ASSEMBLY COMMERCE, ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4051

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Commerce, Economic Development and Agriculture Committee adopts an Assembly Committee Substitute for Assembly Bill No. 4051.

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 $1000 fine for each violation of this prohibition to be collected in a civil action under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). 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;

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

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

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