

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, No. 3306

STATE OF NEW JERSEY
216th LEGISLATURE

ADOPTED DECEMBER 15, 2014

Sponsored by:

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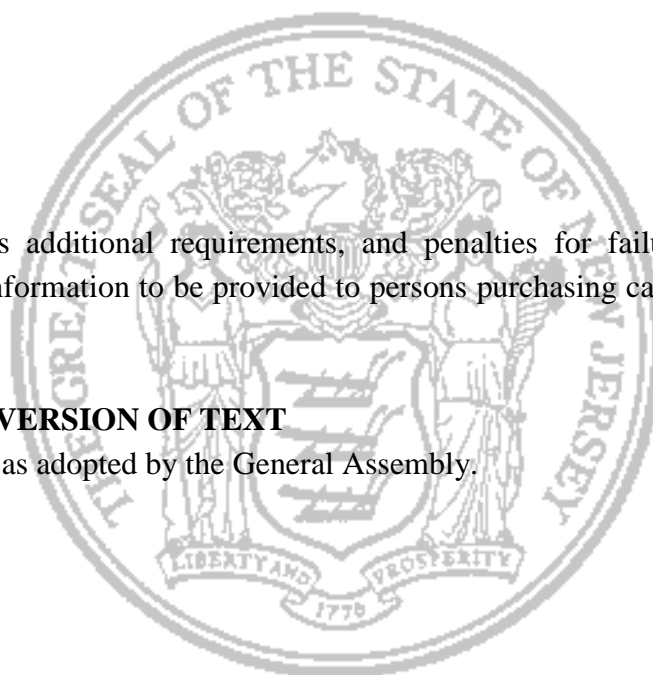
Assemblywoman Rodriguez-Gregg

SYNOPSIS

Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops.

CURRENT VERSION OF TEXT

Substitute as adopted by the General Assembly.



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

3

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

6

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

9 2. As used in **[sections 1 through 5 of this act]** P.L.1999, c.336
10 (C.56:8-92 et al.):

11 "Animal" means a cat or dog **[;]**.

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

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

17 "Consumer" means a person purchasing a cat or dog **[;]** not for
18 the purposes of resale.

19 "Director" means the Director of the Division of Consumer
20 Affairs in the Department of Law and Public Safety **[;]**.

21 "Division" means the Division of Consumer Affairs in the
22 Department of Law and Public Safety **[;]**.

23 "Pet dealer" means any person engaged in the ordinary course of
24 business in the sale of cats or dogs to the public for profit or any
25 person who sells or offers for sale more than five cats or dogs in
26 one year **[;]**.

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

29 "Quarantine" means to hold in segregation from the general
30 population any cat or dog because of the presence or suspected
31 presence of a contagious or infectious disease **[;]**.

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

40 "USDA" means the United States Department of Agriculture.

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

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 "Veterinarian" means a veterinarian licensed to practice in the
2 State of New Jersey.
3 (cf: P.L.1999, c.336, s.2)
4

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

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

16 b. Within five days prior to the offering for sale of any animal,
17 the owner or operator of a pet shop, or employee thereof, shall have
18 the animal examined by a veterinarian licensed to practice in the
19 State. The name and address of the examining veterinarian,
20 together with the findings made and treatment, if any, ordered as a
21 result of the examination, shall be noted on the animal history and
22 health certificate for each animal as required by regulations adopted
23 pursuant to Title 56 of the Revised Statutes. If **fourteen** 14 days
24 have passed since the last veterinarian examination of the animal,
25 the owner or operator of the pet shop, or employee thereof, shall
26 have the animal reexamined by a veterinarian licensed to practice in
27 the State as provided for in subsection g. of this section, except as
28 otherwise provided in that subsection.

29 c. **Each cage in a** Every pet shop **shall have a label**
30 identifying the sex and breed of each animal kept in the cage, the
31 date and place of birth of each animal, and the **offering animals for**
32 **sale shall post, in a conspicuous location on the cage or enclosure**
33 **for each animal in the cage or enclosure, a sign declaring:**

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

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

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

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

1 in the state in which the breeder is located, the breeder's state
2 license number;

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

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

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

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

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

44 e. The owner or operator of a pet shop, or designated employee
45 thereof, may inoculate and vaccinate animals prior to purchase only
46 upon the order of a veterinarian. No owner or operator of a pet
47 shop, or employee thereof, may represent, directly or indirectly, that

1 the owner or operator of the pet shop, or any employee thereof,
2 other than a veterinarian, is qualified to, directly or indirectly,
3 diagnose, prognose, treat, or administer for, prescribe any treatment
4 for, operate concerning, manipulate or apply any apparatus or
5 appliance for addressing, any disease, pain, deformity, defect,
6 injury, wound, or physical condition of any animal after purchase
7 of the animal, for the prevention of, or to test for, the presence of
8 any disease, pain, deformity, defect, injury, wound, or physical
9 condition in an animal after its purchase. These prohibitions
10 include, but are not limited to, the giving of inoculations or
11 vaccinations after purchase, the diagnosing, prescribing, and
12 dispensing of medication to animals, and the prescribing of any diet
13 or dietary supplement as treatment for any disease, pain, deformity,
14 defect, injury, wound, or physical condition.

