

SENATE, No. 1298

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senators Stack, Cunningham, Ruiz, Cruz-Perez and Zwicker

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/10/2022)

S1298 GOPAL, SCUTARI

2

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 or
14 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 commercial
17 production of agricultural food products, or animals or animal products
18 used for food or fiber. “Farm” shall not include live animal markets.

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

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

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

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

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

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

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

40 (2) in the case of a breeding pig, within an enclosure with less than
41 24 square feet of useable floor space per breeding pig; or

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

44 c. A violation of subsection b. of this section shall be a disorderly
45 persons offense. Any person found guilty of a violation of subsection

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

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

8 (1) the conduct of medical research;

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

11 (3) transportation of the animal;

12 (4) a State or county fair exhibition, 4-H program, or similar
13 exhibition;

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

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

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

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

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

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

35 4:22-26. A person who shall:

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

41 (2) Torment, torture, maim, hang, poison, unnecessarily or
42 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
43 creature, or cause or procure, by any direct or indirect means,
44 including but not limited to through the use of another living animal
45 or creature, any such acts to be done;

46 (3) Cause the death of, or serious bodily injury to, a living
47 animal or creature from commission of any act described in
48 paragraph (2), (4), or (5) of this subsection, by any direct or indirect

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

1 m. Own, operate, manage or conduct a roadside stand or market
2 for the sale of merchandise along a public street or highway; or a
3 shopping mall, or a part of the premises thereof; and keep a living
4 animal or creature confined, or allowed to roam in an area whether
5 or not the area is enclosed, on these premises as an exhibit; except
6 that this subsection shall not be applicable to: a pet shop licensed
7 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
8 keeps an animal, in a humane manner, for the purpose of the
9 protection of the premises; or a recognized breeders' association, a
10 4-H club, an educational agricultural program, an equestrian team, a
11 humane society or other similar charitable or nonprofit organization
12 conducting an exhibition, show or performance;

13 n. Keep or exhibit a wild animal at a roadside stand or market
14 located along a public street or highway of this State; a gasoline
15 station; or a shopping mall, or a part of the premises thereof;

16 o. Sell, offer for sale, barter or give away or display live baby
17 chicks, ducklings or other fowl or rabbits, turtles or chameleons
18 which have been dyed or artificially colored or otherwise treated so
19 as to impart to them an artificial color;

20 p. Use any animal, reptile, or fowl for the purpose of soliciting
21 any alms, collections, contributions, subscriptions, donations, or
22 payment of money except in connection with exhibitions, shows or
23 performances conducted in a bona fide manner by recognized
24 breeders' associations, 4-H clubs or other similar bona fide
25 organizations;

26 q. Sell or offer for sale, barter, or give away living rabbits,
27 turtles, baby chicks, ducklings or other fowl under two months of
28 age, for use as household or domestic pets;

29 r. Sell, offer for sale, barter or give away living baby chicks,
30 ducklings or other fowl, or rabbits, turtles or chameleons under two
31 months of age for any purpose not prohibited by subsection q. of
32 this section and who shall fail to provide proper facilities for the
33 care of such animals;

34 s. Artificially mark sheep or cattle, or cause them to be
35 marked, by cropping or cutting off both ears, cropping or cutting
36 either ear more than one inch from the tip end thereof, or half
37 cropping or cutting both ears or either ear more than one inch from
38 the tip end thereof, or who shall have or keep in the person's
39 possession sheep or cattle, which the person claims to own, marked
40 contrary to this subsection unless they were bought in market or of
41 a stranger;

42 t. Abandon a domesticated animal;

43 u. For amusement or gain, cause, allow, or permit the fighting
44 or baiting of a living animal or creature; or engage in, facilitate, or
45 provide the means to engage in, trunk fighting as defined in section
46 1 of P.L.2021, c.83 (C.4:22-24.1);

47 v. Own, possess, keep, train, promote, purchase, or knowingly
48 sell a living animal or creature for the purpose of fighting or baiting

