

ASSEMBLY, No. 1211

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Prohibits cropping or altering the tail or ears of dog; establishes as animal cruelty offense.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain animal cruelty offenses towards dogs,
2 and supplementing and amending 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. It shall be unlawful for a person to crop or
8 alter the tail or ears of a dog for cosmetic reasons. A person who
9 violates this section shall be guilty of a disorderly persons offense.

10 b. Subsection a. of this section shall not apply to any procedure
11 performed by a licensed veterinarian for medical reasons.

12 c. Whenever a licensed veterinarian crops or alters the tail or
13 ears of a dog as part of a medical procedure for medical reasons, the
14 veterinarian shall prepare and file a written statement with the
15 Department of Health setting forth the veterinary basis for doing so
16 and the name and address of the owner of the dog. A veterinarian
17 who fails to comply with the provisions of this section shall be
18 subject to disciplinary action by the State Board of Veterinary
19 Medical Examiners.

20
21 2. R.S.4:22-26 is amended to read as follows:

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

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

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

33 (3) Cause the death of, or serious bodily injury to, a living
34 animal or creature from commission of any act described in
35 paragraph (2), (4), or (5) of this subsection, by any direct or indirect
36 means, including but not limited to through the use of another living
37 animal or creature, or otherwise cause or procure any such acts to
38 be done;

39 (4) Fail, as the owner or a person otherwise charged with the
40 care of a living animal or creature, to provide the living animal or
41 creature with necessary care, or otherwise cause or procure such an
42 act to be done; or

43 (5) Cause bodily injury to a living animal or creature from
44 commission of the act described in paragraph (4) of this subsection;

45 b. (Deleted by amendment, P.L.2003, c.232)

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 c. Inflict unnecessary cruelty upon a living animal or creature,
2 by any direct or indirect means, including but not limited to through
3 the use of another living animal or creature; or leave the living
4 animal or creature unattended in a vehicle under inhumane
5 conditions adverse to the health or welfare of the living animal or
6 creature;
- 7 d. Receive or offer for sale a horse that is suffering from abuse
8 or neglect, or which by reason of disability, disease, abuse or
9 lameness, or any other cause, could not be worked, ridden or
10 otherwise used for show, exhibition or recreational purposes, or
11 kept as a domestic pet without violating the provisions of article 2
12 of chapter 22 of Title 4 of the Revised Statutes;
- 13 e. Keep, use, be connected with or interested in the
14 management of, or receive money or other consideration for the
15 admission of a person to, a place kept or used for the purpose of
16 fighting or baiting a living animal or creature;
- 17 f. Be present and witness, pay admission to, encourage, aid or
18 assist in an activity enumerated in subsection e. of this section;
- 19 g. Permit or suffer a person's place owned or controlled by the
20 person to be used as provided in subsection e. of this section;
- 21 h. Carry, or cause to be carried, a living animal or creature in
22 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 23 i. Use a dog or dogs for the purpose of drawing or helping to
24 draw a vehicle for business purposes;
- 25 j. Impound or confine or cause to be impounded or confined in
26 a pound or other place a living animal or creature, and shall fail to
27 supply the living animal or creature during such confinement with a
28 sufficient quantity of good and wholesome food and water;
- 29 k. Abandon a maimed, sick, infirm or disabled animal or
30 creature to die in a public place;
- 31 l. Willfully sell, or offer to sell, use, expose, or cause or permit
32 to be sold or offered for sale, used or exposed, a horse or other
33 animal having the disease known as glanders or farcy, or other
34 contagious or infectious disease dangerous to the health or life of
35 human beings or animals, or who shall, when any such disease is
36 beyond recovery, refuse, upon demand, to deprive the animal of
37 life;
- 38 m. Own, operate, manage or conduct a roadside stand or market
39 for the sale of merchandise along a public street or highway; or a
40 shopping mall, or a part of the premises thereof; and keep a living
41 animal or creature confined, or allowed to roam in an area whether
42 or not the area is enclosed, on these premises as an exhibit; except
43 that this subsection shall not be applicable to: a pet shop licensed
44 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
45 keeps an animal, in a humane manner, for the purpose of the
46 protection of the premises; or a recognized breeders' association, a
47 4-H club, an educational agricultural program, an equestrian team, a

