

# ASSEMBLY, No. 1970

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

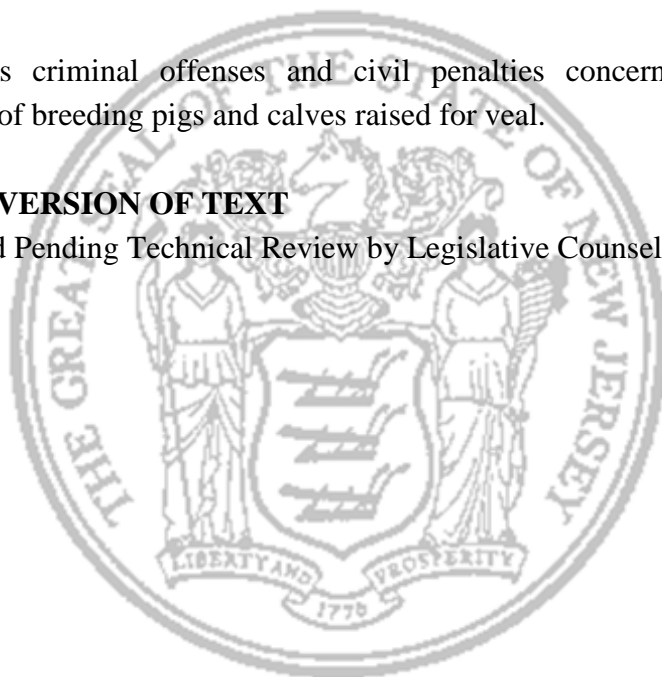
**Assemblyman Scharfenberger, Assemblywomen Reynolds-Jackson, Timberlake, Assemblyman Giblin, Assemblywoman Quijano, Assemblyman Karabinchak, Assemblywoman Swain, Assemblymen Stanley, DePhillips, Danielsen, Assemblywoman Park, Assemblymen McKeon, Rooney, Clifton, Assemblywomen Haider, Dunn, Matsikoudis, Jasey and Jaffer**

**SYNOPSIS**

Establishes criminal offenses and civil penalties concerning inhumane confinement of breeding pigs and calves raised for veal.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/30/2023)**

1 AN ACT concerning confinement of certain calves and pigs, and  
2 amending and supplementing Title 4 of the Revised Statutes.

3

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

6

7 1. (New section) a. As used in this section:

8 “Breeding pig” means any female pig, kept for the purpose of  
9 commercial breeding, that is six months of age or older or pregnant.

10 “Calf raised for veal” means any calf of a bovine species kept for  
11 the purpose of producing the agricultural food product described as  
12 veal.

13 “Enclosure” means any structure used to confine a breeding pig  
14 or calf raised for veal.

15 “Farm” means the land and the buildings, support facilities, and  
16 equipment thereon, that are wholly or partially used for the  
17 commercial production of agricultural food products, or animals or  
18 animal products used for food or fiber. “Farm” shall not include live  
19 animal markets.

20 “Farm owner or operator” means any person who owns or  
21 controls the operations of a farm in the State.

22 “Fully extending the animal’s limbs” means fully extending all  
23 limbs without touching the side of an enclosure or another animal.

24 “Person” means any individual, firm, partnership, joint venture,  
25 association, limited liability company, corporation, estate, trust,  
26 receiver or syndicate.

27 “Turning around freely” means turning in a complete circle  
28 without any impediment, including a tether, and without touching  
29 the side of an enclosure or another animal.

30 “Useable floor space” means the total square footage of floor  
31 space provided to a breeding pig or a calf raised for veal, calculated  
32 by dividing the total square footage of floor space in the enclosure  
33 by the number of pigs or calves, as applicable, kept in the  
34 enclosure.

