

SENATE, No. 874

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

Senator Gill

SYNOPSIS

Prohibits sale of cats, dogs, or rabbits by pet shops; prohibits certain transactions between animal shelters, pounds, animal rescue organizations, and animal breeders or brokers; repeals “Pet Purchase Protection Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 **AN ACT** concerning the adoption of animals and the sourcing of
2 animals to animal shelters, pounds, and animal rescue
3 organizations, supplementing Title 4 of the Revised Statutes,
4 amending P.L.1941, c.151, and repealing various parts of the
5 statutory law.

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

9
10 1. (New section) The Legislature finds and declares that it is an
11 important public policy to support the adoption of homeless animals
12 from animal rescue organizations, animal shelters, and pounds; that
13 consumers have the right to choose responsible breeders from
14 whom to purchase healthy cats, dogs, or rabbits; that despite the
15 consumer protections enacted by the State, pet shops continue to
16 obtain unhealthy cats and dogs from kitten and puppy mills; that
17 with so many adoptable cats and dogs available, it is unnecessary to
18 have pet shops continue to sell cats or dogs; and that rabbits
19 continue to be sold by pet shops in the spring and often end up
20 abandoned at animal rescues, shelters, or pounds.

21 The Legislature furthermore finds and declares that responsible
22 breeders are ones that do not engage in disreputable practices such
23 as selling puppies sight unseen; that responsible dog breeders can
24 play a vital role in the effort to stop the mistreatment that occurs at
25 puppy mills by offering guidance on the humane breeding and care
26 of dogs and puppies, and educate prospective buyers about the
27 importance of humane breeding and care; that responsible breeders
28 are attentive to the health of their animals, scrutinize pedigrees, test
29 for genetic disease, and breed animals in order to improve the
30 health and well-being of offspring in the animal's blood lines; that
31 responsible breeders keep adult animals and the offspring in
32 quarters that allow for optimal exercise; that they feed the animals
33 nutritious foods and provide appropriate general and veterinary
34 care; that they interview prospective owners and sell kittens and
35 puppies with contracts which promise to take back the cat or dog if
36 the new owner cannot continue to care for the animal; that
37 responsible breeders do not raise and keep their animals in
38 inhumane conditions and seldom sell animals to pet stores or ship
39 animals directly via Internet sales; that unlike responsible breeders,
40 commercial kitten and puppy mills do not perform adequate genetic
41 screening, or provide proper housing and veterinary care; that kitten
42 and puppy mills breed large volumes of kittens and puppies and
43 engage in disreputable practices that are harmful to the health of the
44 animals they breed and their offspring; that some puppy mills
45 maintain misleading websites, make false promises, and redirect the

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 public away from responsible breeders; and that while many kitten
2 and puppy mills in the United States are not licensed as required by
3 the United States Department of Agriculture (USDA), even those
4 commercial breeder puppy mills that are licensed by the USDA do
5 not provide humane care because the license only requires minimal
6 standards for animal care and breeding practices.

7 The Legislature therefore determines that it is in the best interest
8 of the citizens of the State to prohibit the sale of cats, dogs, and
9 rabbits by pet shops; that establishing a prohibition would close an
10 avenue to the sale of kitten and puppy mill cats and dogs to
11 consumers; that it is also in the best interest of the citizens of the
12 State to encourage pet shops to facilitate and achieve more
13 successful adoptions by collaborating with animal rescue
14 organizations, shelters, and pounds and showcasing cats and dogs
15 available for adoption; that successful adoptions would be further
16 supported by veterinary examinations and the establishment of
17 animal health histories and animal health certificates for animals
18 being offered for adoption; that responsible breeding would be
19 encouraged by prohibiting breeders and brokers from receiving
20 compensation from pet shops, animal rescue organizations, shelters,
21 or pounds to which the breeders or brokers provide animals; and
22 that it is important to reaffirm consumer rights under consumer
23 fraud laws and hold all pet dealers responsible for the health of the
24 animals they sell.

25
26 2. (New section) As used in P.L. , c. (C.) (pending
27 before the Legislature as this bill):

28 “Animal rescue organization” means an animal rescue
29 organization, as defined in section 1 of P.L.1941, c.151 (C.4:19-
30 15.1), whose primary mission and practice is the placement of
31 abandoned, unwanted, neglected, or abused animals, or is a
32 nonprofit organization established for the purpose of rescuing
33 animals and is exempt from federal taxation pursuant to section
34 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C.
35 s.501(c)(3).

36 “Breeder” means any person, firm, corporation, or organization
37 in the business of breeding cats or dogs.

