

[First Reprint]

ASSEMBLY, No. 2324

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 19, 2004

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Assemblyman LOUIS MANZO

District 31 (Hudson)

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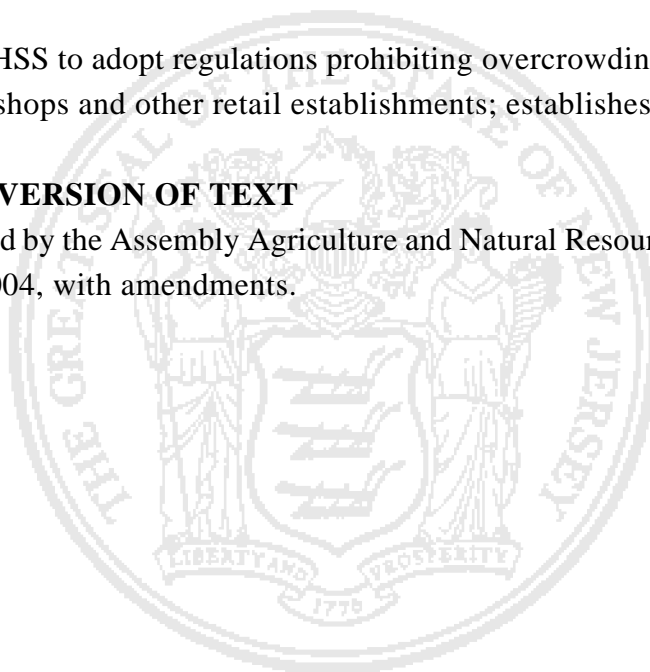
Assemblyman Stack

SYNOPSIS

Directs DHSS to adopt regulations prohibiting overcrowding of animals in kennels, pet shops and other retail establishments; establishes penalties.

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture and Natural Resources Committee on May 6, 2004, with amendments.



(Sponsorship Updated As Of: 5/21/2004)

1 AN ACT concerning the care and housing of animals in kennels, pet
 2 shops ¹,¹ and [other retail establishments selling animals] certain
 3 other circumstances¹, and supplementing ¹[Title 4 of the Revised
 4 Statutes] P.L.1941, c.151 (C.4:19-15.1 et al.)¹ .

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

8
 9 1. a. In addition to any rules and regulations adopted pursuant to
 10 any other provision of Title 4 of the Revised Statutes, the Department
 11 of Health and Senior Services shall review existing requirements
 12 concerning the proper care and housing of animals by kennels ¹[,]
 13 and¹ pet shops ¹[and any other retail establishments selling animals]¹,
 14 ¹and shall¹ determine the proper care and housing for each species of
 15 animal sold ¹or housed¹ by kennels ¹[,] or¹ pet shops ¹[and any other
 16 retail establishments selling animals, and]. To the extent that the
 17 Department of Health and Senior Services determines the rules and
 18 regulations adopted as of the effective date of P.L. , c. (C.)(now
 19 before the Legislature as this bill) are not sufficient protection for
 20 specific species of animals, the Department of Health and Senior
 21 Services shall¹ adopt, pursuant to the "Administrative Procedure Act,"
 22 P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations
 23 ¹[providing for the proper care and housing of animals by kennels, pet
 24 shops and other retail establishments selling animals]¹ that ¹provide
 25 for the proper care and housing of animals and¹ prohibit the
 26 overcrowding of animals ¹by kennels and pet shops. The provisions
 27 of the rules and regulations shall include, but need not be limited to,
 28 the square-footage requirements of any space or container in which a
 29 dog or other living animal is kept or housed and the square-footage
 30 requirements per dog or other living animal within the space or
 31 container that ensure that dogs or other living animals are not
 32 overcrowded, provided that the Department of Health and Senior
 33 Services determines, after the department review of existing
 34 requirements pursuant to this subsection, that the rules and regulations
 35 adopted as of the effective date of P.L. , c. (C.)(now before
 36 the Legislature as this bill) are not sufficient to protect animals from
 37 overcrowding and more specific square-footage requirements are
 38 necessary¹.

39 b. Any owner ¹or operator¹ of a kennel ¹[,] or¹ pet shop ¹[or
 40 other retail establishment selling animals]¹ found to be ¹[guilty] in
 41 violation¹ of ¹[overcrowding animals under]¹ the provisions of the

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 AAN committee amendments adopted May 6, 2004.

