

§§1-5,7 -
C.56:8-92
to 56:8-97
§8 - Note to
§§1-7

P.L. 1999, CHAPTER 336, *approved January 10, 2000*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 960

1 AN ACT concerning the sale of cats and dogs, supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.) and amending P.L.1941, c. 151.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) This act shall be known and may be cited as the
8 "Pet Purchase Protection Act."

9
10 2. (New section) As used in sections 1 through 5 of this act:

11 "Animal" means a cat or dog;

12 "Consumer" means a person purchasing a cat or dog;

13 "Director" means the Director of the Division of Consumer Affairs
14 in the Department of Law and Public Safety;

15 "Division" means the Division of Consumer Affairs in the
16 Department of Law and Public Safety;

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

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

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

26 "Unfit for purchase" means any disease, deformity, injury, physical
27 condition, illness or defect which is congenital or hereditary and
28 severely affects the health of the animal, or which was manifest,
29 capable of diagnosis or likely contracted on or before the sale and
30 delivery of the animal to the consumer. The death of an animal within
31 14 days of its delivery to the consumer, except by death by accident or
32 as a result of injuries sustained during that period, shall mean the
33 animal was unfit for purchase; and

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 10, 1999.

1 3. (New section) No provision of this act shall be construed in
2 any way to alter, diminish, replace, or revoke the requirements for pet
3 dealers that are not pet shops or the rights of a consumer purchasing
4 an animal from a pet dealer that is not a pet shop, as may be provided
5 elsewhere in law or any rule or regulation adopted pursuant thereto.
6 Except as provided in section 4 and section 5 of P.L. , c.
7 (C.)(now before the Legislature as this bill), any provision of law
8 pertaining to pet shops, or rule or regulation adopted pursuant thereto,
9 shall continue to apply to pet shops. ¹ No provision of this act shall be
10 construed in any way to alter, diminish, replace, or revoke any
11 recourse or remedy that is otherwise available to a consumer
12 purchasing a cat or a dog from a pet shop under any other law.¹
13

14 4. (New section) a. Notwithstanding the provisions of any rule
15 or regulation adopted pursuant to Title 56 of the Revised Statutes as
16 such provisions are applied to pet shops, and without limiting the
17 prosecution of any other practices which may be unlawful pursuant to
18 Title 56 of the Revised Statutes, it shall be a deceptive practice for any
19 owner or operator of a pet shop, or employee thereof, to sell animals
20 within the State without complying with the ¹ **【**minimum standards
21 provided in this section relating to the health of animals and fitness for
22 sale and purchase**】** provisions and requirements of this section¹ .

23 b. ¹ **【**Prior**】** Within five days prior to the offering for sale¹ of any
24 animal, the owner or operator of a pet shop, or employee thereof, shall
25 have the animal examined by a veterinarian licensed to practice in the
26 State. The name and address of the examining veterinarian, together
27 with the findings made and treatment, if any, ordered as a result of the
28 examination, shall be noted on the animal history and health certificate
29 for each animal as required by regulations adopted pursuant to Title
30 56 of the Revised Statutes. ¹ If fourteen days have passed since the last
31 veterinarian examination of the animal, the owner or operator of the
32 pet shop, or employee thereof, shall have the animal reexamined by a
33 veterinarian licensed to practice in the State as provided for in
34 subsection g. of this section, except as otherwise provided in that
35 subsection.¹

36 c. Each cage in a pet shop shall have a label identifying the sex and
37 breed of each animal kept in the cage, the date and place of birth of
38 each animal, and the name and address of the veterinarian attending to
39 the animal and the date of the initial examination of the animal.

40 d. The owner or operator of a pet shop, or employee thereof, shall
41 quarantine any animal diagnosed as suffering from a contagious or
42 infectious disease, illness, or condition and may not sell such an animal
43 until such time as a veterinarian ¹ licensed to practice in the State treats
44 the animal and¹ determines that such animal is free of clinical signs of
45 infectious disease or that the animal is fit for sale. All animals required
46 to be quarantined pursuant to this subsection shall be placed in a

1 quarantine area, separated from the general animal population of the
2 pet shop.

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

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

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

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

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

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

36 (5) The notification ¹**[requirements]**, reporting¹ and enforcement
37 provisions provided in section 5 of P.L. , c. (C.)(now
38 pending before the Legislature as this bill), including the name and
39 address of the local health authority with jurisdiction over the pet
40 shop.