38 “Broker” means any person, firm, corporation, or organization
39 who transfers a cat or dog for resale by another.

40 “Consumer” means a person purchasing a cat or dog not for the
41 purposes of resale.

42 “Department” means the Department of Health.

43 “Director” means the Director of the Division of Consumer
44 Affairs in the Department of Law and Public Safety.

45 “Division” means the Division of Consumer Affairs in the
46 Department of Law and Public Safety.

47 “Pet dealer” means any person engaged in the ordinary course of
48 business in the sale of cats or dogs to the public for profit or any

1 person who sells or offers for sale more than five cats or dogs in
2 one year. The term “pet dealer” shall not include a pet shop.

3 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,
4 c.151 (C.4:19-15.1).

5 “Pound” means a pound as defined in section 1 of P.L.1941,
6 c.151 (C.4:19-15.1).

7 “Shelter” means an establishment where dogs or other animals
8 are received, housed, and distributed, whose primary mission and
9 practice is the placement of abandoned, unwanted, neglected or
10 abused animals, that does not obtain cats or dogs from a breeder or
11 broker for payment or compensation, and that is either maintained
12 by or under contract with a state, county, or municipality or is a
13 nonprofit organization established for the purpose of sheltering
14 animals and is exempt from federal taxation pursuant to section
15 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C.
16 s.501(c)(3).

17 “Unfit for purchase” means having any disease, deformity,
18 injury, physical condition, illness or defect which is congenital or
19 hereditary and severely affects the health of the animal, or which
20 was manifest, capable of diagnosis or likely contracted on or before
21 the sale and delivery of the animal to the consumer.

22 “Veterinarian” means a veterinarian licensed to practice in the
23 State of New Jersey.

24

25 3. (New section) a. No provision of P.L. , c. (C.)
26 (pending before the Legislature as this bill) shall be construed in
27 any way to alter, diminish, replace, or revoke the requirements for
28 pet dealers that are not pet shops or the rights of a consumer
29 purchasing an animal from a pet dealer that is not a pet shop, as
30 may be provided elsewhere in law or any rule or regulation adopted
31 pursuant thereto. Any provision of law pertaining to pet shops, or
32 rule or regulation adopted pursuant thereto, that does not pertain to
33 the sale of cats, dogs, or rabbits shall continue to apply to pet shops.
34 No provision of P.L. , c. (C.) (pending before the
35 Legislature as this bill) shall be construed in any way to alter,
36 diminish, replace, or revoke any recourse or remedy that is
37 otherwise available to a consumer purchasing a cat, dog, rabbit, or
38 any other type of animal provided under any other law.

39 b. Without limiting the prosecution of any other practices
40 which may be unlawful pursuant to Title 56 of the Revised Statutes,
41 it shall be an unlawful practice and a violation of P.L.1960, c.39
42 (C.56:8-1 et seq.) for any breeder or broker to knowingly sell a cat
43 or dog that is unfit for purchase. The death of an animal within 14
44 days after the date of its delivery to the consumer, except by death
45 by accident or as a result of injuries sustained during that period,
46 shall be construed to mean the animal was unfit for purchase.

1 4. (New section) No animal rescue organization or animal
2 rescue organization facility, pet shop, shelter, or pound may obtain
3 a cat, dog, or rabbit from a breeder or broker in exchange for
4 payment or compensation, monetary or otherwise.

5
6 5. (New section) a. No pet shop shall sell or offer for sale a
7 cat, dog, or rabbit. A pet shop may sell or offer for sale any other
8 type of animal as may be otherwise permitted pursuant to State law,
9 or rules or regulations adopted pursuant thereto, or pet supplies for
10 any type of animal, including a cat, dog, or rabbit.

11 b. A pet shop may, in collaboration with an animal rescue
12 organization, shelter, or pound, offer space in the pet shop to
13 showcase cats, dogs, or rabbits that are available for adoption,
14 provided that no payment or compensation, monetary or otherwise,
15 is exchanged between the pet shop and animal rescue organization,
16 shelter, or pound, for the use of the pet shop or for the adoption of
17 any cat, dog, rabbit, or any other animal.

18
19 6. (New section) No provision of P.L. , c. (C.)
20 (pending before the Legislature as this bill) shall be construed to
21 interfere with the implementation of, or otherwise invalidate, or
22 limit or restrict any municipality, county, local health agency, or
23 municipal or county board of health from enacting or enforcing, any
24 law, ordinance, rule, or regulation that places additional obligations
25 or restrictions on pet shops, pet shop sales, breeders, brokers, or
26 breeder or broker sales.

