

SENATE, No. 4079

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED NOVEMBER 27, 2023

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Prohibits sale of cats, dogs, or rabbits by pet shops; repeals “Pet Purchase Protection Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the sale of cats, dogs, and rabbits,
2 supplementing Title 4 of the Revised Statutes, amending
3 P.L.1941, c.151, and repealing various parts of the statutory law.
4

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

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

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

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 the United States Department of Agriculture (USDA), even those
2 commercial breeder puppy mills that are licensed by the USDA do
3 not provide humane care because the license only requires minimal
4 standards for animal care and breeding practices.

5 The Legislature therefore determines that it is in the best interest
6 of the citizens of the State to prohibit the sale of cats, dogs, and
7 rabbits by pet shops; that establishing a prohibition would close an
8 avenue to the sale of kitten and puppy mill cats and dogs to
9 consumers; and that it is also in the best interest of the citizens of
10 the State to encourage pet shops to facilitate and achieve more
11 successful adoptions by collaborating with animal rescue
12 organizations, shelters, and pounds and showcasing cats and dogs
13 available for adoption.

14

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

17 “Animal rescue organization” means an animal rescue
18 organization, as defined in section 1 of P.L.1941, c.151 (C.4:19-
19 15.1), whose primary mission and practice is the placement of
20 abandoned, unwanted, neglected, or abused animals, or is a
21 nonprofit organization established for the purpose of rescuing
22 animals and is exempt from federal taxation pursuant to section
23 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C.
24 s.501(c)(3).

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

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

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

31 “Pet dealer” means any person engaged in the ordinary course of
32 business in the sale of cats or dogs to the public for profit or any
33 person who sells or offers for sale more than five cats or dogs in
34 one year. The term “pet dealer” shall not include a pet shop.

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

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

39 “Shelter” means an establishment where dogs or other animals
40 are received, housed, and distributed, whose primary mission and
41 practice is the placement of abandoned, unwanted, neglected or
42 abused animals, that does not obtain cats or dogs from a breeder or
43 broker for payment or compensation, and that is either maintained
44 by, or under contract with, a state, county, or municipality or is a
45 nonprofit organization established for the purpose of sheltering
46 animals and is exempt from federal taxation pursuant to section
47 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C.
48 s.501(c)(3).

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

6
7 3. (New section) a. No provision of P.L. , c. (C.)
8 (pending before the Legislature as this bill) shall be construed in
9 any way to alter, diminish, replace, or revoke the requirements for
10 pet dealers that are not pet shops or the rights of a consumer
11 purchasing an animal from a pet dealer that is not a pet shop, as
12 may be provided elsewhere in law or any rule or regulation adopted
13 pursuant thereto. Any provision of law pertaining to pet shops, or
14 rule or regulation adopted pursuant thereto, that does not pertain to
15 the sale of cats, dogs, or rabbits shall continue to apply to pet shops.
16 No provision of P.L. , c. (C.) (pending before the
17 Legislature as this bill) shall be construed in any way to alter,
18 diminish, replace, or revoke any recourse or remedy that is
19 otherwise available to a consumer purchasing a cat, dog, rabbit, or
20 any other type of animal provided under any other law.

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

29
30 4. (New section) No animal rescue organization or animal
31 rescue organization facility, pet shop, shelter, or pound may obtain
32 a cat, dog, or rabbit from a breeder or broker in exchange for
33 payment or compensation, monetary or otherwise.

34
35 5. (New section) a. No pet shop shall sell or offer for sale a
36 cat, dog, or rabbit. A pet shop may sell or offer for sale any other
37 type of animal as may be otherwise permitted pursuant to State law,
38 or rules or regulations adopted pursuant thereto, or pet supplies for
39 any type of animal, including a cat, dog, or rabbit.

40 b. A pet shop may, in collaboration with an animal rescue
41 organization, shelter, or pound, offer space in the pet shop to
42 showcase cats, dogs, or rabbits that are available for adoption,
43 provided that no payment or compensation, monetary or otherwise,
44 is exchanged between the pet shop and animal rescue organization,
45 shelter, or pound, for the use of the pet shop or for the adoption of
46 any cat, dog, rabbit, or any other animal.

47 c. A person who violates the provisions of subsection a. of this
48 section shall be subject to a fine of \$500 for each violation, to be

1 collected by the municipality in which the violation occurs in a civil
2 action by a summary proceeding under the “Penalty Enforcement
3 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior
4 Court and the municipal court shall have jurisdiction over
5 proceedings for the enforcement of the penalty established by this
6 section.

7
8 6. (New section) No provision of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be construed to
10 interfere with the implementation of, or otherwise invalidate, or
11 limit or restrict any municipality, county, local health agency, or
12 municipal or county board of health from enacting or enforcing, any
13 law, ordinance, rule, or regulation that places additional obligations
14 or restrictions on pet shops, pet shop sales, pet dealers, breeders,
15 brokers, or breeder or broker sales.