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

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

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

16 h. If at any time within ¹~~the~~¹ 14 days after the sale and delivery
17 of an animal to a consumer, the animal becomes sick or dies ¹~~the~~¹
18 consumer is entitled to the recourse described in subsection i. of this
19 section, if ~~and~~¹ a veterinarian certifies, within ¹~~21~~¹ the 14¹ days
20 after the date of purchase of the animal by the consumer, ¹~~that~~¹ the
21 animal is unfit for purchase due to a non-congenital cause or
22 condition, or that the animal died from causes other than an accident
23 ¹~~].~~¹ Within the 14 days after the sale and delivery of the animal, the
24 consumer is required to notify the owner or operator of the pet shop
25 where the animal was purchased, or an employee thereof, and consult
26 a veterinarian, but the veterinarian shall have up to seven days to
27 complete the veterinarian certification and send it to the consumer.
28 The consumer is required to deliver the veterinarian certification to the
29 owner or operator of the pet shop where the animal was purchased, or
30 an employee thereof, within the five days after receipt of the
31 veterinarian certification], the consumer is entitled to the recourse
32 described in subsection i. of this section¹.

33 If the animal becomes sick or dies within 180 days after the date
34 of purchase ¹~~],~~¹ the consumer shall be entitled to the recourse provided
35 in subsection i. of this section, if ~~and~~¹ a veterinarian certifies, within
36 ¹~~187~~¹ the 180¹ days after the date of purchase of the animal by the
37 consumer, that the animal is unfit for sale due to a congenital or
38 hereditary cause or condition, or a sickness brought on by a congenital
39 or hereditary cause or condition, or died from ¹~~either~~¹ such a cause
40 or condition or sickness ¹~~].~~¹ Within the 180 days after the sale and
41 delivery of the animal, the consumer is required to notify the owner or
42 operator of the pet shop where the animal was purchased, or an
43 employee thereof, and consult a veterinarian, but the veterinarian shall
44 have up to seven days to complete the veterinarian certification and
45 send it to the consumer. The consumer is required to deliver the

1 veterinarian certification to the owner or operator of the pet shop
2 where the animal was purchased, or an employee thereof, within the
3 five days after receipt of the veterinarian certification~~], the consumer~~
4 shall be entitled to the recourse provided in subsection i. of this
5 section¹ .

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

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

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

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

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

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

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

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

1 shall include:

2 (1) The name of the owner;

3 (2) The date or dates of examination;

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

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

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

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

10 (7) If the animal may be curable, ¹ **the estimated fee** an estimate
11 of the possible cost¹ to cure, or attempt to cure, the animal;

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

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

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

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

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

8 m. Any owner or operator of a pet shop, or employee thereof,
9 shall be guilty of a deceptive practice if the owner or operator, or
10 employee thereof, secures or attempts to secure a waiver of any of the
11 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 any
14 recourse or reimbursement due to a consumer because of violations of
15 any provisions of this section by the owner or operator of the pet
16 shop, or any employee thereof, or because of any document signed
17 pursuant to this section by the owner or operator of the pet shop, or
18 any employee thereof.

19

20 5. (New section) a. Any consumer who purchases from a pet
21 shop an animal that becomes sick or dies after the date of purchase
22 may take the sick or dead animal to a veterinarian within the period of
23 time required pursuant to the notification form provided upon the date
24 of purchase, receive certification from the veterinarian of the health
25 and condition of the animal, and pursue the recourse provided for
26 under the circumstances indicated by the veterinarian certification ¹,
27 as required and provided for¹ pursuant to section 4 of P.L. , c.
28 (C.)(now before the Legislature as this bill). ¹**【The veterinarian**
29 **shall have seven days after the consumer delivers the animal for**
30 **examination to provide the certification to the consumer.】¹**

31 b. Upon receipt of the certification from the veterinarian, the
32 consumer may report the sickness or death of the animal and the pet
33 shop where the animal was purchased to the local health authority with
34 jurisdiction over the municipality in which the pet shop where the
35 animal was purchased is located, and to the ¹**【director】** Director of the
36 Division of Consumer Affairs in the Department of Law and Public
37 Safety¹. The consumer shall provide a copy of the veterinarian
38 certificate with any such report. The director shall forward to the
39 appropriate local health authority a copy of any such report the
40 division receives. ¹The local health authority shall record and retain
41 the records of any such report and documentation submitted by a
42 consumer.¹

43 c. ¹**【The local health authority shall record and retain the records**
44 **of any such report and documentation submitted by a consumer.】¹** By
45 the May 1 immediately following the effective date of this act, and
46 annually thereafter, the local health authority with jurisdiction over