35 b. Notwithstanding the provisions of subsection e. of R.S.4:22-  
36 16 and section 1 of P.L.1995, c.311 (C.4:22-16.1), or any rules,  
37 regulations, standards adopted pursuant thereto, to the contrary, a  
38 farm owner or operator shall not knowingly confine a breeding pig  
39 or a calf raised for veal:

40 (1) in a manner that prevents the animal from lying down,  
41 standing up, fully extending the animal’s limbs, or turning around  
42 freely;

43 (2) in the case of a breeding pig, within an enclosure with less  
44 than 24 square feet of useable floor space per breeding pig; or

**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 (3) in the case of a calf raised for veal, within an enclosure with  
2 less than 43 square feet of useable floor space per calf.

3 c. A violation of subsection b. of this section shall be a  
4 disorderly persons offense. Any person found guilty of a violation  
5 of subsection b. of this section, in addition to any other penalties  
6 applicable pursuant to Title 2C of the New Jersey Statutes, shall be  
7 subject to a fine of not less than \$250 nor more than \$1,000 for each  
8 offense, or imprisonment for a term of not more than six months, or  
9 both. Each breeding pig or calf raised for veal confined in an  
10 enclosure in violation of subsection b. of this section shall  
11 constitute a separate and distinct offense.

12 d. This section shall not apply to confinement during:

13 (1) the conduct of medical research;

14 (2) the conduct of an examination, testing, individual treatment,  
15 or surgery for veterinary purposes;

16 (3) transportation of the animal;

17 (4) a State or county fair exhibition, 4-H program, or similar  
18 exhibition;

19 (5) temporary periods for animal husbandry purposes, provided  
20 the confinement is for no more than six hours in any 24-hour period  
21 and no more than a total of 24 hours in any 30-day period;

22 (6) humane slaughtering of the animal in accordance with all  
23 applicable laws, and rules and regulations adopted pursuant thereto,  
24 concerning the slaughter of animals; or

25 (7) for a breeding pig, the five-day period prior to the expected  
26 date of the breeding pig giving birth or any day the breeding pig is  
27 nursing piglets.

28 e. Nothing in this section may be construed to supersede or  
29 limit the applicability of any other local, federal, or State law, rule,  
30 or regulation protecting animal welfare, or to prevent any governing  
31 body of a county or municipality from adopting or enacting any  
32 ordinances, resolutions, rules or regulations concerning the  
33 protection and welfare of animals that are more stringent than State  
34 or federal law.

35 f. It is not an affirmative defense to an alleged violation of this  
36 section that a breeding pig or calf raised for veal is domestic  
37 livestock, or was kept as part of an agricultural operation or in  
38 accordance with customary animal husbandry or farming practices.

39

40 2. R.S.4:22-26 is amended to read as follows:

41 4:22-26. A person who shall:

42 a. (1) Overdrive, overload, drive when overloaded, overwork,  
43 abuse, or needlessly kill a living animal or creature, or cause or  
44 procure, by any direct or indirect means, including but not limited  
45 to through the use of another living animal or creature, any such  
46 acts to be done;

47 (2) Torment, torture, maim, hang, poison, unnecessarily or  
48 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or