27
28 7. (New section) a. In addition to any applicable requirements
29 pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16) or section
30 6 of P.L.2011, c.142 (C.4:19-15.33), when an animal first becomes
31 available for adoption, the owner or operator of an animal rescue
32 organization facility, shelter, pound, or employee thereof, or, if a
33 pet shop is showcasing the animals for adoption, the owner or
34 operator of the pet shop, or employee thereof, shall have the animal
35 examined by a veterinarian licensed to practice in the State.

36 b. The veterinarian shall establish and issue an animal health
37 history and animal health certificate based on the examination
38 required pursuant to subsection a. of this section. The animal health
39 history and animal health certificate shall document the name and
40 address of the examining veterinarian and the health and condition
41 of the animal:

42 (1) identifying any disease, deformity, injury, physical condition,
43 illness or defect which was manifest, capable of diagnosis, or
44 severely affects the health of the animal on or before the date of the
45 examination; and

46 (2) documenting any suspected congenital or hereditary disease,
47 deformity, injury, physical condition, illness or defect that may not

1 be fully manifest in the animal on the date of the examination but
2 may severely affect the health of the animal in the future.

3 c. If the animal is not adopted within 14 days after the initial
4 veterinarian examination is performed pursuant to subsection a. of
5 this section, the owner or operator of an animal rescue organization
6 facility, shelter, pound, or employee thereof, or if a pet shop is
7 showcasing the animals for adoption, the owner or operator of the
8 pet shop, or employee thereof, shall have the animal re-examined by
9 a veterinarian licensed to practice in the State, and the veterinarian
10 shall update the animal health history and animal health certificate
11 accordingly, no more than five days before releasing the animal to
12 an adoptive owner.

13 d. An animal rescue organization, shelter, or pound providing
14 an animal for adoption, or a pet shop that is showcasing the
15 adoptions and providing for the veterinarian examination required
16 pursuant to subsection b. of this section, may charge the adoptive
17 owner a reasonable fee to defray the cost of the examination and
18 issuance of the animal health history and animal health certificate
19 by the veterinarian. A copy of the current animal health history and
20 animal health certificate for the animal shall be provided to the
21 adoptive owner.

22
23 8. (New section) In addition to any penalties imposed pursuant
24 to the State consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.),
25 any person who violates P.L. , c. (C.) (pending before the
26 Legislature as this bill), including, but not limited to, any owner or
27 operator who fails to provide information or provides false
28 information pursuant to the requirements of P.L. , c. (C.)
29 (pending before the Legislature as this bill), shall be subject to a
30 fine of \$500 for each violation, to be collected by the division in a
31 civil action by a summary proceeding under the "Penalty
32 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

33
34 9. (New section) The Department of Health may adopt,
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.), any rules or regulations necessary for the
37 implementation of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39
40 10. (New section) The Director of the Division of Consumer
41 Affairs in the Department of Law and Public Safety may adopt,
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
43 (C.52:14B-1 et seq.), any rules or regulations necessary for the
44 implementation of P.L. , c. (C.) (pending before the
45 Legislature as this bill).

46
47 11. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
48 read as follows:

1 8. a. Any person who keeps or operates or proposes to
2 establish a kennel, a pet shop, a shelter or a pound shall apply to the
3 clerk or other official designated to license dogs in the municipality
4 where such establishment is located, for a license entitling **【him】**
5 the licensee to keep or operate such establishment.

6 The application shall describe the premises where the
7 establishment is located or is proposed to be located, the purpose or
8 purposes for which it is to be maintained, and shall be accompanied
9 by the written approval of the local municipal and health authorities
10 showing compliance with the local and State rules and regulations
11 governing location of and sanitation at such establishments,
12 provided that any license for a pet shop issued or renewed on or
13 after the effective date of P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall not permit the pet shop to sell cats,
15 dogs, or rabbits.

16 b. All licenses issued for a kennel, pet shop, shelter, or pound
17 shall state the purpose for which the establishment is maintained,
18 and all licenses shall expire on the last day of June of each year, and
19 be subject to revocation by the municipality on recommendation of
20 the Department of Health or the local board of health for failure to
21 comply with the rules and regulations of the State department or
22 local board governing the same, after the owner has been afforded a
23 hearing by either the State department or local board **【**, except as
24 provided in subsection c. of this section**】**.

25 Any person holding a license shall not be required to secure
26 individual licenses for dogs owned by a licensee and kept at the
27 establishments; the licenses shall not be transferable to another
28 owner or different premises.