1 pet shops shall review any files it has concerning ¹~~【veterinarian】~~¹
2 reports ¹filed pursuant to subsection b. of this section¹ and shall
3 recommend to the municipality in which the pet shop is located the
4 revocation of the license of any pet shop ¹~~【that within one year has~~
5 ~~been named in:~~

6 (1) 30 or more reports of animals returned because of sickness
7 from non-congenital causes;

8 (2) 10 or more reports of deaths of animals from non-congenital
9 causes;

10 (3) 10 or more reports of animals returned because of sickness
11 from congenital disease, defect or condition, or a sickness brought on
12 by a congenital disease, defect or condition; or

13 (4) 5 or more reports of deaths of animals from congenital disease,
14 defect or condition, or a sickness brought on by a congenital disease,
15 defect or condition. ~~】 with reports filed as follows:~~

16 (1) 15% of the total number of animals sold in a year by the pet
17 shop were certified by a veterinarian to be unfit for purchase due to
18 congenital or hereditary cause or condition, or a sickness brought on
19 by a congenital or hereditary cause or condition;

20 (2) 25% of the total number of animals sold in a year by the pet
21 shop were certified by a veterinarian to be unfit for purchase due to a
22 non-congenital cause or condition;

23 (3) 10% of the total number of animals sold in a year by the pet
24 shop died and were certified by a veterinarian to have died from a non-
25 congenital cause or condition; or

26 (4) 5% of the total number of animals sold in a year by the pet
27 shop died and were certified by a veterinarian to have died from a
28 congenital or hereditary cause or condition, or a sickness brought on
29 by a congenital or hereditary cause or condition.

30 d. By the May 1 immediately following the effective date of this
31 act, and annually thereafter, the local health authority with jurisdiction
32 over pet shops shall review any files it has concerning reports filed
33 pursuant to subsection b. of this section and shall recommend to the
34 municipality in which the pet shop is located a 90-day suspension of
35 the license of any pet shop with reports filed as follows:

36 (1) 10% of the total number of animals sold in a year by the pet
37 shop were certified by a veterinarian to be unfit for purchase due to
38 congenital or hereditary cause or condition, or a sickness brought on
39 by a congenital or hereditary cause or condition;

40 (2) 15% of the total number of animals sold in a year by the pet
41 shop were certified by a veterinarian to be unfit for purchase due to a
42 non-congenital cause or condition;

43 (3) 5% of the total number of animals sold in a year by the pet
44 shop died and were certified by a veterinarian to have died from a non-
45 congenital cause or condition; or

46 (4) 3% of the total number of animals sold in a year by the pet

1 shop died and were certified by a veterinarian to have died from a
2 congenital or hereditary cause or condition, or a sickness brought on
3 by a congenital or hereditary cause or condition.

4 e.¹ Pursuant to the authority and requirements provided in section
5 8 of P.L.1941, c.151 (C.4:19-15.8), the owner of the pet shop shall be
6 afforded a hearing and ¹**[the]**, upon the recommendation by the local
7 health authority pursuant to subsection c. or d. of this section, the
8 local health authority, in consultation with the State Department of
9 Health and Senior Services, shall set a date for the hearing to be held
10 by the local health authority or the State Department of Health and
11 Senior Services and shall notify the pet shop involved. The¹
12 municipality may ¹suspend or¹ revoke the license, or part thereof, that
13 authorizes the pet shop to sell cats or dogs after such hearing has been
14 held ¹**[.]** and as provided in section 8 of P.L.1941, c.151 (C.4:19-
15 15.8). At the hearing, the local health authority or the State
16 Department of Health and Senior Services, whichever entity is holding
17 the hearing, shall receive testimony from the pet shop and shall
18 determine if the pet shop: (1) failed to maintain proper hygiene and
19 exercise reasonable care in safeguarding the health of animals in its
20 custody, or (2) sold a substantial number of animals that the pet shop
21 knew, or reasonably should have known, to be unfit for purchase.

22 f. No provision of subsection c. shall be construed to restrict the
23 local health authority or the State Department of Health and Senior
24 Services from holding a hearing concerning any pet shop in the State
25 irrespective of the criteria for recommendation of license suspension
26 or revocation named in subsection c. or d., or from recommending to
27 a municipality the suspension or revocation of the license of a pet shop
28 within its jurisdiction for other violations under other sections of law,
29 or rules and regulations adopted pursuant thereto.

30 g.¹ No action taken by the local health authority or municipality
31 ¹pursuant to this section or section 8 of P.L.1941, c.151 (C.4:19-
32 15.8)¹ shall be construed to limit or replace any action, hearing or
33 review of complaints concerning the pet shop by the Division of
34 Consumer Affairs in the Department of Law and Public Safety to
35 enforce consumer fraud laws or other protections to which the
36 consumer is entitled.

