

May 1, 2017

SENATE BILL NO. 3041

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3041 with my recommendations for reconsideration.

In February of 2015, I signed P.L.2015, c.7, a sweeping amendment to New Jersey's Pet Purchase Protection Act ("Act") that made New Jersey's already strict laws protecting consumers purchasing pets among the most restrictive and stringent in the country. Rather than let that monumental, and unanimously supported, legislation take effect and assess its impact after a reasonable period of time, the Legislature waited less than a year to push a new bill that dramatically overhauls and expands the Act.

I fully support efforts to protect New Jersey pet purchasers from unscrupulous pet dealers and pet shops, and I commend this bill's backers for their unwavering support of animals and efforts to increase responsible conduct among pet breeders and brokers. However, aspects of this bill go too far. Rather than let the State use precious resources to enforce its existing laws against New Jersey businesses, this bill would require the Division of Consumer Affairs ("DCA") to engage in costly, and potentially unconstitutional, regulation of pet dealers, breeders, and brokers throughout the country. This bill would also have the unintended consequence of restricting consumer access to pets, even from responsible breeders.

This bill would expand the Act's burdensome sourcing requirements on New Jersey pet shops to all pet dealers; impose onerous record keeping and reporting requirements on pet dealers; require DCA to post on its web-site United States Department of Agriculture ("USDA") inspection reports for breeders and brokers, even though the USDA removed these inspection reports from its own website shortly after being sued in part over privacy concerns; and expose pet shops and pet dealers to a severe "three strikes and

you're out" penalty that could permanently close them for something as innocuous as unknowingly obtaining pets from a source that was cited, but not fully adjudicated, for technical violations in a USDA inspection report which they no longer publish on their own website.

Nevertheless, I am willing to acknowledge the effort of this bill's supporters by recommending sensible changes to the bill that will address many of the concerns outlined above, while ensuring appropriate oversight and regulation of the industry. These changes are designed to better balance the interests of New Jersey's consumers and businesses with legitimate concerns raised by this bill's supporters.

Accordingly, I herewith return Senate Bill No. 3041 and recommend that it be amended as follows:

<u>Page 2, Section 1, Lines 8-45:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 1-49:</u>	Delete in their entirety
<u>Page 4, Section 1, Lines 1-2:</u>	Delete in their entirety
<u>Page 4, Section 2, Line 4:</u>	Delete "2." and insert "1."
<u>Page 4, Section 2, Lines 19-20:</u>	Delete ", business, firm, corporation, or organization in the" and insert "who is engaged in the ordinary course of"
<u>Page 4, Section 2, Line 20:</u>	After "dogs" insert "who is required to be licensed by the USDA"
<u>Page 4, Section 2, Lines 21-25:</u>	Delete ", business, firm, corporation, or organization who transfers a cat or dog for the purpose of resale by another person, business, firm, corporation or organization" and insert "who acts as an intermediary for the purpose of resale of a cat or dog by another person and who is required to be licensed by the USDA"
<u>Page 4, Section 2, Line 37:</u>	After "ownership." insert "Person" means any natural person or his legal representative, partnership, corporation, company, trust, business

entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trustent thereof."

- Page 4, Section 2, Line 38: Delete "or outside of"
- Page 4, Section 2, Line 39: After "is" insert "required to be licensed by the USDA and either is"
- Page 4, Section 2, Line 40: Delete ","
- Page 4, Section 2, Line 41: Delete "who"
- Page 4, Section 2, Line 42: After "consumers in" insert "transactions that take place within"
- Page 4, Section 2, Line 42: Delete "'Pet dealer'"
- Page 4, Section 2, Lines 43-46: Delete in their entirety
- Page 5, Section 2, Lines 31-32: Delete in their entirety and insert "State of New Jersey."
- Page 5, Section 3, Line 35: Delete "3." and insert "2."
- Page 6, Section 3, Line 1: Delete "or pet shop" and insert ", pet shop, or any other person"
- Page 6, Section 4, Line 4: Delete "4." and insert "3."
- Page 6, Section 4, Line 34: After "location" insert "either"
- Page 6, Section 4, Line 35: After "enclosure" insert "or in a display that is visible and accessible to consumers and is immediately adjacent to the cage or enclosure"
- Page 7, Section 4, Line 26: After "location" insert "either"
- Page 7, Section 4, Line 27: After "enclosure" insert "or in a display that is visible and accessible to consumers and is immediately adjacent to the cage or enclosure,"
- Page 7, Section 4, Line 37: After "information," insert "fail"
- Page 7, Section 4, Lines 37-38: Delete "at any location other than" and insert "either"
- Page 7, Section 4, Line 38: After "animal" insert "or in a display that is visible and accessible to consumers and is

