

SENATE, No. 3774

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 13, 2021

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Gopal and Cruz-Perez

SYNOPSIS

“Kangaroo Protection Act of 2021”; prohibits sale or barter, or offering for sale or barter, of dead kangaroos and any products made from kangaroo.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2021)

1 AN ACT concerning kangaroos and kangaroo products,
2 supplementing Title 4 of the Revised Statutes, and amending
3 R.S.4:22-26.

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

7
8 1. (New section) a. Any person who sells, barter, or offers for
9 sale or barter, at wholesale or retail, a dead kangaroo or any part
10 thereof, or any product made in whole or in part from a kangaroo,
11 commits a disorderly persons offense, provided that the person
12 knew or reasonably should have known that the product was made
13 in whole or in part from a kangaroo.

14 b. Notwithstanding the provisions of Title 2C of the New
15 Jersey Statutes to the contrary, any person found guilty of violating
16 this section shall be subject to a fine of not less than \$1,000 and a
17 term of imprisonment of not less than 30 days.

18 c. Nothing in this section shall be construed to impose liability
19 on a newspaper that inadvertently, unintentionally, or unknowingly
20 accepts or publishes advertising that includes the offering for sale,
21 trade, or distribution of any item in violation of this section.
22 However, if a newspaper knowingly accepts or publishes
23 advertising that includes the offering for sale, trade, or distribution
24 any such item, the newspaper shall be in violation of this section.

25 d. As used in this section, "kangaroo" means any dead animal of
26 the species or a part of any dead animal of the species *Osphranter*
27 *rufus* (commonly known as the "red kangaroo"), *Macropus*
28 *giganteus* (commonly known as the "eastern grey kangaroo"),
29 *Macropus fuliginosus* (commonly known as the "western grey
30 kangaroo"), or *Osphranter robustus* (commonly known as the
31 "common wallaroo kangaroo").

32
33 2. R.S.4:22-26 is amended to read as follows:

34 4:22-26. A person who shall:

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

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

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

- 1 contagious or infectious disease dangerous to the health or life of
2 human beings or animals, or who shall, when any such disease is
3 beyond recovery, refuse, upon demand, to deprive the animal of
4 life;
- 5 m. Own, operate, manage or conduct a roadside stand or market
6 for the sale of merchandise along a public street or highway; or a
7 shopping mall, or a part of the premises thereof; and keep a living
8 animal or creature confined, or allowed to roam in an area whether
9 or not the area is enclosed, on these premises as an exhibit; except
10 that this subsection shall not be applicable to: a pet shop licensed
11 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
12 keeps an animal, in a humane manner, for the purpose of the
13 protection of the premises; or a recognized breeders' association, a
14 4-H club, an educational agricultural program, an equestrian team, a
15 humane society or other similar charitable or nonprofit organization
16 conducting an exhibition, show or performance;
- 17 n. Keep or exhibit a wild animal at a roadside stand or market
18 located along a public street or highway of this State; a gasoline
19 station; or a shopping mall, or a part of the premises thereof;
- 20 o. Sell, offer for sale, barter or give away or display live baby
21 chicks, ducklings or other fowl or rabbits, turtles or chameleons
22 which have been dyed or artificially colored or otherwise treated so
23 as to impart to them an artificial color;
- 24 p. Use any animal, reptile, or fowl for the purpose of soliciting
25 any alms, collections, contributions, subscriptions, donations, or
26 payment of money except in connection with exhibitions, shows or
27 performances conducted in a bona fide manner by recognized
28 breeders' associations, 4-H clubs or other similar bona fide
29 organizations;
- 30 q. Sell or offer for sale, barter, or give away living rabbits,
31 turtles, baby chicks, ducklings or other fowl under two months of
32 age, for use as household or domestic pets;
- 33 r. Sell, offer for sale, barter or give away living baby chicks,
34 ducklings or other fowl, or rabbits, turtles or chameleons under two
35 months of age for any purpose not prohibited by subsection q. of
36 this section and who shall fail to provide proper facilities for the
37 care of such animals;
- 38 s. Artificially mark sheep or cattle, or cause them to be
39 marked, by cropping or cutting off both ears, cropping or cutting
40 either ear more than one inch from the tip end thereof, or half
41 cropping or cutting both ears or either ear more than one inch from
42 the tip end thereof, or who shall have or keep in the person's
43 possession sheep or cattle, which the person claims to own, marked
44 contrary to this subsection unless they were bought in market or of
45 a stranger;
- 46 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 (6) Knowingly sell or barter or offer for sale or barter, at
34 wholesale or retail, a dead kangaroo or any part thereof, or any
35 product made in whole or in part from a kangaroo, or knowingly
36 accept or publish newspaper advertising that includes the offering
37 for sale, trade, or distribution of any such item;
- 38 z. Surgically debark or silence a dog in violation of section 1
39 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 40 aa. Use a live pigeon, fowl or other bird for the purpose of a
41 target, or to be shot at either for amusement or as a test of skill in
42 marksmanship, except that this subsection and subsections bb. and
43 cc. shall not apply to the shooting of game;
- 44 bb. Shoot at a bird used as described in subsection aa. of this
45 section, or is a party to such shooting; or

1 cc. Lease a building, room, field or premises, or knowingly
2 permit the use thereof for the purposes of subsection aa. or bb. of
3 this section

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

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

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

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

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

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

30 For a violation of paragraph (6) of subsection y. of this section, a
31 sum of not less than \$1,000 nor more than \$5,000 for each dead
32 kangaroo, any part thereof, or product made in whole or in part
33 from a kangaroo, sold or bartered, or offered or advertised for sale
34 or barter;

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

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

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

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

44

45 3. This act shall take effect immediately.

STATEMENT

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3 This bill, to be known as the “Kangaroo Protection Act of 2021,”
4 would prohibit the sale, bartering, or offering for sale or barter of
5 dead kangaroos or any parts thereof, or any products made in whole
6 or in part from a kangaroo, or knowingly accept or publish
7 newspaper advertising that includes the offering for sale, trade, or
8 distribution of any such item. A person violating the bill’s
9 prohibitions would be guilty of a disorderly persons offense, and
10 would be subject to a minimum criminal penalty of \$1,000 and
11 imprisonment of not less than 30 days. A person would
12 additionally be liable to pay a civil fine of between \$1,000 and
13 \$5,000 for each dead kangaroo, part thereof, or product made in
14 whole or in part from a kangaroo sold or bartered, or offered or
15 advertised for sale or barter, in violation of the bill’s provisions.

16 This bill is modeled on a California law that prohibits the sale of
17 the dead body, or a part or product thereof, of a kangaroo and
18 legislation currently pending in the United States Congress as
19 H.R.917 of 2021, entitled the “Kangaroo Protection Act of 2021.”