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No

**REPORTS:**

No

**HEARINGS:**

Yes

**NEWSPAPER ARTICLES:**

"NJ law puts bite into efforts to protect pets," 1-5-2000, The Times, (Trenton), p. A4.

"New law bans sale of dog, cat parts," 1-5-2000, Home News Tribune (East Brunswick), p. A3.

"State bans use of dog, cat fur on clothing," 1-5-2000, The Press (of Atlantic City), p. C7.

P.L. 1999, CHAPTER 307, *approved January 4, 2000*  
Senate, No. 1815 (*Second Reprint*)

1 AN ACT <sup>1</sup>**[prohibiting]** concerning<sup>1</sup> the sale or barter of dog or cat fur  
2 or hair and products made therefrom and <sup>1</sup>**[prohibiting]**  
3 concerning<sup>1</sup> the sale or barter of dog or cat flesh and products  
4 made therefrom for human consumption, supplementing Title 4 of  
5 the Revised Statutes, and amending R.S.4:22-26.  
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
8 *of New Jersey:*  
9

10 1. (New section) <sup>1</sup>**[a.** No person may sell or barter or offer] Any  
11 person who sells, barter, or offers<sup>1</sup> for sale or barter, at wholesale or  
12 retail, the fur or hair of a <sup>1</sup>domestic<sup>1</sup> dog or cat or any product made  
13 in whole or in part from the fur or hair of a <sup>1</sup>domestic<sup>1</sup> dog or cat <sup>1</sup>**[,**  
14 **except that this prohibition]** commits a crime of the fourth degree,  
15 provided that the person knew or reasonably should have known that  
16 the fur or hair was from a domestic dog or cat or that the product was  
17 made in whole or in part from the fur or hair of a domestic dog or cat.  
18 This section<sup>1</sup> shall not apply to the sale or barter <sup>1</sup>, or offering for sale  
19 or barter,<sup>1</sup> of the fur or hair of a <sup>1</sup>domestic<sup>1</sup> dog or cat cut at a  
20 commercial grooming establishment or at a veterinary office or clinic  
21 or for scientific research purposes.

22 <sup>1</sup>As used in this section, "domestic dog or cat" means a dog (*Canis*  
23 *familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally  
24 recognized in the United States as being a household pet and shall not  
25 include coyote, fox, lynx, bobcat, or any other wild<sup>2</sup>**[or commercially**  
26 **raised]**<sup>2</sup> canine or feline species<sup>2</sup>**[the fur or hair of which is**  
27 **recognized for use in warm clothing and outer wear by the United**  
28 **States Department of Agriculture and which species is not recognized**  
29 **as an endangered species by the United States Fish and Wildlife**  
30 **Service]**<sup>2</sup> .<sup>1</sup>

31 <sup>1</sup>**[b.** A person who violates this section shall be guilty of a crime  
32 of the fourth degree.

33 c. A person shall be entitled to an affirmative defense to a violation  
34 of this section if the person did not know that the fur or hair at issue  
35 was the fur or hair of a dog or cat or that the product was made in  
36 whole or in part from the fur or hair of a dog or cat. This affirmative  
37 defense shall not be available to any person who, by reason of

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SEG committee amendments adopted June 7, 1999.

<sup>2</sup> Senate floor amendments adopted June 21, 1999.

1 expertise or experience, should have known that the fur or hair at issue  
2 was the fur or hair of a dog or cat or that the product was made in  
3 whole or in part from the fur or hair of a dog or cat.】<sup>1</sup>

4  
5 2. (New section) <sup>1</sup>【a. No person may sell or barter or offer】 Any  
6 person who sells, barter, or offers<sup>1</sup> for sale or barter, at wholesale or  
7 retail, for human consumption, the flesh of a <sup>1</sup>domestic<sup>1</sup> dog or cat or  
8 any product made in whole or in part from the flesh of a <sup>1</sup>domestic<sup>1</sup>  
9 dog or cat <sup>1</sup>commits a disorderly persons offense, provided that the  
10 person knew or reasonably should have known that the flesh was from  
11 a domestic dog or cat or the product was made in whole or in part  
12 from the flesh of a domestic dog or cat. Notwithstanding the  
13 provisions of Title 2C of the New Jersey Statutes to the contrary, any  
14 person found guilty of violating this section shall be subject to a fine  
15 of not less than \$100 and a term of imprisonment of not less than 30  
16 days.