16
17 7. Section 8 of P.L.1941, c.151 (C.4:19-15.8) is amended to
18 read as follows:

19 8. a. Any person who keeps or operates or proposes to
20 establish a kennel, a pet shop, a shelter or a pound shall apply to the
21 clerk or other official designated to license dogs in the municipality
22 where such establishment is located, for a license entitling **him**
23 the licensee to keep or operate such establishment.

24 The application shall describe the premises where the
25 establishment is located or is proposed to be located, the purpose or
26 purposes for which it is to be maintained, and shall be accompanied
27 by the written approval of the local municipal and health authorities
28 showing compliance with the local and State rules and regulations
29 governing location of and sanitation at such establishments,
30 provided that any license for a pet shop issued or renewed on or
31 after the effective date of P.L. , c. (C.) (pending before the
32 Legislature as this bill) shall not permit the pet shop to sell cats,
33 dogs, or rabbits.

34 b. All licenses issued for a kennel, pet shop, shelter, or pound
35 shall state the purpose for which the establishment is maintained,
36 and all licenses shall expire on the last day of June of each year, and
37 be subject to revocation by the municipality on recommendation of
38 the Department of Health or the local board of health for failure to
39 comply with the rules and regulations of the State department or
40 local board governing the same, after the owner has been afforded a
41 hearing by either the State department or local board **],** except as
42 provided in subsection c. of this section**].**

43 Any person holding a license shall not be required to secure
44 individual licenses for dogs owned by a licensee and kept at the
45 establishments; the licenses shall not be transferable to another
46 owner or different premises.

47 c. **【**The license for a pet shop shall be subject to review by the
48 municipality, upon recommendation by the Department of Health or

1 the local health authority for failure by the pet shop to comply with
2 the rules and regulations of the State department or local health
3 authority governing pet shops or if the pet shop meets the criteria
4 for recommended suspension or revocation provided under
5 subsection c. or d. of section 5 of P.L.1999, c.336 (C.56:8-96), after
6 the owner of the pet shop has been afforded a hearing pursuant to
7 subsection e. of section 5 of P.L.1999, c.336 (C.56:8-96).

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

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

18 d. The municipality may issue a license for a pet shop that
19 permits the pet shop to sell pet supplies for all types of animals,
20 including cats **【and】**, dogs, and rabbits, and sell animals other than
21 cats **【and】**, dogs **【but restricts the pet shop from selling cats or**
22 **dogs, or both】**, and rabbits.

23 e. **【Every pet shop licensed in the State shall submit annually**
24 **and no later than May 1 of each year records of the total number of**
25 **cats and dogs, respectively, sold by the pet shop each year to the**
26 **municipality in which it is located, and the municipality shall**
27 **provide this information to the local health authority.】** (Deleted by
28 amendment, P.L. , c.) (pending before the Legislature as this
29 bill)

30 f. The license for a kennel, pet shop, shelter, or pound may be
31 subject to review for suspension or revocation if the kennel, pet
32 shop, shelter, or pound fails to comply with the rules and
33 regulations governing the sanitary conduct and operation of
34 kennels, pet shops, shelters, or pounds adopted pursuant to
35 P.L.1941, c.151 (C.4:19-15.14) or the provisions of P.L. , c.
36 (C.) (pending before the Legislature as this bill) that are
37 applicable to the facility. No license shall be suspended or revoked
38 without a hearing.

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

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41 8. The following sections are repealed: Sections 1 through 5,
42 and section 7 of P.L.1999, c.336 (C.56:8-92 through C.56:8-95,
43 C.56:8-96, and C.56:8-97); and sections 3 through 5 of P.L.2015,
44 c.7 (C.56:8-95.1 through C.56:8-95.3).

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46 9. This act shall take effect immediately.

STATEMENT

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

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

The bill establishes a prohibition on the sale of cats, dogs, or rabbits by pet shops and establishes a \$500 fine for each violation of this prohibition to be collected in a civil action under the Penalty Enforcement Law of 1999. The bill authorizes a pet shop to:

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

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

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

The bill specifies that:

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

S4079 STACK

8

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

4 3) no provision of the bill may be construed to alter, diminish,
5 replace, or revoke any recourse or remedy that is otherwise
6 available to a consumer purchasing a cat, dog, rabbit, or any other
7 type of animal and provided under any other law.

8 The bill specifies that the bill's provisions may not be construed
9 to interfere with the implementation of, or otherwise invalidate, or
10 limit or restrict any municipality, county, local health agency, or
11 municipal or county board of health from enacting or enforcing, any
12 law, ordinance, rule, or regulation that places additional obligations
13 or restrictions on pet shops, pet shop sales, pet dealers, breeders,
14 brokers, or breeder or broker sales.