29 c. **【**The license for a pet shop shall be subject to review by the
30 municipality, upon recommendation by the Department of Health or
31 the local health authority for failure by the pet shop to comply with
32 the rules and regulations of the State department or local health
33 authority governing pet shops or if the pet shop meets the criteria
34 for recommended suspension or revocation provided under
35 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after
36 the owner of the pet shop has been afforded a hearing pursuant to
37 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

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

46 (Deleted by amendment, P.L. , c.) (pending before the
47 Legislature as this bill)

1 d. The municipality may issue a license for a pet shop that
2 permits the pet shop to sell pet supplies for all types of animals,
3 including cats ~~and~~, dogs, and rabbits, and sell animals other than
4 cats ~~and~~, dogs ~~but restricts the pet shop from selling cats or~~
5 dogs, or both, and rabbits.

6 e. ~~Every pet shop licensed in the State shall submit annually~~
7 ~~and no later than May 1 of each year records of the total number of~~
8 ~~cats and dogs, respectively, sold by the pet shop each year to the~~
9 ~~municipality in which it is located, and the municipality shall~~
10 ~~provide this information to the local health authority.~~ (Deleted by
11 amendment, P.L. , c.) (pending before the Legislature as this
12 bill)

13 f. The license for a kennel, pet shop, shelter, or pound may be
14 subject to review for suspension or revocation if the kennel, pet
15 shop, shelter, or pound fails to comply with the rules and
16 regulations governing the sanitary conduct and operation of
17 kennels, pet shop shelter, or pound adopted pursuant to P.L.1941,
18 c.151 (C.4:19-15.14) or the provisions of P.L. , c. (C.)
19 (pending before the Legislature as this bill) that are applicable to
20 the facility. No license shall be suspended or revoked without a
21 hearing.

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

23
24 12. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to
25 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) shall offer the animal for adoption for at least seven days
32 before euthanizing it; or

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

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

43 g. If the owner or the person charged with the care of the
44 animal seeks to claim it within seven days, or after the seven days
45 have elapsed but before the animal has been adopted or euthanized,
46 the shelter, pound, or kennel operating as a shelter or pound:

47 (1) shall, in the case of a cat or dog, release it to the owner or
48 person charged with its care, provided the owner or person charged

1 with the care of the animal provides proof of ownership, which may
2 include a valid cat or dog license, registration, rabies inoculation
3 certificate, or documentation from the owner's veterinarian that the
4 cat or dog has received regular care from that veterinarian;

5 (2) may, in the case of a cat or dog, charge the cost of sterilizing
6 the cat or dog, if the owner requests such sterilizing when claiming
7 it; and

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

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

23 i. Prior to the release of a cat or dog to an adoptive owner, the
24 shelter or pound shall comply with the requirements of section 7 of
25 P.L. , c. (C.) (pending before the Legislature as this bill)
26 and shall provide the adoptive owner with a copy of the current
27 animal health history and animal health certificate issued pursuant
28 thereto. At the time of adoption, the right of ownership in the
29 animal shall transfer to the new owner. No dog or other animal
30 taken into custody, impounded, sent or otherwise brought to a
31 shelter, pound, or kennel operating as a shelter or pound shall be
32 sold or otherwise be made available for the purpose of
33 experimentation. Any person who sells or otherwise makes
34 available any such dog or other animal for the purpose of
35 experimentation shall be guilty of a crime of the fourth degree.

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

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

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

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

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

13
14 13. Section 6 of P.L.2011, c.142 (C.4:19-15.33) is amended to
15 read as follows:

16 6. a. The Department of Health shall establish a registry of
17 animal rescue organizations and their facilities in the State. **【Any】**
18 Every animal rescue organization **【may voluntarily participate in**
19 **the registry】** operating in the State shall register with the
20 department.

21 b. The department, pursuant to the “Administrative Procedure
22 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), **【may】** shall adopt rules
23 and regulations for the operation of animal rescue organization
24 facilities, and any rules and regulations determined necessary to
25 implement the **【voluntary】** registry , the provisions of P.L. _____,
26 c. (C. _____) (pending before the Legislature as this bill),
27 **【establish】** and to coordinate 【its】 the use of the registry and
28 implementation of P.L. _____, c. (C. _____) (pending before the
29 Legislature as this bill) with the provisions of P.L.2011, c.142
30 (C.4:19-15.30 et al.) and section 16 of P.L.1941, c.151 (C.4:19-
31 15.16).

32 c. The Department of Health shall establish and provide on the
33 department’s website a contact telephone number and email address
34 for contacting the department with concerns and questions in
35 regards to animal rescue organizations and their facilities in the
36 State.

