

CHAPTER 7

AN ACT concerning the sale of cats and dogs, and amending and supplementing P.L.1999, c.336.

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

1. Section 2 of P.L.1999, c.336 (C.56:8-93) is amended to read as follows:

C.56:8-93 Definitions relative to sales of cats and dogs.

2. As used in P.L.1999, c.336 (C.56:8-92 et al.):

"Animal" means a cat or dog.

"Breeder" means any person, firm, corporation, or organization in the business of breeding cats or dogs.

"Broker" means any person, firm, corporation, or organization who sells a cat or dog to a pet shop, whether or not the broker is also the breeder of the cat or dog.

"Consumer" means a person purchasing a cat or dog not for the purposes of resale.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Pet dealer" means any person engaged in the ordinary course of business in the sale of cats or dogs to the public for profit or any person who sells or offers for sale more than five cats or dogs in one year.

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

"Quarantine" means to hold in segregation from the general population any cat or dog because of the presence or suspected presence of a contagious or infectious disease.

"Unfit for purchase" means 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 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, shall mean the animal was unfit for purchase.

"USDA" means the United States Department of Agriculture.

"USDA license number" means the license number issued to a breeder or broker by the United States Department of Agriculture pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or any rules or regulations adopted pursuant thereto.

"Veterinarian" means a veterinarian licensed to practice in the State of New Jersey.

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

C.56:8-95 Noncompliance by pet shop considered deceptive practice.

4. a. Notwithstanding the provisions of any rule or regulation adopted pursuant to Title 56 of the Revised Statutes as such provisions are applied to pet shops, and without limiting the prosecution of any other practices which may be unlawful pursuant to Title 56 of the Revised Statutes, it shall be a deceptive practice for any owner or operator of a pet shop, or employee thereof, to sell animals within the State without complying with the provisions and requirements of this section and section 3 of P.L.2015, c.7 (C.56:8-95.1).

b. Within five days prior to the offering for sale of any animal, the owner or operator of a pet shop, or employee thereof, shall have the animal examined by a veterinarian licensed to

practice in the State. The name and address of the examining veterinarian, together with the findings made and treatment, if any, ordered as a result of the examination, shall be noted on the animal history and health certificate for each animal as required by regulations adopted pursuant to Title 56 of the Revised Statutes. If 14 days have passed since the last veterinarian examination of the animal, the owner or operator of the pet shop, or employee thereof, shall have the animal reexamined by a veterinarian licensed to practice in the State as provided for in subsection g. of this section, except as otherwise provided in that subsection.

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

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

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

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

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

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

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

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

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

d. The owner or operator of a pet shop, or employee thereof, shall quarantine any animal diagnosed as suffering from a contagious or infectious disease, illness, or condition and may not sell such an animal until such time as a veterinarian licensed to practice in the State treats the animal and determines that such animal is free of clinical signs of infectious disease or that the animal is fit for sale. All animals required to be quarantined pursuant to this

subsection shall be placed in a quarantine area, separated from the general animal population of the pet shop.

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

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

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

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

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

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

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

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

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

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

The owner or operator of the pet shop, or an employee thereof, shall obtain the signature of the consumer on the form and shall also sign and date the form at the time of purchase of an animal by the consumer, and shall provide the consumer with a signed copy of the form and retain a copy of the form on the pet shop premises. Copies of all such notices shall be readily available for inspection by an authorized representative of the Division of Consumer

Affairs, upon request. No pet shop owner or operator, or employee thereof, may construe or use the signed notification form required pursuant to this subsection as an abdication of the right to recourse provided for in subsection i., or as a selection of recourse pursuant to subsection k. of this section.

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

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

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

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

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

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

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

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

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

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

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

- (1) The name of the owner;
- (2) The date or dates of examination;
- (3) The breed, color, sex, and age of the animal;
- (4) A statement of the findings of the veterinarian;
- (5) A statement that the veterinarian certifies the animal to be "unfit for purchase";
- (6) An itemized statement of veterinary fees incurred as of the date of certification;
- (7) If the animal may be curable, an estimate of the possible cost to cure, or attempt to cure, the animal;
- (8) If the animal has died, a statement establishing the probable cause of death; and
- (9) The name and address of the certifying veterinarian and the date of the certification.