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

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

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

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

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

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

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

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

43 (8) An attestation by the owner or operator of the pet shop that,
44 as of the date of purchase of the animal by the pet shop, which shall
45 be specified in the attestation, the breeder and the broker of the
46 animal were in compliance with the requirements concerning the
47 maintenance and care of animals and the sanitary operation of

1 kennels, pet shops, shelters and pounds established in rules and
2 regulations adopted pursuant to section 14 of P.L.1941, c.151
3 (C.4:19-15.14), as required pursuant to section 3 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill).

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

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

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

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

42 It shall be the responsibility of the consumer to obtain such
43 certification within the required amount of time provided by this
44 subsection, unless the owner or operator of the pet shop, or the
45 employee thereof selling the animal to the consumer, fails to
46 provide the notice required pursuant to subsection f. of this section.
47 If the owner or operator of the pet shop, or the employee thereof,

1 fails to provide the required notice, the consumer shall be entitled to
2 the recourse provided for in subsection i. of this section.

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

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

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

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

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

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

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

36 The certification shall include:

37 (1) The name of the owner;

38 (2) The date or dates of examination;

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

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

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

43 (6) An itemized statement of veterinary fees incurred as of the
44 date of certification;

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

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

3 (9) The name and address of the certifying veterinarian and the
4 date of the certification.

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

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

45 m. Any owner or operator of a pet shop, or employee thereof,
46 shall be guilty of a deceptive practice if the owner or operator, or
47 employee thereof, secures or attempts to secure a waiver of any of

1 the provisions of this section except as specifically authorized under
2 subsection g. of this section.

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

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

15 (cf: P.L.1999, c.336, s.4)

16

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

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

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

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

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

36 (5) has been cited on a USDA inspection report during the two-
37 year period prior to the purchase of the animal by the pet shop for
38 three or more indirect violations of the federal "Animal Welfare
39 Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal
40 welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60,
41 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125
42 through 3.142 of Title 9 of the Code of Federal Regulations;

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

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

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

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

8 (a) a publicly operated animal control facility,

9 (b) an animal rescue organization or pound as defined in section
10 1 of P.L.1941, c.151 (C.4:19-15.1), or

11 (c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-
12 15.1) whose primary mission and practice is the placement of
13 abandoned, unwanted, neglected, or abused animals and that is also
14 a tax exempt organization under paragraph (3) of subsection (c) of
15 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501),
16 or any subsequent corresponding sections of the federal Internal
17 Revenue Code, as from time to time amended; or

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

21 c. Every pet shop shall submit, annually and no later than May
22 1 of each year, a report to the municipality in which it is located and
23 licensed, providing:

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

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

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

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

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

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

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

1 6200. You may also view these and other USDA inspection reports
2 for the breeder and broker of each cat or dog on the USDA Animal
3 and Plant Health Inspection Service (APHIS) website. You are
4 entitled to receive additional information from APHIS about the
5 breeder's or broker's history through the federal Freedom of
6 Information Act."

7 The floor substitute further prohibits any pet shop from selling or
8 offering for sale, or purchasing for resale, any animal purchased
9 from any breeder or broker to whom specific items enumerated
10 under subsection a. of section 3 of the floor substitute apply.
11 However, the floor substitute provides that this prohibition does not
12 affect the pet shop buying, selling, or offering for adoption any
13 animal from, or transferring any animal to or from, publicly
14 operated animal control facilities, animal rescue organizations or
15 pounds, or shelters that are tax exempt organizations with the
16 primary mission and practice of placing abandoned, unwanted,
17 neglected, or abused animals.

18 Furthermore, the floor substitute requires each pet shop to report
19 annually no later than May 1 certain information concerning the
20 purchase of animals by the pet shop and the breeders and brokers it
21 deals with, as enumerated in subsection c. of section 3 of the floor
22 substitute.

23 Finally, the floor substitute specifies that additional local
24 restrictions on pet shops or pet shop sales may be imposed and
25 enforced locally, and the floor substitute establishes a \$500 penalty
26 for failure to comply with the requirements and prohibitions
27 established under the floor substitute and failure to provide
28 information or providing false information pursuant to subsection f.
29 of section 4 of the "Pet Purchase Protection Act."