	immediately adjacent to the cage or enclosure,"
<u>Page 7, Section 4, Line 39:</u>	Delete "person" and insert "consumer"
<u>Page 7, Section 4, Line 39:</u>	After "request" insert "at the time of sale"
<u>Page 12, Section 5, Line 15:</u>	Delete "5." and insert "4."
<u>Page 12, Section 5, Line 17:</u>	After "pet" insert "shop or pet"
<u>Page 12, Section 5, Line 21:</u>	After "who" insert "the pet shop or pet dealer knows or reasonably should know"
<u>Page 12, Section 5, Lines 27-30:</u>	Delete in their entirety
<u>Page 12, Section 5, Line 31:</u>	Delete "animal, whichever date is earlier"
<u>Page 12, Section 5, Line 33:</u>	Delete ", unless the pet dealer bred or" and insert ";"
<u>Page 12, Section 5, Lines 34-36:</u>	Delete in their entirety
<u>Page 12, Section 5, Line 40:</u>	Delete "been cited on one or more USDA inspection" and insert "received three or more separate, final and conclusive orders for violations of"
<u>Page 12, Section 5, Lines 41-44:</u>	Delete in their entirety
<u>Page 12, Section 5, Line 45:</u>	Delete "to"
<u>Page 12, Section 5, Line 47:</u>	After "seq." insert ", during the five-year period prior to the purchase of the animal by the pet shop or pet dealer"
<u>Page 13, Section 5, Lines 13-15:</u>	Delete in their entirety
<u>Page 13, Section 5, Line 16:</u>	Delete "(6)" and insert "(5)"
<u>Page 13, Section 5, Line 22:</u>	After "pet" insert "shop or pet"
<u>Page 13, Section 5, Line 40:</u>	After "c." insert "Every pet shop or pet dealer shall submit, annually and no later than May 1 of each year, a report to the municipality in which it is located and licensed, providing: (1) the name, full street address, email address, if available, and USDA license number of: (a) any breeder from which the pet shop or pet dealer purchased an animal, whether or not the pet shop

or pet dealer offered the animal for sale,

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

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

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

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

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

Page 14, Section 5, Lines 19-49:

Delete in their entirety

Page 15, Section 5, Lines 1-13:

Delete in their entirety

Page 15, Section 6, Line 16:

Delete "6." and insert "5."

Page 15, Section 6, Line 23:

Delete "other"

Page 15, Section 6, Line 24:

Delete "other"

Page 15, Section 6, Line 25:

Delete "other"

Page 15, Section 7, Line 28:

Delete "7." and insert "6."