- 1 creature, or cause or procure, by any direct or indirect means,  
2 including but not limited to through the use of another living animal  
3 or creature, any such acts to be done;
- 4 (3) Cause the death of, or serious bodily injury to, a living  
5 animal or creature from commission of any act described in  
6 paragraph (2), (4), or (5) of this subsection, by any direct or indirect  
7 means, including but not limited to through the use of another living  
8 animal or creature, or otherwise cause or procure any such acts to  
9 be done;
- 10 (4) Fail, as the owner or a person otherwise charged with the  
11 care of a living animal or creature, to provide the living animal or  
12 creature with necessary care, or otherwise cause or procure such an  
13 act to be done; or
- 14 (5) Cause bodily injury to a living animal or creature from  
15 commission of the act described in paragraph (4) of this subsection;
- 16 b. (Deleted by amendment, P.L.2003, c.232)
- 17 c. Inflict unnecessary cruelty upon a living animal or creature,  
18 by any direct or indirect means, including but not limited to through  
19 the use of another living animal or creature; or leave the living  
20 animal or creature unattended in a vehicle under inhumane  
21 conditions adverse to the health or welfare of the living animal or  
22 creature;
- 23 d. Receive or offer for sale a horse that is suffering from abuse  
24 or neglect, or which by reason of disability, disease, abuse or  
25 lameness, or any other cause, could not be worked, ridden or  
26 otherwise used for show, exhibition or recreational purposes, or  
27 kept as a domestic pet without violating the provisions of article 2  
28 of chapter 22 of Title 4 of the Revised Statutes;
- 29 e. Keep, use, be connected with or interested in the  
30 management of, or receive money or other consideration for the  
31 admission of a person to, a place kept or used for the purpose of  
32 fighting or baiting a living animal or creature;
- 33 f. Be present and witness, pay admission to, encourage, aid or  
34 assist in an activity enumerated in subsection e. of this section;
- 35 g. Permit or suffer a person's place owned or controlled by the  
36 person to be used as provided in subsection e. of this section;
- 37 h. Carry, or cause to be carried, a living animal or creature in  
38 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 39 i. Use a dog or dogs for the purpose of drawing or helping to  
40 draw a vehicle for business purposes;
- 41 j. Impound or confine or cause to be impounded or confined in  
42 a pound or other place a living animal or creature, and shall fail to  
43 supply the living animal or creature during such confinement with a  
44 sufficient quantity of good and wholesome food and water;
- 45 k. Abandon a maimed, sick, infirm or disabled animal or  
46 creature to die in a public place;
- 47 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
48 to be sold or offered for sale, used or exposed, a horse or other

- 1 animal having the disease known as glanders or farcy, or other  
2 contagious or infectious disease dangerous to the health or life of  
3 human beings or animals, or who shall, when any such disease is  
4 beyond recovery, refuse, upon demand, to deprive the animal of  
5 life;
- 6 m. Own, operate, manage or conduct a roadside stand or market  
7 for the sale of merchandise along a public street or highway; or a  
8 shopping mall, or a part of the premises thereof; and keep a living  
9 animal or creature confined, or allowed to roam in an area whether  
10 or not the area is enclosed, on these premises as an exhibit; except  
11 that this subsection shall not be applicable to: a pet shop licensed  
12 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
13 keeps an animal, in a humane manner, for the purpose of the  
14 protection of the premises; or a recognized breeders' association, a  
15 4-H club, an educational agricultural program, an equestrian team, a  
16 humane society or other similar charitable or nonprofit organization  
17 conducting an exhibition, show or performance;
- 18 n. Keep or exhibit a wild animal at a roadside stand or market  
19 located along a public street or highway of this State; a gasoline  
20 station; or a shopping mall, or a part of the premises thereof;
- 21 o. Sell, offer for sale, barter or give away or display live baby  
22 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
23 which have been dyed or artificially colored or otherwise treated so  
24 as to impart to them an artificial color;
- 25 p. Use any animal, reptile, or fowl for the purpose of soliciting  
26 any alms, collections, contributions, subscriptions, donations, or  
27 payment of money except in connection with exhibitions, shows or  
28 performances conducted in a bona fide manner by recognized  
29 breeders' associations, 4-H clubs or other similar bona fide  
30 organizations;
- 31 q. Sell or offer for sale, barter, or give away living rabbits,  
32 turtles, baby chicks, ducklings or other fowl under two months of  
33 age, for use as household or domestic pets;
- 34 r. Sell, offer for sale, barter or give away living baby chicks,  
35 ducklings or other fowl, or rabbits, turtles or chameleons under two  
36 months of age for any purpose not prohibited by subsection q. of  
37 this section and who shall fail to provide proper facilities for the  
38 care of such animals;
- 39 s. Artificially mark sheep or cattle, or cause them to be  
40 marked, by cropping or cutting off both ears, cropping or cutting  
41 either ear more than one inch from the tip end thereof, or half  
42 cropping or cutting both ears or either ear more than one inch from  
43 the tip end thereof, or who shall have or keep in the person's  
44 possession sheep or cattle, which the person claims to own, marked  
45 contrary to this subsection unless they were bought in market or of  
46 a stranger;

