

SENATE, No. 787

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senator Codey

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;

45 (4) name and address of the veterinarian attending to the animal

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 while the animal is in the custody of the animal rescue organization
2 facility, shelter, or pound, and the dates of the initial and any
3 subsequent examinations of the animal;

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

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

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

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

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

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

40 (2) is not vomiting;

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

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

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

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

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

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

23

24 2. (New section) a. In addition to the requirements of section
25 4 of P.L.1999, c.331 (C.56:8-95), a pet shop in the State shall
26 document the health, behavioral, and medical history of an animal
27 to the extent possible prior to offering the animal for sale by
28 obtaining and retaining records of:

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

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

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

46 b. A pet shop shall disclose in writing all information obtained
47 concerning the animal pursuant to subsection a. of this subsection,
48 and the information required to be recorded or posted pursuant to

1 subsections b. and c. of section 4 of P.L.1999, c.331 (C.56:8-95) to
2 any person who considers the purchase of, or purchases, an animal,
3 with an advisory notice that the records may be incomplete. The
4 person adopting the animal shall sign a form verifying that the
5 person received the written disclosure and advisory notice required
6 pursuant to this section.

7 c. A pet shop shall not post or describe any behavioral
8 information about an animal on the Internet without evidence of the
9 behavioral information posted or described. If the pet shop has no
10 evidence of behavioral information for the animal, the pet shop
11 shall post that the animal's behavior history is unknown or that the
12 animal's behavior has not been tested or assessed in a home
13 environment.

14 d. At the time of sale or no more than 14 days before the sale
15 of an animal is final, a State licensed veterinarian shall examine and
16 certify that the animal:

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

18 (2) is not vomiting;

19 (3) does not have loose stools and has feces free of disease,
20 infection, or parasites;

21 (4) is in good health, or has specific health, mental, or medical
22 problems as reported in writing and provided to the person
23 purchasing the animal;

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

27 (6) has not exhibited dangerous behavior, that the animal's
28 behavior history is unknown, or that any known dangerous behavior
29 has been disclosed in writing and provided to the person purchasing
30 the animal.

31 e. Failure to comply with the provisions of this section, the
32 posting of unsubstantiated information concerning the health or
33 behavior of an animal on the Internet, or describing unsubstantiated
34 health or behavioral history on the Internet or to a person
35 purchasing the animal shall constitute an unlawful practice and a
36 violation of P.L.1960, c.39 (C.56:8-1 et seq.).

37 f. In addition to the penalties that may apply pursuant to
38 P.L.1960, c.39 (C.56:8-1 et seq.), a pet shop that sells an animal
39 without providing the purchaser with the safety and temperament
40 certification required pursuant to paragraph (2) of subsection a. of
41 this section shall be liable for five times the amount paid for the
42 animal if the animal causes bodily harm to, or death of, another
43 animal or any person following the purchase of the animal as a pet.

44
45 3. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
46 read as follows:

47 6. a. The Department of Health shall establish a registry of
48 animal rescue organizations and their facilities in the State. Any

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

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

15
16 4. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
17 as follows:

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

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

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

- 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 name and address of the veterinarian attending to the
8 animal while the animal is in the custody of the pet shop, and the
9 date of the initial and any subsequent examination of the animal;
- 10 (4) The first and last name of the breeder of the animal, the full
11 street address of where the breeder is doing business, an email
12 address, if available, by which to contact the breeder, the breeder's
13 USDA license number, and, if the breeder is required to be licensed
14 in the state in which the breeder is located, the breeder's state
15 license number;
- 16 (5) If the broker is different from the breeder, the first and last
17 name of the broker of the animal, the full street address of where
18 the broker is doing business, an email address, if available, by
19 which to contact the broker, the USDA license number of the
20 broker, and, if the broker is required to be licensed in the state in
21 which the broker is located, the broker's state license number; and
- 22 (6) The statement "Know Your Rights" in bold type face and no
23 less than 12 point type, followed by the statement in no less than 10
24 point type, "State law requires that every pet shop offering cats or
25 dogs for sale post in a conspicuous location on or near each cat or
26 dog's cage or enclosure the USDA inspection reports for the breeder
27 and broker of each cat or dog for the two years prior to the first day
28 that the cat or dog is offered for sale. If you do not see a required
29 inspection report, please request the report from the pet shop. If you
30 have any concerns, please contact the New Jersey Division of
31 Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-
32 6200. You may also view these and other USDA inspection reports
33 for the breeder and broker of each cat or dog on the USDA Animal
34 and Plant Health Inspection Service (APHIS) website. You are
35 entitled to receive additional information from APHIS about the
36 breeder's or broker's history through the federal Freedom of
37 Information Act."
- 38 Every pet shop offering animals for sale shall also post, in a
39 conspicuous location on or near the cage or enclosure for each
40 animal in the cage or enclosure, the USDA inspection reports for
41 the breeder and the broker of the animal for the two years prior to
42 the first day that the animal is offered for sale by the pet shop.
- 43 The owner or operator of the pet shop shall regularly update the
44 information required to be posted pursuant to this subsection and
45 make changes as necessary to all signage required by this
46 subsection so that the public has access to the correct information at
47 all times.

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

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

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

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

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

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

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

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

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

4 (7) The breeder's state license number, if the breeder is required
5 to be licensed in the state in which the breeder is located, and, if the
6 broker is different from the breeder and the broker is required to be
7 licensed in the state in which the broker is located, the broker's state
8 license number; and

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

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

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

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

47 If the animal becomes sick or dies within 180 days after the date
48 of purchase and a veterinarian certifies, within the 180 days after

1 the date of purchase of the animal by the consumer, that the animal
2 is unfit for sale due to a congenital or hereditary cause or condition,
3 or a sickness brought on by a congenital or hereditary cause or
4 condition, or died from such a cause or condition or sickness, the
5 consumer shall be entitled to the recourse provided in subsection i.
6 of this section.

