

ASSEMBLY, No. 5236

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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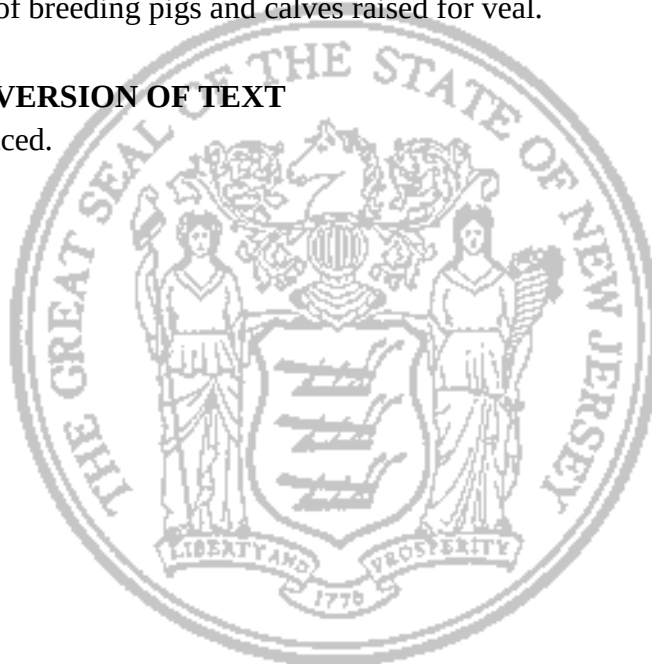
Assemblyman Scharfenberger, Assemblywomen Vainieri Huttle, Reynolds-Jackson, Assemblyman Zwicker, Assemblywoman Timberlake, Assemblymen Giblin, Johnson, Assemblywoman Quijano, Assemblyman Karabinchak, Assemblywoman Swain and Assemblyman Stanley

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: 6/1/2021)

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 operates 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;
- 47 t. Abandon a domesticated animal;

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

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

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

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

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

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

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

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

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

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

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

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

46

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

STATEMENT

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.

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.

The bill is needed to address the animal cruelty issues regarding the restrictive confinement of pregnant pigs and calves being raised for the production of veal. Confinement restricting the free movement of pregnant pigs and veal calves is cruel and negatively affects the health of the pregnant pig and the quality of the pork

1 from its offspring. The use of restrictive enclosures such as
2 gestation crates for pregnant pigs and veal crates for calves has
3 been banned in many jurisdictions as a result. Canada banned
4 gestation crates nationwide in 2014. The states of Arizona,
5 California, Colorado, Maine, Massachusetts, Michigan, Ohio, and
6 Rhode Island established similar bans on the use of gestation crates
7 and veal crates. Florida and Oregon have also banned the use of
8 gestation crates and Kentucky has banned the use of veal crates.