37 ¹**[d.]** h.¹ The requirements of this section shall be posted in a
38 prominent place in each pet shop in the State along with the name,
39 address and telephone number of the local health authority that has
40 jurisdiction over the pet shop, and this information shall be provided
41 in writing at the time of purchase to each consumer and to each
42 licensed veterinarian contracted for services by the pet shop upon
43 contracting the veterinarian.

44 ¹**[e.]** i.¹ The Director of the Division of Consumer Affairs may
45 investigate and pursue enforcement against any pet shop reported by
46 a consumer pursuant to subsection b. of this section.

1 6. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to read
2 as follows:

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

8 The application shall describe the premises where the establishment
9 is located or is proposed to be located, the purpose or purposes for
10 which it is to be maintained, and shall be accompanied by the written
11 approval of the local municipal and health authorities showing
12 compliance with the local and States rules and regulations governing
13 location of and sanitation at such establishments.

14 ¹[Prior to issuing a license, the clerk or other official designated
15 shall determine if the local health authority has records on the
16 applicant pursuant to section 5 of P.L. , c. (C.)(now pending
17 before the Legislature as this bill) and may deny the applicant the
18 authority to sell dogs or cats based on these local health authority
19 records.]

20 b. ¹ All licenses issued for kennel, pet shop, shelter or pound shall
21 state the purpose for which the establishment is maintained, and all
22 such licenses shall expire on the last day of June of each year, and be
23 subject to revocation by the municipality on recommendation of the
24 State Department of Health ¹and Senior Services¹ or the local board
25 of health for failure to comply with the rules and regulations of the
26 State department or local board governing the same, after the owner
27 has been afforded a hearing by either the State department or local
28 board ¹, except as provided in subsection c. of this section¹.

29 Any person holding such license shall not be required to secure
30 individual licenses for dogs owned by such licensee and kept at such
31 establishments; such licenses shall not be transferable to another owner
32 or different premises.

33 ¹c. The license for a pet shop shall be subject to review by the
34 municipality, upon recommendation by the State Department of Health
35 and Senior Services or the local health authority for failure by the pet
36 shop to comply with the rules and regulations of the State department
37 or local health authority governing pet shops or if the pet shop meets
38 the criteria for recommended suspension or revocation provided under
39 subsections c. or d. of section 5 of P.L. , c. (C.)(now pending
40 before the Legislature as this bill), after the owner of the pet shop has
41 been afforded a hearing pursuant to subsection e. of section 5 of
42 P.L. , c. (C.)(now pending before the Legislature as this bill).

43 The municipality, based on the criteria for the recommendation of
44 the local health authority provided under subsections c. and d. of
45 section 5 of P.L. , c. (C.)(now pending before the Legislature
46 as this bill), may suspend the license for 90 days or may revoke the

1 license if it is determined at the hearing that the pet shop: (1) failed to
2 maintain proper hygiene and exercise reasonable care in safeguarding
3 the health of animals in its custody or (2) sold a substantial number of
4 animals that the pet shop knew, or reasonably should have known, to
5 be unfit for purchase.

6 d. The municipality may issue a license for a pet shop that permits
7 the pet shop to sell pet supplies for all types of animals, including cats
8 and dogs, and sell animals other than cats and dogs but restricts the
9 pet shop from selling cats or dogs, or both.

10 e. Every pet shop licensed in the State shall submit annually and
11 no later than May 1 of each year records of the total number of cats
12 and dogs, respectively, sold by the pet shop each year to the
13 municipality in which it is located, and the municipality shall provide
14 this information to the local health authority.¹

15 (cf: P.L.1982, c.203, s.3)

16

17 7. (New section) The Director of the Division of Consumer
18 Affairs in the Department of Law and Public Safety may adopt,
19 pursuant to the "Administrative Procedure Act," P.L.1968, c. 410
20 (C.52:14B-1 et seq.), any rules or regulations as the director deems
21 necessary for the implementation of this act.

22

23 8. This act shall take effect on the 90th day following enactment.

24

25

26

27

28 The "Pet Purchase Protection Act."

ASSEMBLY, No. 960

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman ALAN M. AUGUSTINE

District 22 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

Requires pet shops to refund purchase price, reimburse veterinary fees or provide replacement, for sick cats or dogs under certain circumstances.

CURRENT VERSION OF TEXT

As Introduced.