1 that animal or creature; or own, possess, buy, sell, transfer, or
2 manufacture animal fighting paraphernalia as defined pursuant to
3 R.S.4:22-24 for the purpose of engaging in or otherwise promoting
4 or facilitating the fighting or baiting of a living animal or creature;

5 w. Gamble on the outcome of a fight involving a living animal
6 or creature;

7 x. Knowingly sell or barter or offer for sale or barter, at
8 wholesale or retail, the fur or hair of a domestic dog or cat or any
9 product made in whole or in part from the fur or hair of a domestic
10 dog or cat, unless such fur or hair for sale or barter is from a
11 commercial grooming establishment or a veterinary office or clinic
12 or is for use for scientific research;

13 y. (1) Knowingly sell or barter, or offer for sale or barter, at
14 wholesale or retail, for human consumption, the flesh of a domestic
15 dog or cat, or any product made in whole or in part from the flesh of
16 a domestic dog or cat;

17 (2) Knowingly slaughter a horse for human consumption;

18 (3) Knowingly sell or barter, or offer for sale or barter, at
19 wholesale or retail, for human consumption, the flesh of a horse, or
20 any product made in whole or in part from the flesh of a horse, or
21 knowingly accept or publish newspaper advertising that includes the
22 offering for sale, trade, or distribution of any such item for human
23 consumption;

24 (4) Knowingly transport a horse for the purpose of slaughter for
25 human consumption;

26 (5) Knowingly transport horsemeat, or any product made in
27 whole or in part from the flesh of a horse, for the purpose of human
28 consumption;

29 z. Surgically debark or silence a dog in violation of section 1
30 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

31 aa. Use a live pigeon, fowl or other bird for the purpose of a
32 target, or to be shot at either for amusement or as a test of skill in
33 marksmanship, except that this subsection and subsections bb. and
34 cc. shall not apply to the shooting of game;

35 bb. Shoot at a bird used as described in subsection aa. of this
36 section, or is a party to such shooting; or

37 cc. Lease a building, room, field or premises, or knowingly
38 permit the use thereof for the purposes of subsection aa. or bb. of
39 this section; or

40 dd. Confine a breeding pig or calf raised for veal in a manner
41 that violates the provisions of subsection b. of section 1 of
42 P.L. , c. (C.) (pending before the Legislature as this bill),
43 except as may be required during (1) the conduct of medical
44 research, (2) the conduct of an examination, testing, individual
45 treatment, or surgery for veterinary purposes, (3) transportation of
46 the animal, (4) a State or county fair exhibition, 4-H program, or
47 similar exhibition, (5) temporary periods for animal husbandry
48 purposes, provided the confinement is for no more than six hours in

S1298 GOPAL, SCUTARI

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1 any 24-hour period and no more than a total of 24 hours in any 30-
2 day period, (6) humane slaughtering of the animal in accordance
3 with all applicable laws, and rules and regulations adopted pursuant
4 thereto, concerning the slaughter of animals, or (7) for a breeding
5 pig, the five-day period prior to the expected date of the breeding
6 pig giving birth or any day the breeding pig is nursing piglets ---

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

11 For a violation of subsection e., f., g., u., v., w., or z. of this
12 section or of paragraph (3) of subsection a. of this section, or for a
13 second or subsequent violation of paragraph (2) or (5) of subsection
14 a. of this section, a sum of not less than \$3,000 nor more than
15 \$5,000;

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

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

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

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

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

36 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
37 section or of paragraph (1) of subsection a. of this section, a sum of
38 not less than \$250 nor more than \$1,000; and

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

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

44 (cf: P.L.2021, c.83, s.2)

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

STATEMENT

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

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

- 1) in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs, or turning around freely;
- 2) in the case of a breeding pig, within an enclosure with less than 24 square feet of useable floor space per breeding pig; or
- 3) in the case of a calf raised for veal, within an enclosure with less than 43 square feet of useable floor space per calf.

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

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

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

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