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

l. The owner or operator of the pet shop, or an employee thereof, shall comply with the selection of recourse by the consumer no later than 10 days after the receipt of the veterinarian certification and the signed confirmation of selection of recourse form. In the event the owner or operator of the pet shop, or an employee thereof, wishes to contest the selection of recourse of the consumer, the owner or operator of the pet shop, or an employee thereof, shall notify the consumer and the director in writing within the five days after the receipt of the veterinarian certification and the signed confirmation of selection of recourse form. After notification to the consumer and the director of the division, the owner or operator of the pet shop, or an employee thereof, may require the consumer to produce the animal for examination by a veterinarian chosen by the owner or operator of the pet shop, or employee thereof, at a mutually convenient time and place, except if the animal has died and was required to be cremated for public health reasons. The director shall set, upon receipt of such notice of contest on the part of the owner or operator of the pet shop, or an employee thereof, a hearing date and hold a hearing, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and the Uniform Administrative Procedure Rules adopted pursuant thereto, to determine whether the recourse selected by the consumer should be allowed. The consumer and the owner or operator of the pet shop, or employee thereof, shall be entitled to any appeal of the decision resulting from the hearing as may be provided for under the law, or any rule or regulation adopted pursuant thereto, but upon the exhaustion of such remedies and recourse, the consumer and the owner or operator of the pet shop shall comply with the final decision rendered.

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

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

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

C.56:8-95.1 Certain animals offered by breeder, broker, prohibited sale by pet shop.

3. a. No pet shop shall sell or offer for sale, or purchase for resale whether or not actually offered for sale by the pet shop, any animal purchased from any breeder or broker who:

(1) is not in compliance with the requirements concerning the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established in rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14) at the time of purchase of the animal by the pet shop;

(2) is not in possession of a current license issued by the USDA pursuant to 9 C.F.R. s.1.1 et seq.;

(3) is not in possession of all other licenses required for a breeder or broker by the state in which the breeder or broker is located;

(4) has been cited on a USDA inspection report for a direct violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase of the animal by the pet shop;

(5) has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9 of the Code of Federal Regulations;

(6) is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq.; or

(7) directly or indirectly obtained the animal from a breeder, broker, or other person, firm, corporation, or organization to whom paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

b. Nothing in this subsection shall be construed as prohibiting or otherwise preventing a pet shop from:

(1) purchasing for resale or adoption, selling, or offering for adoption, an animal purchased or otherwise obtained from –

(a) a publicly operated animal control facility,

(b) an animal rescue organization or pound as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1), or

(c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) whose primary mission and practice is the placement of abandoned, unwanted, neglected, or abused animals and that is also a tax exempt organization under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501), or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended; or

(2) transferring adopted animals to or from any entity enumerated in paragraph (1) of this subsection or to or from any pet shop.

c. Every pet shop shall submit, annually and no later than May 1 of each year, a report to the municipality in which it is located and licensed, providing:

(1) the name, full street address, email address, if available, and USDA license number of

(a) any breeder from which the pet shop purchased an animal, whether or not the pet shop offered the animal for sale,

(b) any breeder that bred an animal that the pet shop purchased from a broker, whether or not the pet shop offered the animal for sale, and

(c) any broker from which the pet shop purchased an animal, whether or not the pet shop offered the animal for sale;

(2) if a breeder whose identity the pet shop is required to report pursuant to subparagraph (a) or (b) of paragraph (1) of this subsection is required to be licensed in the state in which the breeder is located, the breeder's state license number;

(3) if a broker whose identity the pet shop is required to report pursuant to subparagraph (c) of paragraph (1) of this subsection is different from any breeder whose identity the pet shop is required to report pursuant to subparagraph (a) or (b) of paragraph (1) of this subsection, and the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and

(4) the total number of animals for each breeder and broker for which the pet shop has reporting requirements pursuant to subparagraphs (a), (b), and (c) of paragraph (1) of this subsection.

C.56:8-95.2 Construction of act.

4. No provision of P.L.2015, c.7 (C.56:8-95.1 et al.) shall be construed to limit or restrict any municipality, county, local health agency, or municipal or county board of health from enacting or enforcing, or interfere with the implementation of, or otherwise invalidate, any law, ordinance, rule, or regulation that places additional obligations on pet shops or restrictions on pet shops or pet shop sales.

C.56:8-95.3 Violations, penalties.

5. Any person who violates subsection c. of section 4 of P.L.1999, c.336 (C.56:8-95) or section 3 of P.L.2015, c.7 (C.56:8-95.1), and any owner or operator who fails to provide information or provides false information pursuant to the requirements of subsection f. of section 4 of P.L.1999, c.336 (C.56:8-95), shall be subject to a fine of \$500 for each violation, to be collected by the division in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

6. This act shall take effect on the first day of the fourth month following the date of enactment.

Approved February 5, 2015.