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

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

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

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

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

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

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

44 j. The veterinarian shall provide to the consumer in writing
45 and within the seven days after the consumer consults with the
46 veterinarian any certification that is appropriate pursuant to this
47 section upon the determination that such certification is appropriate.
48 The certification shall include:

- 1 (1) The name of the owner;
 - 2 (2) The date or dates of examination;
 - 3 (3) The breed, color, sex, and age of the animal;
 - 4 (4) A statement of the findings of the veterinarian;
 - 5 (5) A statement that the veterinarian certifies the animal to be
 - 6 "unfit for purchase";
 - 7 (6) An itemized statement of veterinary fees incurred as of the
 - 8 date of certification;
 - 9 (7) If the animal may be curable, an estimate of the possible cost
 - 10 to cure, or attempt to cure, the animal;
 - 11 (8) If the animal has died, a statement establishing the probable
 - 12 cause of death; and
 - 13 (9) The name and address of the certifying veterinarian and the
 - 14 date of the certification.
- 15 k. Upon the presentation of the veterinarian certification
- 16 required in subsection j. of this section to the pet shop, the
- 17 consumer shall select the recourse to be provided and the owner or
- 18 operator of the pet shop, or the employee thereof, shall confirm the
- 19 selection of recourse in writing. The confirmation of the selection
- 20 shall be signed by the owner or operator of the pet shop, or an
- 21 employee thereof, and the consumer and a copy of the signed
- 22 confirmation shall be given to the consumer and retained by the
- 23 owner or operator of the pet shop, or employee thereof, on the pet
- 24 shop premises. The confirmation of the selection shall be in the
- 25 form established by the director by regulation.
- 26 l. The owner or operator of the pet shop, or an employee
- 27 thereof, shall comply with the selection of recourse by the consumer
- 28 no later than 10 days after the receipt of the veterinarian
- 29 certification and the signed confirmation of selection of recourse
- 30 form. In the event the owner or operator of the pet shop, or an
- 31 employee thereof, wishes to contest the selection of recourse of the
- 32 consumer, the owner or operator of the pet shop, or an employee
- 33 thereof, shall notify the consumer and the director in writing within
- 34 the five days after the receipt of the veterinarian certification and
- 35 the signed confirmation of selection of recourse form. After
- 36 notification to the consumer and the director of the division, the
- 37 owner or operator of the pet shop, or an employee thereof, may
- 38 require the consumer to produce the animal for examination by a
- 39 veterinarian chosen by the owner or operator of the pet shop, or
- 40 employee thereof, at a mutually convenient time and place, except
- 41 if the animal has died and was required to be cremated for public
- 42 health reasons. The director shall set, upon receipt of such notice of
- 43 contest on the part of the owner or operator of the pet shop, or an
- 44 employee thereof, a hearing date and hold a hearing, pursuant to the
- 45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
- 46 1 et seq.) and the Uniform Administrative Procedure Rules adopted
- 47 pursuant thereto, to determine whether the recourse selected by the
- 48 consumer should be allowed. The consumer and the owner or

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

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

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

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

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

26
27 5. This act shall take effect immediately.

30 STATEMENT

31
32 This bill requires every animal rescue organization facility,
33 shelter, pound, and pet shop in the State to establish an animal's
34 health, behavioral, and medical history prior to offering the animal
35 for adoption or sale, as applicable, by obtaining and retaining
36 records of:

37 (1) a complete medical examination by a State licensed
38 veterinarian performed on the animal when the animal is received
39 by the animal rescue organization facility, shelter, or pound and a
40 subsequent medical examination no more than 14 days before the
41 animal is adopted;

42 (2) a complete behavioral and psychological assessment by a
43 certified animal behaviorist, psychologist, or trainer, including a
44 safety and temperament certification verifying that the animal does
45 not appear to exhibit behavior or tendencies that would make the
46 animal dangerous or unsuitable for adoption; and

47 (3) to the extent possible, any information concerning the
48 animal's history, including any dangerous behavior, illnesses,

1 injuries, physical or behavioral abnormalities, history of dangerous
2 behavior, vaccinations received, number, type, and location of
3 homes the animal has had, the reasons the animal left its previous
4 homes, any history of biting, scratching, or attacking people or
5 animals, or any other known health, behavioral, or medical
6 information that may cause concern for a person adopting the
7 animal.

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

15 Under the bill, it would be an unlawful practice and a violation
16 of the State consumer fraud law to fail to comply with the
17 provisions of sections 1 or 2 of the bill, or to post or describe
18 behavioral information about an animal on the Internet without
19 evidence of that behavioral information. Violators of the State
20 consumer fraud law can be subject to fines of up to \$10,000 for a first
21 offense, up to \$20,000 for a second or subsequent offense, and the
22 imposition of treble damages.

23 In addition to the penalties imposed for violating consumer fraud
24 law, if the animal causes bodily harm to, or death of, another animal
25 or any person following the adoption or sale of the animal, and the
26 animal rescue organization, shelter, pound, or pet shop, as
27 applicable, failed to provide the safety and temperament
28 certification required under the bill or knowingly withheld any
29 behavioral information required to be disclosed under the bill, the
30 animal rescue organization, shelter, or pound would be liable for a
31 penalty of five times the adoption fee charged for the animal or a
32 pet shop would be liable for a penalty of five times the purchase
33 price of the animal.

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