<u>Page 15, Section 7, Line 30:</u>	Delete "In addition to any other penalties that may be"
<u>Page 15, Section 7, Lines 31-33:</u>	Delete in their entirety
<u>Page 15, Section 7, Line 34:</u>	Delete "(C.56:8-95), any" and insert "Any"
<u>Page 15, Section 7, Line 36:</u>	After "organization" insert ", animal rescue organization facility, shelter, or pound"
<u>Page 15, Section 7, Line 36:</u>	Delete "9" and insert "8"
<u>Page 15, Section 8, Line 47:</u>	Delete "8." and insert "7."
<u>Page 16, Section 8, Lines 2-3:</u>	Delete ", with the cooperation and assistance of the Department of Health,"
<u>Page 16, Section 8, Lines 8-9:</u>	Delete "Division of Consumer Affairs, the Department of Health, or the"
<u>Page 16, Section 8, Line 10:</u>	After "any" insert "animal rescue organization, animal rescue organization facility, shelter, pound, pet shop, or"
<u>Page 16, Section 9, Line 14:</u>	Delete "9." and insert "8."
<u>Page 16, Section 9, Line 19:</u>	After "pet" insert "shop or employee thereof, or any pet"
<u>Page 16, Section 9, Line 25:</u>	After "Every pet" insert "shop and pet"
<u>Page 16, Section 9, Line 25:</u>	Delete ", including any pet shop,"
<u>Page 17, Section 9, Line 5:</u>	Delete "to any interested party upon request, and shall be provided"
<u>Page 17, Section 9, Line 6:</u>	Delete "Pursuant to subsection c. of"
<u>Page 17, Section 9, Lines 7-8:</u>	Delete in their entirety
<u>Page 17, Section 10, Lines 10-19:</u>	Delete in their entirety
<u>Page 17, Section 11, Line 21:</u>	Delete "11." and insert "9."
<u>Page 17, Section 11, Line 21:</u>	After "organization," insert "animal rescue organization facility,"
<u>Page 17, Section 11, Line 22:</u>	After "may" insert ": (a)"
<u>Page 17, Section 11, Line 23:</u>	After "compensation" insert "; or (b) transport cats or dogs unless in compliance with the federal "Animal

Welfare Act," 7 U.S.C. s.2131 et seq., or any rules or regulations adopted pursuant thereto"

- Page 17, Section 12, Line 25: Delete "12." and insert "10."
- Page 17, Section 12, Line 35: After "program," insert "dog or cat conformation show, obedience or performance event, field trial,"
- Page 17, Section 13, Line 41: Delete "13." and insert "11."
- Page 17, Section 14, Line 48: Delete "14." and insert "12."
- Page 17, Section 14, Line 48: Delete "11 or 12" and insert "9 or 10"
- Page 18, Section 15, Line 11: Delete "15." and insert "13."
- Page 18, Section 15, Line 42: After "Health" insert ", the Division of Consumer Affairs in the Department of Law and Public Safety,"
- Page 19, Section 15, Line 11: After "Health" insert ", the Division of Consumer Affairs in the Department of Law and Public Safety,"
- Page 19, Section 15, Line 18: After "(3)" insert "if the pet shop was determined by the Director of the Division of Consumer Affairs to have"
- Page 19, Section 15, Lines 22-23: Delete "Renewal of any license issued pursuant to this section shall be at the discretion of the municipality."
- Page 19, Section 15, Line 35: After "Health" insert ", the Division of Consumer Affairs in the Department of Law and Public Safety,"
- Page 19, Section 15, Line 46: After "seq." insert ", as determined by the Director of the Division of Consumer Affairs."
- Page 20, Section 15, Line 9: After "(c)" insert "if the animal rescue organization or animal rescue organization facility was determined by the Director of the Division of Consumer Affairs to have"
- Page 20, Section 15, Lines 11-24: Delete in their entirety
- Page 20, Section 16, Line 27: Delete "16." and insert "14."

Page 20, Section 16, Line 31: Delete "\$10" and insert "\$25"

Page 20, Section 16, Line 32: Delete "\$25" and insert "\$50"

Page 20, Section 16, Line 33: Delete "\$10" and insert "\$50"

Page 20, Section 16, Line 34: Delete "\$5" and insert "\$50"

Page 20, Section 17, Line 38: Delete "17." and insert "15."

Page 20, Section 18, Line 45: Delete "18." and insert "16."

Page 21, Section 19, Line 7: Delete "19." and insert "17."

Page 21, Section 19, Line 17-19: Delete ", with the cooperation and assistance of the Division of Consumer Affairs in the Department of Law and Public Safety,"

Page 21, Section 20, Line 30: Delete "20." and insert "18."

Page 24, Section 21, Line 15: Delete "21." and insert "19."

Page 24, Section 22, Line 29: Delete "22." and insert "20."

Respectfully,

/s/ Chris Christie

Governor

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Attest:

/s/ Gregory L. Acquaviva

Chief Counsel to the Governor