1 AN ACT concerning the sale of cats and dogs by pet shops and
2 supplementing Title 4 of the Revised Statutes.

3

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

6

7 1. Notwithstanding any law, or any rule or regulation adopted
8 pursuant thereto, to the contrary, any person who purchases from a
9 pet shop, licensed pursuant to R.S.4:19-15.8, a cat or dog that
10 becomes sick within 30 days of the date of purchase, may return the
11 cat or dog to the place of purchase and shall receive a full refund of
12 the purchase price of the cat or dog from the owner or operator of the
13 pet shop, or shall report the sickness to the owner or operator of the
14 pet shop and shall receive full reimbursement of all veterinary fees and
15 expenses incurred for the treatment of the cat or dog. In the event of
16 the death of the cat or dog within the 30 days after the date of
17 purchase, the owner or operator of the pet shop shall refund in full the
18 purchase price of the cat or dog, or replace the cat or dog with a cat
19 or dog of equivalent value and the purchaser's choice, in addition to
20 reimbursing in full all veterinary fees and expenses incurred by the
21 purchaser for the treatment of the dead cat or dog prior to its death.

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23 2. This act shall take effect immediately.

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STATEMENT

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28 This bill requires the owner or operator of a pet shop to refund the
29 purchase price of a cat or dog or reimburse the purchaser for all
30 veterinary fees and expenses incurred for the treatment of the cat or
31 dog if it becomes sick within 30 days of the date of purchase. The bill
32 further provides that if the cat or dog dies within 30 days of the date
33 of purchase, the owner or operator of the pet shop shall refund in full
34 the purchase price of the cat or dog, or replace it with a cat or dog of
35 equivalent value and the purchaser's choice, in addition to reimbursing
36 in full all veterinary fees and expenses incurred by the purchaser for
37 the treatment of the dead cat or dog prior to its death.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 960

STATE OF NEW JERSEY

DATED: MARCH 11, 1999

The Assembly Agriculture and Natural Resources Committee favorably reports the Assembly Committee Substitute for Assembly Bill No. 960.

The committee substitute codifies in State consumer fraud law the protections currently provided under Department of Law and Public Safety regulations to people purchasing cats or dogs from pet shops, with certain modifications. The committee substitute also provides additional oversight and enforcement of these protections through the Division of Consumer Affairs in the Department of Law and Public Safety and local health authorities.

The committee substitute applies only to purchases of a cat or a dog from a pet shop, and purchasers of a cat or a dog from a pet dealer other than a pet shop would continue to be protected by the Department of Law and Public Safety regulations adopted pursuant to Title 56 of the Revised Statutes. Current law defines pet shop as any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

The committee substitute specifies certain requirements concerning veterinary care and caging of the cats and dogs in pet shops. Also, the Division of Consumer Affairs is directed to provide notification forms to each pet shop in the State that the owner or operator of the pet shop, or an employee thereof, must give to a consumer purchasing a cat or a dog, and prior to the purchase, the owner or operator of the pet shop, or an employee thereof, must provide this notification to the consumer. The form provides the full text of the rights and responsibilities of the consumer and the owner or operator of the pet shop, and the employees thereof, and the notification and enforcement provisions of the law, as provided. These rights and responsibilities include the recourse to which the consumer is entitled if the cat or dog becomes sick or dies.

If at any time within the 14 days after the sale and delivery of an animal to a consumer, the animal becomes sick or dies the consumer is entitled to the recourse described in subsection i. of section 4 of the committee substitute, if a veterinarian certifies, within 21 days after the date of purchase of the animal by the consumer, 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. Within the 14 days after the sale and delivery of the animal, the consumer is required to notify the owner or operator of the pet shop where the animal was purchased, or an employee thereof, and consult a veterinarian, but the veterinarian shall have up to seven days to complete the veterinarian certification and send it to the consumer. The consumer is required to deliver the veterinarian certification to the owner or operator of the pet shop where the animal was purchased, or an employee thereof, within the five days after receipt of the veterinarian certification.

If the animal becomes sick or dies within 180 days after the date of purchase, the consumer shall be entitled to the recourse provided in subsection i. of section 4 of the committee substitute, if a veterinarian certifies, within 187 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 either such a cause or condition or sickness. Within the 180 days after the sale and delivery of the animal, the consumer is required to notify the owner or operator of the pet shop where the animal was purchased, or an employee thereof, and consult a veterinarian, but the veterinarian shall have up to seven days to complete the veterinarian certification and send it to the consumer. The consumer is required to deliver the veterinarian certification to the owner or operator of the pet shop where the animal was purchased, or an employee thereof, within the five days after receipt of the veterinarian certification. It is the responsibility of the consumer to obtain the certification within the required amount of time provided, unless the owner or operator of the pet shop, or the employee thereof selling the animal to the consumer, fails to provide the proper notification form at the time of purchase, in which case the consumer has the right to select a recourse provided.

