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CL/JA

P.L. 2023, CHAPTER 130, *approved July 26, 2023*
Assembly Committee Substitute for Assembly, No. 1970

1 AN ACT concerning the confinement of certain calves and pigs, and
2 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. a. As used in this section:

8 "Breeding pig" means any female pig of the porcine species kept
9 for the purpose of commercial breeding, who is six months or older
10 or pregnant.

11 "Calf raised for veal" means any calf of the bovine species kept
12 for the purpose of producing the food product described as veal.

13 "Enclosure" means a structure used to confine one or more
14 breeding pigs or calves raised for veal.

15 "Fully extending the animal's limbs" means fully extending all
16 limbs without touching the side of an enclosure or another animal.

17 "Turning around freely" means turning in a complete circle
18 without any impediment, including a tether, and without touching
19 the side of an enclosure or another animal.

20 b. In addition to the standards adopted pursuant to subsection a.
21 of section 1 of P.L.1995, c.311 (C.4:22-16.1), and notwithstanding
22 any other provision of law to the contrary, the State Board of
23 Agriculture and the Department of Agriculture, shall, within 180
24 days after the date of enactment of this act, develop and adopt,
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), rules and regulations, which:

27 (1) prohibit the confinement in an enclosure of any breeding pig
28 in a manner that prevents the animal from lying down, standing up,
29 fully extending the animal's limbs, or turning around freely;

30 (2) prohibit the confinement in an enclosure of any calf raised
31 for veal in a manner that prevents the animal from lying down,
32 standing up, fully extending the animal's limbs, or turning around
33 freely;

34 (3) require that calves raised for veal are confined in a manner
35 such that each calf can groom itself naturally and have visual
36 contact with other calves; and

37 (4) establish penalties for violations of the provisions of
38 paragraphs (1) through (3) of this subsection.

39 c. The rules and regulations adopted pursuant to subsection b.
40 of this section may include exceptions to confinement standards for
41 the following activities only:

42 (1) medical research;

1 (2) examination, testing, individual treatment, or operation for
2 veterinary purposes, but only if performed by or under the
3 supervision of a licensed veterinarian, either in person or via a
4 telemedicine appointment;

5 (3) transportation;

6 (4) State or county fair exhibitions, 4-H programs, or similar
7 temporary exhibitions;

8 (5) humane slaughter in accordance with applicable laws and
9 regulations; and

10 (6) confinement of a breeding pig during the 14-day period prior
11 to the expected date of the breeding pig giving birth or on any day
12 when the breeding pig is nursing piglets.

13

14 2. This act shall take effect immediately.

15

16

17

18

19 _____
20 Requires State Board of Agriculture and Department of
21 Agriculture to adopt rules and regulations concerning confinement
of breeding pigs and calves raised for veal.

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:

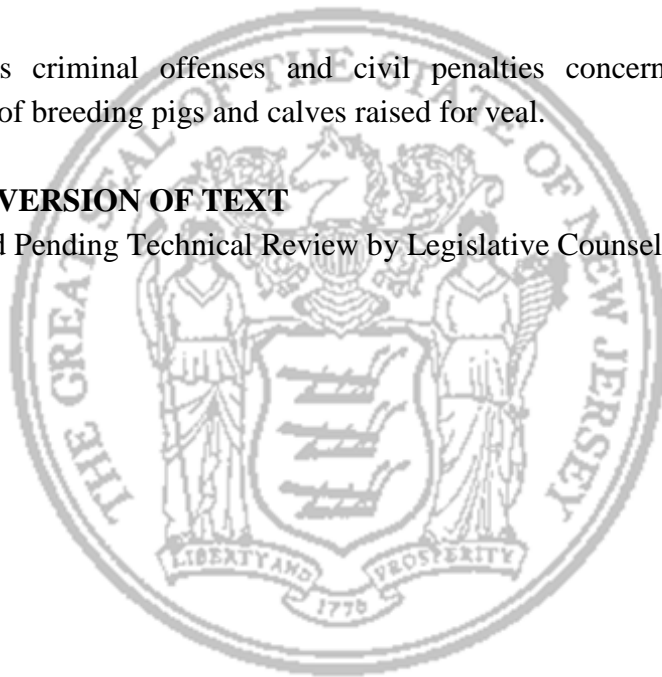
Assemblyman Scharfenberger, Assemblywomen Reynolds-Jackson, Timberlake, Assemblyman Giblin, Assemblywoman Quijano, Assemblyman Karabinchak, Assemblywoman Swain, Assemblymen Stanley, DePhillips, Danielsen, Assemblywoman Park, Assemblymen McKeon, Rooney, Clifton, Assemblywomen Haider, Dunn, Matsikoudis,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

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1970

STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1970.

This committee substitute requires the State Board of Agriculture and the Department of Agriculture to adopt rules and regulations, within 180 days after the bill's enactment, that regulate the confinement, care, and treatment of breeding pigs and calves raised for veal.

The rules and regulations would also be required to establish penalties for violators.

The bill would also provide that rules and regulations promulgated by the State Board of Agriculture and the Department of Agriculture may include exceptions for:

- (1) medical research;
- (2) examination, testing, or veterinary treatment that is supervised by a licensed veterinarian, either in person or via a telemedicine appointment;
- (3) transportation;
- (4) State or county fair exhibitions, 4-H programs, or similar temporary exhibitions;
- (5) humane slaughter in accordance with applicable laws and regulations; and
- (6) confinement of a breeding pig during the 14-day period prior to the expected date of the breeding pig giving birth or on any day when the breeding pig is nursing piglets.