- 1 t. Abandon a domesticated animal;
- 2 u. For amusement or gain, cause, allow, or permit the fighting  
3 or baiting of a living animal or creature;
- 4 v. Own, possess, keep, train, promote, purchase, or knowingly  
5 sell a living animal or creature for the purpose of fighting or baiting  
6 that animal or creature; or own, possess, buy, sell, transfer, or  
7 manufacture animal fighting paraphernalia as defined pursuant to  
8 R.S.4:22-24 for the purpose of engaging in or otherwise promoting  
9 or facilitating the fighting or baiting of a living animal or creature;
- 10 w. Gamble on the outcome of a fight involving a living animal  
11 or creature;
- 12 x. Knowingly sell or barter or offer for sale or barter, at  
13 wholesale or retail, the fur or hair of a domestic dog or cat or any  
14 product made in whole or in part from the fur or hair of a domestic  
15 dog or cat, unless such fur or hair for sale or barter is from a  
16 commercial grooming establishment or a veterinary office or clinic  
17 or is for use for scientific research;
- 18 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
19 wholesale or retail, for human consumption, the flesh of a domestic  
20 dog or cat, or any product made in whole or in part from the flesh of  
21 a domestic dog or cat;
- 22 (2) Knowingly slaughter a horse for human consumption;
- 23 (3) Knowingly sell or barter, or offer for sale or barter, at  
24 wholesale or retail, for human consumption, the flesh of a horse, or  
25 any product made in whole or in part from the flesh of a horse, or  
26 knowingly accept or publish newspaper advertising that includes the  
27 offering for sale, trade, or distribution of any such item for human  
28 consumption;
- 29 (4) Knowingly transport a horse for the purpose of slaughter for  
30 human consumption;
- 31 (5) Knowingly transport horsemeat, or any product made in  
32 whole or in part from the flesh of a horse, for the purpose of human  
33 consumption;
- 34 z. Surgically debark or silence a dog in violation of section 1  
35 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 36 aa. Use a live pigeon, fowl or other bird for the purpose of a  
37 target, or to be shot at either for amusement or as a test of skill in  
38 marksmanship, except that this subsection and subsections bb. and  
39 cc. shall not apply to the shooting of game;
- 40 bb. Shoot at a bird used as described in subsection aa. of this  
41 section, or is a party to such shooting; **[or]**
- 42 cc. Lease a building, room, field or premises, or knowingly  
43 permit the use thereof for the purposes of subsection aa. or bb. of  
44 this section; or
- 45 dd. Confine a breeding pig or calf raised for veal in a manner  
46 that violates the provisions of subsection b. of section 1 of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill),  
48 except as may be required during (1) the conduct of medical

1 research, (2) the conduct of an examination, testing, individual  
2 treatment, or surgery for veterinary purposes, (3) transportation of  
3 the animal, (4) a State or county fair exhibition, 4-H program, or  
4 similar exhibition, (5) temporary periods for animal husbandry  
5 purposes, provided the confinement is for no more than six hours in  
6 any 24-hour period and no more than a total of 24 hours in any 30-  
7 day period, (6) humane slaughtering of the animal in accordance  
8 with all applicable laws, and rules and regulations adopted pursuant  
9 thereto, concerning the slaughter of animals, or (7) for a breeding  
10 pig, the five-day period prior to the expected date of the breeding  
11 pig giving birth or any day the breeding pig is nursing piglets –

12 Shall forfeit and pay a sum according to the following schedule,  
13 to be sued for and recovered, with costs, in a civil action by any  
14 person in the name of the municipality or county wherein the  
15 defendant resides or where the offense was committed:

