed veterinarian providing the
28 following information about the cat or dog: 1) the name, address,
29 and other contact information of the breeder of the cat or dog, if
30 known; 2) the origin of the cat or dog, its date of birth, and, if the
31 date of birth is not known, its approximate age as estimated by a
32 licensed veterinarian; and 3) any illnesses identified in the cat or
33 dog, any treatments, medications, or vaccinations received, and a
34 list of the treatments, medications, and vaccinations received, the
35 dates of administration thereof, and the illnesses identified in the cat
36 or dog and the date on which the illness was identified. If the cat or
37 dog is being brought into the State, sold, adopted, bartered,
38 exchanged, or transferred by a United State Department of
39 Agriculture (USDA) licensed breeder, the USDA licensed breeder is
40 required to provide a copy of the breeder's USDA license and
41 attach it to the animal history and health certificate of the cat or
42 dog.

43 The bill requires pet shops to include the animal history and
44 health certificate with the proper vaccines administered to each
45 animal sold by the pet shop, and updated with the treatments,
46 medications, and vaccinations received, the dates of administration
47 thereof, and the illnesses identified in the cat or dog and the date on
48 which the illness was identified. The bill extends from 14 days to

1 one year the deadline for pet shop customers to exercise certain
2 consumer rights regarding animals purchased from a pet shop.
3 Further, the bill requires pet shops to accept the return of a cat or
4 dog for any reason within one year after the date of purchase if
5 purchased at the pet shop, but the exercise of a consumer's rights
6 only applies to an animal that is unfit for sale or dies.

7 The bill also requires animal rescue organizations, shelters, and
8 pounds to accept the return of a cat or dog received from the facility
9 for up to one year after the receipt of the animal from the facility.
10 The bill authorizes shelters, pounds, and animal rescue
11 organizations to charge a fee of up to \$100 for such a return. An
12 animal rescue organization that fails to accept the return of that
13 animal is subject to a civil penalty of up to \$1,000. The bill
14 provides that if an animal is surrendered voluntarily by its owner to
15 a shelter, pound or kennel operating as a shelter or pound, the
16 animal may immediately be offered for adoption or transferred to an
17 animal rescue organization or foster home.

18 The bill requires animal rescue organizations to register with the
19 DOH to annually report the number of cats and dogs sold, adopted,
20 bartered, exchanged, or transferred in the preceding calendar year
21 by the animal rescue organization, and to whom the cats and dogs
22 were sold, released for adoption, bartered, exchanged, or
23 transferred. The bill establishes an annual registration fee of \$25.
24 A person who is required to register with the DOH but fails to do so
25 is subject to a civil penalty of up to \$1,000. For second or
26 subsequent violations, at the discretion of the court, the person may
27 also be suspended or permanently prohibited from operating as an
28 animal rescue organization in the State.

29 Finally, the bill exempts from its requirements any sale, transfer,
30 exchange, or barter of a cat or dog for purposes related to the
31 conduct of biomedical research by a research facility registered with
32 the United States Department of Agriculture, or at a facility
33 conducting biomedical research in compliance with the "Public
34 Health Service Policy on Humane Care and Use of Laboratory
35 Animals" issued by the United States National Institutes of Health.