- 1 humane society or other similar charitable or nonprofit organization
2 conducting an exhibition, show or performance;
- 3 n. Keep or exhibit a wild animal at a roadside stand or market
4 located along a public street or highway of this State; a gasoline
5 station; or a shopping mall, or a part of the premises thereof;
- 6 o. Sell, offer for sale, barter or give away or display live baby
7 chicks, ducklings or other fowl or rabbits, turtles or chameleons
8 which have been dyed or artificially colored or otherwise treated so
9 as to impart to them an artificial color;
- 10 p. Use any animal, reptile, or fowl for the purpose of soliciting
11 any alms, collections, contributions, subscriptions, donations, or
12 payment of money except in connection with exhibitions, shows or
13 performances conducted in a bona fide manner by recognized
14 breeders' associations, 4-H clubs or other similar bona fide
15 organizations;
- 16 q. Sell or offer for sale, barter, or give away living rabbits,
17 turtles, baby chicks, ducklings or other fowl under two months of
18 age, for use as household or domestic pets;
- 19 r. Sell, offer for sale, barter or give away living baby chicks,
20 ducklings or other fowl, or rabbits, turtles or chameleons under two
21 months of age for any purpose not prohibited by subsection q. of
22 this section and who shall fail to provide proper facilities for the
23 care of such animals;
- 24 s. Artificially mark sheep or cattle, or cause them to be
25 marked, by cropping or cutting off both ears, cropping or cutting
26 either ear more than one inch from the tip end thereof, or half
27 cropping or cutting both ears or either ear more than one inch from
28 the tip end thereof, or who shall have or keep in the person's
29 possession sheep or cattle, which the person claims to own, marked
30 contrary to this subsection unless they were bought in market or of
31 a stranger;
- 32 t. Abandon a domesticated animal;
- 33 u. For amusement or gain, cause, allow, or permit the fighting
34 or baiting of a living animal or creature;
- 35 v. Own, possess, keep, train, promote, purchase, or knowingly
36 sell a living animal or creature for the purpose of fighting or baiting
37 that animal or creature; or own, possess, buy, sell, transfer, or
38 manufacture animal fighting paraphernalia as defined pursuant to
39 R.S.4:22-24 for the purpose of engaging in or otherwise promoting
40 or facilitating the fighting or baiting of a living animal or creature;
- 41 w. Gamble on the outcome of a fight involving a living animal
42 or creature;
- 43 x. Knowingly sell or barter or offer for sale or barter, at
44 wholesale or retail, the fur or hair of a domestic dog or cat or any
45 product made in whole or in part from the fur or hair of a domestic
46 dog or cat, unless such fur or hair for sale or barter is from a
47 commercial grooming establishment or a veterinary office or clinic
48 or is for use for scientific research;

1 y. (1) Knowingly sell or barter, or offer for sale or barter, at
2 wholesale or retail, for human consumption, the flesh of a domestic
3 dog or cat, or any product made in whole or in part from the flesh of
4 a domestic dog or cat;
5 (2) Knowingly slaughter a horse for human consumption;
6 (3) Knowingly sell or barter, or offer for sale or barter, at
7 wholesale or retail, for human consumption, the flesh of a horse, or
8 any product made in whole or in part from the flesh of a horse, or
9 knowingly accept or publish newspaper advertising that includes the
10 offering for sale, trade, or distribution of any such item for human
11 consumption;
12 (4) Knowingly transport a horse for the purpose of slaughter for
13 human consumption;
14 (5) Knowingly transport horsemeat, or any product made in
15 whole or in part from the flesh of a horse, for the purpose of human
16 consumption;
17 z. Surgically debark or silence a dog in violation of section 1
18 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
19 aa. Use a live pigeon, fowl or other bird for the purpose of a
20 target, or to be shot at either for amusement or as a test of skill in
21 marksmanship, except that this subsection and subsections bb. and
22 cc. shall not apply to the shooting of game;
23 bb. Shoot at a bird used as described in subsection aa. of this
24 section, or is a party to such shooting; **[or]**
25 cc. Lease a building, room, field or premises, or knowingly
26 permit the use thereof for the purposes of subsection aa. or bb. of
27 this section; or
28 dd. Crop or alter the tail or ears of a dog for cosmetic reasons in
29 violation of section 1 of P.L. , c. (C.) (pending before the
30 Legislature as this bill) --
31 Shall forfeit and pay a sum according to the following schedule,
32 to be sued for and recovered, with costs, in a civil action by any
33 person in the name of the municipality or county wherein the
34 defendant resides or where the offense was committed:
35 For a violation of subsection e., f., g., u., v., w., or z. of this
36 section or of paragraph (3) of subsection a. of this section, for a
37 second or subsequent violation of paragraph (2) or (5) of subsection
38 a. of this section, a sum of not less than \$3,000 nor more than
39 \$5,000;
40 For a violation of subsection l. or dd. of this section, or for a first
41 violation of paragraph (2) or (5) of subsection a. of this section, a
42 sum of not less than \$1,000 nor more than \$3,000;
43 For a violation of paragraph (4) of subsection a. of this section,
44 or subsection c. of this section, a sum of not less than \$500 nor
45 more than \$2,000;
46 For a violation of subsection x. or paragraph (1) of subsection y.
47 of this section, a sum of not less than \$500 nor more than \$1,000 for
48 each domestic dog or cat fur or fur or hair product or domestic dog

1 or cat carcass or meat product sold, bartered, or offered for sale or
2 barter;

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

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

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

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

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

18

19 3. This act shall take effect immediately.

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STATEMENT

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24 This bill prohibits a person from cropping or altering the tail or
25 ears of a dog for cosmetic reasons. A violation of the bill's
26 provisions would constitute a disorderly persons offense,
27 punishable by up to six months imprisonment, a fine of up to
28 \$1,000, or both. The bill would also establish a civil penalty for
29 this offense of \$1,000 to \$3,000. The bill would exempt from the
30 prohibition established by the bill any procedure performed by a
31 licensed veterinarian for medical reasons. Finally, the bill would
32 require a licensed veterinarian to prepare and file a written
33 statement with the Department of Health whenever the veterinarian
34 crops or alters the tail or ears of a dog as part of a medical
35 procedure for medical reasons. The written statement would set
36 forth the veterinary basis for doing so. Failure to file the written
37 statement would subject the veterinarian to disciplinary action by
38 the State Board of Veterinary Medical Examiners.