The consumer may return the cat or dog for a full refund, exchange the cat or dog for a comparable animal, or may keep the cat or dog. Whichever recourse is selected, the consumer is also entitled to reimbursement of all veterinary fees, including the cost of the veterinarian certification, up to and including an amount twice the original cost of the original cat or dog, including sales tax. The owner or operator of the pet shop, or an employee thereof, may contest the claim to recourse by notifying the consumer and the Division of Consumer Affairs within five days and may request the cat or dog be examined by another veterinarian chosen by the owner, operator, or employee. Any contested claim will be decided by a hearing held by the Division of Consumer Affairs and following any appeals, the

parties involved shall comply with the final decision.

The committee substitute further requires that all notification of rights, waiver of examinations and choice of recourse be documented with specific forms signed by the consumer and the owner, operator or an employee, of the pet shop, with a signed copy provided to the consumer and another signed copy retained at the pet shop. The committee substitute also specifies that 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 set forth in the committee substitute by the owner or operator of the pet shop, or any employee thereof, or because of any document signed pursuant thereto by the owner or operator of the pet shop, or any employee thereof.

Furthermore, the committee substitute establishes a reporting and license review process for local health authorities. A consumer who purchases a cat or dog from a pet shop that becomes sick or dies may report the incident to the local health authority with jurisdiction over the pet shop, after receiving the veterinarian certification concerning the cat or dog and seeking the recourse to which the consumer is entitled. The local health authority is directed to maintain records of these reports and the documentation supporting them and by each May 1, review the files on pet shops over which the authority has jurisdiction. The local health authority is further directed to recommend to the municipality that the license, or the part of the license, that authorizes the pet shop to sell cats or dogs be revoked if within one year the pet shop has been named in:

- (1) 30 or more reports of animals returned because of sickness from non-congenital causes;
- (2) 10 or more reports of deaths of animals from non-congenital causes;
- (3) 10 or more reports of animals returned because of sickness from congenital disease, defect or condition, or a sickness brought on by a congenital disease, defect or condition; or
- (4) 5 or more reports of deaths of animals from congenital disease, defect or condition, or a sickness brought on by a congenital disease, defect or condition.

The municipality may revoke the license after the owner or operator of the pet shop is afforded a hearing pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8). The committee substitute also amends that section of law to provide that the clerk may use the records of the local health authority to deny a license to sell cats or dogs to an applicant.

Finally, the committee substitute provides that the Director of the Division of Consumer Affairs may investigate and pursue enforcement against any pet shop reported by a consumer, and may adopt any rules or regulations necessary for the implementation of the committee substitute.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 960

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1999

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 960 (1R).

The bill codifies in State consumer fraud law the protections currently provided under Department of Law and Public Safety regulations to people purchasing cats or dogs from pet shops, with certain modifications. The bill also provides additional oversight and enforcement of these protections through the Division of Consumer Affairs in the Department of Law and Public Safety and local health authorities.

The bill applies only to purchases of a cat or a dog from a pet shop, and specifies certain requirements concerning veterinary care and caging of the cats and dogs in pet shops. Current law defines pet shop as any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

The Division of Consumer Affairs is directed to provide notification forms to each pet shop in the State that the owner or operator of the pet shop, or an employee thereof, must give to a consumer purchasing a cat or a dog. The form provides the full text of the rights and responsibilities of the consumer and the owner or operator of the pet shop, and the employees thereof. These rights and responsibilities include the recourse to which the consumer is entitled if the cat or dog becomes sick or dies.

The bill would provide consumers recourse for the following:

(1) 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 if a veterinarian certifies, within the 14 days after the date of purchase of the animal, 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.

(2) If the animal becomes sick or dies within 180 days after the date of purchase, and if a veterinarian certifies, within the 180 days after the date of purchase of the animal, 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 either such a cause or condition or sickness.

It is the responsibility of the consumer to obtain the certification within the time provided, unless the owner or operator of the pet shop, or the employee thereof selling the animal to the consumer, fails to provide the proper notification form at the time of purchase, in which case the consumer has the right to select a recourse provided.