16 For a violation of subsection e., f., g., u., v., w., or z. of this  
17 section or of paragraph (3) of subsection a. of this section, or for a  
18 second or subsequent violation of paragraph (2) or (5) of subsection  
19 a. of this section, a sum of not less than \$3,000 nor more than  
20 \$5,000;

21 For a violation of subsection l. of this section, for a first violation  
22 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
23 less than \$1,000 nor more than \$3,000;

24 For a violation of paragraph (4) of subsection a. of this section,  
25 or subsection c. of this section, a sum of not less than \$500 nor  
26 more than \$2,000;

27 For a violation of subsection x. or paragraph (1) of subsection y.  
28 of this section, a sum of not less than \$500 nor more than \$1,000 for  
29 each domestic dog or cat fur or fur or hair product or domestic dog  
30 or cat carcass or meat product sold, bartered, or offered for sale or  
31 barter;

32 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
33 of this section, a sum of not less than \$500 nor more than \$1,000 for  
34 each horse slaughtered or transported for the purpose of slaughter  
35 for human consumption, or for each horse carcass or meat product  
36 transported, sold or bartered, or offered or advertised for sale or  
37 barter;

38 For a violation of subsection t. of this section, a sum of not less  
39 than \$500 nor more than \$1,000, but if the violation occurs on or  
40 near a highway, a mandatory sum of \$1,000;

41 For a violation of subsection d., h., j., k., aa., bb., **[or]** cc. , or  
42 dd. of this section or of paragraph (1) of subsection a. of this  
43 section, a sum of not less than \$250 nor more than \$1,000; and

44 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
45 section, a sum of not less than \$250 nor more than \$500.

46 (cf: P.L.2019, c.223, s.3)

1       3. This act shall take effect on December 31, 2022.

2

3

4

STATEMENT

5

6       This bill prohibits the confinement of breeding pigs and calves  
7 raised for veal in a manner that unduly restricts movement or  
8 provides inadequate space. A violation of the bill's prohibitions  
9 would constitute a disorderly persons offense. The bill also  
10 provides that a violation of the bill's provisions would be a civil  
11 violation of the animal cruelty laws and a violator would be subject  
12 to a civil penalty of not less than \$250 or more than \$1,000.

13       The bill prohibits a farm owner or operator from knowingly  
14 confining a breeding pig or a calf raised for veal:

15       1) in a manner that prevents the animal from lying down,  
16 standing up, fully extending the animal's limbs, or turning around  
17 freely;

18       2) in the case of a breeding pig, within an enclosure with less  
19 than 24 square feet of useable floor space per breeding pig; or

20       3) in the case of a calf raised for veal, within an enclosure with  
21 less than 43 square feet of useable floor space per calf.

22       The bill revises the definition of a "farm owner or operator" to  
23 mean any person who owns or "controls the operations" of a farm in  
24 the State.

25       In addition to any other penalties applicable pursuant to Title 2C  
26 of the New Jersey Statutes, section 1 of the bill provides that a  
27 violator would be fined for each offense not less than \$250 nor  
28 more than \$1,000, or be imprisoned for a term of not more than six  
29 months, or both, and that each breeding pig or calf raised for veal  
30 that is confined in violation of the provisions of the bill would be a  
31 separate and distinct offense.

32       The bill exempts from the bill's provisions confinement during:

33       1) the conduct of medical research;

34       2) the conduct of an examination, testing, individual treatment,  
35 or surgery for veterinary purposes;

36       3) transportation of the animal;

37       4) a State or county fair exhibition, 4-H program, or similar  
38 exhibition;

39       5) temporary periods for animal husbandry purposes, provided  
40 the confinement is for no more than six hours in any 24-hour period  
41 and no more than a total of 24 hours in any 30-day period;

42       6) humane slaughtering of the animal in accordance with all  
43 applicable laws, and rules and regulations adopted pursuant thereto,  
44 concerning the slaughter of animals; or

45       7) for a breeding pig, the five-day period prior to the expected  
46 date of the breeding pig giving birth or any day the breeding pig is  
47 nursing piglets.