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

38
39 14. The following sections are repealed: Sections 1 through 5,
40 and section 7 of P.L.1999, c.331 (C.56:8-92 through C.56:8-95,
41 C.56:8-96, and C.56:8-97); and sections 3 through 5 of P.L.2015,
42 c.7 (C.56:8-95.1 through C.56:8-95.3).

43
44 15. This act shall take effect immediately.

STATEMENT

This bill repeals the “Pet Purchase Protection Act,” P.L.1999, c.336 (C.56:8-92 et seq.) and replaces it with a prohibition on the sale of cats, dogs, and rabbits by pet shops. The bill also imposes several other requirements concerning the sale and adoption of animals.

The bill provides that, without limiting the prosecution of any other practices which may be unlawful pursuant to State consumer fraud laws, it would be an unlawful practice and a violation of State consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.), for any breeder or broker to knowingly sell a cat or dog that is unfit for purchase. The bill defines “unfit for purchase” as having any disease, deformity, injury, physical condition, illness or defect which is congenital or hereditary and severely affects the health of the animal, or which was manifest, capable of diagnosis or likely contracted on or before the sale and delivery of the animal to the consumer. The bill specifies that the death of an animal within 14 days of its delivery to the consumer, except by death by accident or as a result of injuries sustained during that period, would be construed to mean the animal was unfit for purchase.

The bill establishes a prohibition on the sale of cats, dogs, or rabbits by pet shops. The bill authorizes a pet shop to:

1) sell or offer for sale any other type of animal as may be otherwise permitted pursuant to State law or regulation, or sell or offer for sale pet supplies for any type of animal, including a cat, dog, or rabbit, if it is licensed by its municipality to do so; and

2) offer, in collaboration with an animal rescue organization, shelter, or pound, space in the pet shop to showcase cats, dogs, and rabbits that are available for adoption, provided that no payment or compensation, monetary or otherwise, is exchanged between the pet shop and animal rescue organization, shelter, or pound, for the use of the pet shop or for the adoption of any cat, dog, rabbit, or any other animal.

The bill prohibits animal rescue organizations, animal rescue organization facilities, pet shops, shelters, or pounds from obtaining a cat, dog, or rabbit from a breeder or broker in exchange for any type of compensation.

The bill establishes additional requirements concerning animal adoptions.

The bill requires that, when the animal is first available for adoption, the animal be examined by a veterinarian. The veterinarian is required to establish an animal health history and issue an animal health certificate based on the examination that documents the name and address of the examining veterinarian and the health and condition of the animal, including the health information specified in subsection b. of section 7 of the bill.

1 The bill requires the animal be re-examined and the history and
2 certificate updated accordingly if the animal is not adopted within
3 14 days after the initial veterinary examination, but no more than
4 five days before the animal is released to the adoptive owner. The
5 bill requires that the adoptive owner receive a copy of the current
6 animal health history and animal health certificate of the animal.
7 The bill also authorizes charging the adoptive owner a reasonable
8 fee to defray the costs of the examination and the issuance of the
9 animal health history and animal health certificate of the animal.

10 The bill specifies that:

11 1) no provision of the bill can be construed to alter, diminish,
12 replace, or revoke the requirements for pet dealers that are not pet
13 shops or the rights of a consumer purchasing an animal from a pet
14 dealer that is not a pet shop, as may be provided elsewhere in law or
15 any rule or regulation;

16 2) any provision of law or regulation pertaining to pet shops that
17 does not pertain to the sale of cats, dogs, or rabbits would continue
18 to apply to pet shops; and

19 3) no provision of the bill can be construed to alter, diminish,
20 replace, or revoke any recourse or remedy that is otherwise
21 available to a consumer purchasing a cat, dog, rabbit, or any other
22 type of animal and provided under any other law.

23 The bill specifies that the bill's provisions cannot be construed to
24 interfere with the implementation of, or otherwise invalidate, or
25 limit or restrict any municipality, county, local health agency, or
26 municipal or county board of health from enacting or enforcing, any
27 law, ordinance, rule, or regulation that places additional obligations
28 or restrictions on pet shops, pet shop sales, breeders, brokers, or
29 breeder or broker sales.

30 The bill establishes, in addition to any penalties imposed
31 pursuant to the State consumer fraud law, a fine of \$500 for each
32 violation of the bill, including failing to provide required
33 information or providing false information, to be collected in a civil
34 action under the "Penalty Enforcement Law of 1999," P.L.1999,
35 c.274 (C.2A:58-10 et seq.).

36 Finally, the bill authorizes the Department of Health and the
37 Director of the Division of Consumer Affairs in the Department of
38 Law and Public Safety to adopt any rules or regulations necessary
39 to implement the bill's provisions.