The recourse provided in the bill is that a consumer may return the cat or dog for a full refund, exchange the cat or dog for a comparable animal, or keep the cat or dog. Whichever recourse is selected, the consumer is also entitled to reimbursement of all veterinary fees up to an amount equal to twice the original cost of the original cat or dog, including sales tax. The owner or operator of the pet shop, or an employee thereof, may contest the claim to recourse and may request that the cat or dog be examined by another veterinarian. Any contested claim will be decided pursuant to a hearing held by the Division of Consumer Affairs and following any appeals, the parties involved shall comply with the final decision.

The bill specifies that the owner of a pet shop is responsible and liable for any recourse or reimbursement due to a consumer because of violations by the owner or operator of the pet shop, or any employee thereof, of any provisions of the bill, or because of any document signed pursuant to the bill by the owner or operator of the pet shop, or any employee thereof.

Further, the bill establishes a pet shop reporting and license review process for local health authorities. A consumer who purchases a cat or dog that becomes sick or dies may report the incident to the local health authority with jurisdiction over the pet shop. The local health authority is directed to maintain records of these reports and to review the files on pet shops over which the authority has jurisdiction annually. The local health authority is further directed to recommend to the municipality that the license, or the part of the license, that authorizes the pet shop to sell cats or dogs be revoked or suspended where a certain percentage of animals sold by a licensee are deemed unfit for purchase or die from a congenital or hereditary cause each year. The bill also provides that the clerk may use the records of the local health authority to deny a license to sell cats or dogs to an applicant.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 960

with Assembly Floor Amendments
(Proposed By Assemblyman AUGUSTINE)

ADOPTED: JUNE 10, 1999

These amendments clarify consumer recourse under the bill and make timeline requirements in the bill consistent with current regulation of pet shops. The amendments also provide specific criteria, based on the total number of cats and dogs sold by a pet shop in a year, for the recommendation by the local health authority for the suspension or revocation of a specific pet shop license. The amendments require pet shops to annually provide no later than May 1 of each year the total number of cats and dogs sold to the municipality in which the pet shop is located. The amendments provide the criteria for the municipality to suspend or revoke a pet shop license. More specifically, the amendments stipulate that the municipality may suspend or revoke the license if it is determined at the hearing that the pet shop failed: (1) to maintain proper hygiene and exercise reasonable care in safeguarding the health of animals in its custody or (2) sold a substantial number of animals that the pet shop knew, or reasonably should have known, to be unfit for purchase. Finally, the amendments allow a municipality to issue a license to a pet shop to sell pet supplies and animals other than cats and dogs, but restrict the pet shop from selling cats or dogs, or both.

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: January 10, 2000

Gov. Christie Whitman today signed the following pieces of legislation:

S-436, sponsored by Senators C. Louis Bassano (R-Essex/Union) and Diane B. Allen (R-Burlington/Camden), requires the Department of Health and Senior Services (DHSS) to prepare an informational pamphlet on the nature and causes of osteoporosis and methods used to treat and prevent osteoporosis. The bill appropriates \$25,000 from the General Fund to DHSS to fund the printing and distribution of the pamphlets.

S-1735, sponsored by Senators William L. Gormley (R-Atlantic) and John A. Girgenti (D-Passaic) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Francis J. Blee (R-Atlantic), amends the reckless endangerment statute to clarify that adulteration of a drink or other substance constitutes the fourth degree offense of reckless endangerment. Specifically, the bill clarifies that this offense is committed when a person purposely or knowingly gives another person a drink or other substance that is intoxicating, tranquilizing or disorienting, when that other person does not know the identity and effect of the drink or substance.

A-2775, sponsored by Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Paul DiGaetano (R-Bergen/Essex/Passaic) and Senator Garry J. Furnari (D-Bergen/Essex/Passaic), provides a grant of \$75,000 to create a study skills program in the East Rutherford Boro School District to address the needs of at-risk pupils. Pupils who are at-risk will be determined by using multiple indicators, including test scores, writing portfolios, teacher recommendations, and parental input. Funding will be utilized for staffing, teaching materials and other supplies. The bill makes a supplemental appropriation to the Fiscal Year 2000 budget.

A-1019, sponsored by Assembly Members Charles Zisa (D-Bergen) and Alan M. Augustine (R-Middlesex/Morris/Somerset/Union), and Senator Joseph A. Palaia (R-Monmouth), provides that commencing on September 1, 2002, any buildings and grounds supervisor employed by a school district must be a certified educational facilities manager. The bill directs the State Board of Education to issue rules and regulations to administer the program. The bill provides that a certified educational facilities manager must meet specific requirements, including having two years of experience in the field of buildings and grounds supervision and graduate as a certified educational facilities manager from the New Jersey Educational Facility Management Program at Rutgers University, or an equivalent program at an accredited institution of higher learning.