1 rules and regulations adopted pursuant to subsection a. of this section
2 ¹prohibiting the overcrowding of animals¹ shall be subject to the
3 following:

- 4 (1) a civil penalty of \$500 for the first violation;
- 5 (2) a civil penalty of \$1,000 for the second violation;
- 6 (3) a civil penalty of \$5,000 for the third violation; and,
- 7 (4) for the fourth violation, revocation of the kennel or pet shop
8 license ¹[or certificate of occupancy, if the establishment is not a
9 kennel or a pet shop, pending the appropriate due process for such
10 revocation] as provided for under section 8 of P.L.1941, c.151
11 (C.4:19-15.9)¹.

12 c. No provision of this section shall be applied to shelters, pounds
13 or ¹[other nonprofit] individuals,¹ organizations ¹, or groups¹
14 involved in the shelter or rescue of mistreated, stray and abandoned
15 animals ¹on a not-for-profit or volunteer basis¹.

16
17 ¹2. a. Any individual who owns or operates a premises, or any
18 business or establishment that, is not licensed as a kennel, pet shop,
19 shelter, or pound, and sells, or intends to sell, 10 or more dogs or
20 other living animals in a calendar year, shall register with the
21 municipality in which the dogs or other living animals will be housed
22 prior to sale. The municipality may charge a reasonable fee, as
23 determined by the governing body of the municipality, to cover the
24 administrative costs of the registration and the costs to the
25 municipality of enforcing the other requirements established pursuant
26 to this section. The municipality shall provide at the time of
27 registration to each individual who, or each business or establishment
28 that, registers pursuant to this subsection, a written copy of the
29 requirements established by this section.

30 b. Each municipality in the State, or its local board of health, shall
31 establish the requirements for operation for any individual who owns
32 or operates a premises, or any business or establishment that, is not
33 licensed as a kennel, pet shop, shelter, or pound and sells, or intends
34 to sell, 10 or more dogs or other living animals in a calendar year in
35 the municipality. These requirements shall include, but need not be
36 limited to, the square-footage requirements per dog or other living
37 animal of any space or container in which the dog or other living
38 animal is kept or housed and other provisions to ensure that dogs and
39 other living animals are not overcrowded. The municipality or the
40 local board of health may incorporate the provisions of the rules and
41 regulations adopted pursuant to section 1 of P.L. , c. (C.)(now
42 before the Legislature as this bill) when establishing these
43 requirements.

44 c. Any individual who owns or operates a premises, or any business
45 or establishment that, is not licensed as a kennel, pet shop, shelter, or
46 pound, and sells, or intends to sell, 10 or more dogs or other living

1 animals in a calendar year, and is found in violation of the
2 requirements established pursuant to subsection b. of this section shall
3 be subject to the following penalties:

- 4 (1) a fine of \$500 for the first violation;
5 (2) a fine of \$1,000 for the second violation;
6 (3) a fine of \$5,000 for the third violation; and,
7 (4) for the fourth violation, revocation of the registration provided
8 pursuant to subsection a. of this section, after the individual, business
9 or establishment has been afforded a hearing by the municipality or the
10 local board of health.

11 d. Notwithstanding the provisions of section 17 of P.L.1941, c.151
12 (C.4:19-15.17) to the contrary, any officer or agent authorized or
13 empowered to impound a dog or other living animal may, upon
14 revocation of the registration pursuant to paragraph (4) of subsection
15 c. of this section, go onto the property and into any premises of the
16 individual, business, or establishment whose registration has been
17 revoked, and take into custody and impound any dog or other living
18 animal kept or housed by the individual, business, or establishment
19 whose registration has been revoked. The officer or agent may
20 petition a court of competent jurisdiction to have any dog or other
21 living animal confiscated or forfeited, and, upon a finding that the
22 continued possession by the individual, business, or establishment
23 poses a threat to the welfare of the dog or other living animal, the
24 court shall adjudge any dogs or other living animals possessed by the
25 individual, business, or establishment confiscated or forfeited for
26 disposition as the court determines is appropriate.

27 e. No provision of this section shall be applied to individuals,
28 organizations, or groups involved in the shelter or rescue of
29 mistreated, stray and abandoned animals on a not-for-profit or
30 volunteer basis.¹

31

32 ¹[2.] 3.¹ This act shall take effect immediately.