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.

33

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

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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.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1298**

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 2022

The Senate Environment and Energy Committee favorably reports a committee substitute for Senate Bill No. 1298.

This committee substitute would require the State Board of Agriculture and the Department of Agriculture to adopt rules and regulations, within 180 days after the bill's enactment, to regulate the confinement of breeding pigs and calves raised for veal.

The rules and regulations would be required to: (1) prohibit the confinement in an enclosure of any breeding pig or calf raised for veal in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs, or turning around freely; (2) require that calves raised for veal are confined in a manner such that each calf can groom itself naturally and has visual contact with other calves; and (3) establish penalties for persons who confine breeding pigs or calves raised for veal in violation of the rules and regulations. The bill would also provide that the rules and regulations may include exceptions only for confinement related to medical research, veterinary examination, testing, treatment, or other care, transportation, temporary exhibitions, and human slaughter in accordance with applicable law.

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1298

with Senate Floor Amendments
(Proposed by Senator GOPAL)

ADOPTED: DECEMBER 19, 2022

The floor amendments clarify that the rules and regulations adopted pursuant to the bill's provisions may provide exceptions to the bill's confinement standards for: (1) examination, testing, or veterinary treatment that is supervised by a licensed veterinarian, either in person or via a telemedicine appointment; and (2) confinement of a breeding pig during the 14-day period prior to the expected date of the breeding pig giving birth or on any day when the breeding pig is nursing piglets.

Governor Murphy Signs Legislation Prohibiting Inhumane Enclosures for Certain Livestock

07/26/2023

TRENTON – Governor Phil Murphy today signed legislation (A-1970/S-1298) requiring the State Board of Agriculture and the Department of Agriculture to adopt rules and regulations concerning the confinement, care, and treatment of breeding pigs and calves raised for veal. The rules and regulations, which must be adopted within 180 days after today's signing, establish penalties for violators. The bill prohibits confinement in an enclosure that impacts a breeding pig and calf's ability to freely move in certain ways and properly groom itself that limits visual contact with other calves.

"As the Garden State, agriculture is at the heart of New Jersey's identity," said **Governor Murphy**. "Ensuring that we are following humane farming practices and that farm animals are treated with care, rather than kept in enclosures so small they are immobilized, is a reflection of our values."

"The humane treatment of domestic livestock has long been a major priority for the New Jersey Department of Agriculture and we endorse legislation that supports those rules while ensuring the farmers' right to raise livestock," **New Jersey Department of Agriculture Assistant Secretary Joe Atchison III** said.

The legislation also provides that rules and regulations promulgated by the State Board and the Department may include exceptions for:

- (1) Medical research;
- (2) Examination, testing, or veterinary treatment that is supervised by a licensed veterinarian, either in person or via a telemedicine appointment;
- (3) Transportation;
- (4) State or county fair exhibitions, 4-H programs, or similar temporary exhibitions;
- (5) Humane slaughter in accordance with applicable laws and regulations; and
- (6) Confinement of a breeding pig during the 14-day period prior to the expected date of the breeding pig giving birth or on any day when the breeding pig is nursing piglets.

Primary sponsors of A-1970/S-1298 include Senators Nick Scutari and Vin Gopal, and Assemblymembers Raj Mukherji, Daniel Benson, and Carol Murphy.

"Placing breeding pigs in gestation crates where their movements are so severely constrained before giving birth represents an uncommon cruelty we as a society should no longer accept," said **Senate President Nick Scutari**. "In the end this is a question of morality, and whether New Jersey is willing to do the right thing."

"The confinement of mother pigs and calves raised for veal, a common practice among factory farms, constitutes a severe form of animal abuse, and should not be allowed," said **Senator Vin Gopal**. "While we are assured the majority of our hog farmers do not use this method of confinement, New Jersey needs to stand with other states and other countries making sure this uncivilized practice is banned once and for all."

"With this law, we are addressing a form of animal cruelty that has been used in factory farms for far too long. The restrictive confinement of pregnant pigs and calves raised for veal is inhuman and should not be condoned," said **Assemblyman Raj Mukherji**. "To force these animals into gestation crates so restrictive that they cannot turn around or exercise their muscles is unethical. Today, we are taking a moral stand against this practice."

"I thank Governor Murphy for signing legislation banning the cruel pig crates which Governor Christie vetoed eight years ago," said **former Senator Ray Lesniak, President, The Les Institute American Leadership**.

"There is a clear shift in consumer sentiment – and the cruel confinement of pigs and calves raised for veal will not be tolerated. The exposure of the conditions farmed animals endure is the only way to change industry standards," said **Animal Legal Defense Fund Legislative Affairs Manager Brian R. Hackett**. "The Animal Legal Defense Fund is happy to see New Jersey join 11 other states that recognize the cruel confinement of these sensitive and highly intelligent animals is wrong and needs to end."

"We are immensely grateful to Governor Murphy for signing legislation to stop the worst form of torment on pig factory farms: immobilization of the breeding sows in small metal cages," said **Wayne Pacelle, President of Animal Wellness Action and the Center for a Humane Economy**. "Animals built to move should be able to walk and to turn around and the governor's signature on this bill aligns the law with that basic behavioral need."

"There is a quote that is attributed to Mahatma Gandhi who reflected on the prevalence of animal cruelty in the 1930's by saying 'The greatness of a nation and its moral progress can be judged by the way in which it treats its animals,'" said **Current Committeeman and Former Harding Township Mayor Nicolas Platt**. "I hope that Governor Murphy signing this bill set an example that will be followed by every state in the union, simply because it is the right thing to do."