A-2993, sponsored by Assembly Members Gerald J. Luongo (R-Camden/Gloucester) and Senator Robert E. Littell (R-Sussex/Hunterdon/Morris), excludes bonds supported by open space, recreation, farmland or historic preservation taxes from calculation of gross debt of a county or municipality. Gross debt is a measure used under the Local Bond Law to derive the net debt of a county or municipality for purposes of establishing a county or municipal debt limit.

A-1445, sponsored by Assembly Members Jack Collins (R- Salem/Cumberland/Gloucester) and Marion Crecco (R-Essex/Passaic) and Senators Norman Robertson (R-Essex/Passaic) and Anthony R. Bucco (R- Morris), permits a police officer enrolled in the Police and Firemen's Retirement System to purchase up to three years of service credit based on inactive time between a point of no-fault layoff and the point of rehiring the employee.

A-2133, sponsored by Assembly Members John V. Kelly (R- Bergen/Essex/Passaic) and Joseph V. Doria, Jr. (D-Hudson), requires health insurers, including hospital service corporations, medical service corporations, health service corporations, commercial insurers and health maintenance organizations to provide health benefits coverage for annual mammograms for women aged 40 and over. Previous law provided for annual mammogram coverage for women 50 and over; women who are at least 40, but less than 50, were provided coverage for biannual examinations.

S-1503, sponsored by Senator Richard J. Codey (D-Essex) and Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Paul DiGaetano (R-Bergen/Essex/Passaic), revises pension benefits and employee contribution rates for members of certain board of education pension funds.

A-2943, sponsored by Assembly Members Jack Collins (R-Cumberland/Gloucester/Salem) and Christopher Bateman (R-Morris/Somerset) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden), requires the return of unearned premiums on a pro rata basis for canceled automobile insurance policies. Previous law only required an insurer to return unpaid premiums on a short rate basis, which is an amount less than the pro rata basis because a percentage of administrative costs are charged to the insured.

A-1706, sponsored by Assembly Member John V. Kelly (R-Bergen/Essex/Passaic) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Louis F. Kosco (R-Bergen), establishes a procedure to be followed by landlords of commercial or residential property when disposing of tangible property left behind in premises that had been vacated by a tenant.

S-1062, sponsored by Senators William L. Gormley (R-Atlantic) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Richard A. Merkt (R-Morris) and Michael Patrick Carroll (R-Morris), establishes a procedure for dealing with lost or abandoned property.

A-3298, sponsored by Assembly Members John S. Wisniewski (D-Middlesex) and Gerald J. Luongo (R-Camden/Gloucester) and Senators Joseph F. Vitale (D-Middlesex) and Nicholas J. Sacco (D-Bergen/Hudson), allows for re-certification of the special district tax for school districts if the school district's surplus account is higher than estimated at the school election in certain circumstances.

S-1697, sponsored by Senators William L. Gormley (R-Atlantic) and Wayne R. Bryant (D-Camden/Gloucester) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean) and Kenneth C. LeFevre (R-Atlantic), authorizes a court to issue a restraining order prohibiting a person charged with, convicted of or adjudicated delinquent for any drug distribution offense or any offense involving the use or possession of an assault weapon from returning to the place where the offense occurred.

A-960, sponsored by Assembly Member Alan M. Augustine (R- Middlesex/Morris/Somerset /Union), requires pet shops to refund the purchase price, reimburse any veterinary fees, or provide replacement for sick cats or dogs under certain circumstances.

S-1273, sponsored by Senators Robert W. Singer (R- Burlington/Monmouth/Ocean) and Robert W. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Charlotte Vandervalk (R- Bergen) and Nicholas R. Felice (R-Bergen/Passaic), permits HMO enrollees residing in certain retirement communities with nursing homes to continue to receive care at that nursing facility under certain circumstances.

A-1653, sponsored by Assembly Members John V. Kelly (R- Bergen/Essex/Passaic) and Neil M. Cohen (D-Union) and Senator Gerald Cardinale (R-Bergen), requires health insurers, including hospital service corporations, medical service corporation, health service corporations, commercial insurers and health maintenance organizations to provide insurance coverage benefits for health wellness examinations and counseling. The bill appropriates \$95,000 to the Department of Health and Senior Services for allocation to the Health Wellness Promotion Advisory Board to evaluate implementation of the provisions of the bill and to ensure awareness and utilization of the health promotion program by covered persons and health care providers.

A-2461, sponsored by Assembly Member Gary W. Stuhltrager (R-Salem/Cumberland/ Gloucester), extends the cap on tax liability on transfers of hazardous substances to certain successors in interest.