17 As used in this section, "domestic dog or cat" means a dog (*Canis*  
18 *familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally  
19 recognized in the United States as being a household pet and shall not  
20 include coyote, fox, lynx, bobcat, or any other wild<sup>2</sup>【or commercially  
21 raised】<sup>2</sup> canine or feline species<sup>2</sup>【the fur or hair of which is  
22 recognized for use in warm clothing and outer wear by the United  
23 States Department of Agriculture and which species is not recognized  
24 as an endangered species by the United States Fish and Wildlife  
25 Service】<sup>2</sup> .<sup>1</sup>

26 <sup>1</sup>【b. A person who violates this section shall be guilty of a  
27 disorderly persons offense, and shall be subject to a fine of not less  
28 than \$100 and a term of imprisonment of not less than 30 days.

29 c. A person shall be entitled to an affirmative defense to a violation  
30 of this section if the person did not know that the flesh at issue was the  
31 flesh of a dog or cat or that the product was made in whole or in part  
32 from the flesh of a dog or cat. This affirmative defense shall not be  
33 available to any person who, by reason of expertise or experience,  
34 should have known that the flesh at issue was the flesh of a dog or cat  
35 or that the product was made in whole or in part from the flesh of a  
36 dog or cat.】<sup>1</sup>

37  
38 3. R.S.4:22-26 is amended to read as follows:

39 4:22-26. A person who shall:

40 a. Overdrive, overload, drive when overloaded, overwork, torture,  
41 torment, deprive of necessary sustenance, or cruelly beat or otherwise  
42 abuse or needlessly mutilate or kill a living animal or creature;

43 b. Cause or procure to be done by his agent, servant, employee or  
44 otherwise an act enumerated in subsection 【"a."】 a. of this section;

45 c. Inflict unnecessary cruelty upon a living animal or creature of  
46 which he has charge or custody either as owner or otherwise, or

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

- 1 o. Sell, offer for sale, barter or give away or display live baby  
2 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
3 have been dyed or artificially colored or otherwise treated so as to  
4 impart to them an artificial color;
- 5 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
6 alms, collections, contributions, subscriptions, donations, or payment  
7 of money except in connection with exhibitions, shows or  
8 performances conducted in a bona fide manner by recognized breeders'  
9 associations, 4-H clubs or other similar bona fide organizations;
- 10 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
11 baby chicks, ducklings or other fowl under two months of age, for use  
12 as household or domestic pets;
- 13 r. Sell, offer for sale, barter or give away living baby chicks,  
14 ducklings or other fowl, or rabbits, turtles or chameleons under two  
15 months of age for any purpose not prohibited by subsection q. of this  
16 section and who shall fail to provide proper facilities for the care of  
17 such animals;
- 18 s. Artificially mark sheep or cattle, or cause them to be marked, by  
19 cropping or cutting off both ears, cropping or cutting either ear more  
20 than one inch from the tip end thereof, or half cropping or cutting both  
21 ears or either ear more than one inch from the tip end thereof, or who  
22 shall have or keep in his possession sheep or cattle, which he claims to  
23 own, marked contrary to this subsection unless they were bought in  
24 market or of a stranger;
- 25 t. Abandon a domesticated animal;
- 26 u. For amusement or gain, cause, allow, or permit the fighting or  
27 baiting of a living animal or creature;
- 28 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
29 a living animal or creature for the purpose of fighting or baiting that  
30 animal or creature; **[or]**
- 31 w. Gamble on the outcome of a fight involving a living animal or  
32 creature;
- 33 x. <sup>1</sup>**[Sell]** Knowingly sell<sup>1</sup> or barter or offer for sale or barter, at  
34 wholesale or retail, the fur or hair of a <sup>1</sup>domestic<sup>1</sup> dog or cat or any  
35 product made in whole or in part from the fur or hair of a <sup>1</sup>domestic<sup>1</sup>  
36 dog or cat, unless such fur or hair for sale or barter is from a  
37 commercial grooming establishment or a veterinary office or clinic or  
38 is for use for scientific research; or
- 39 y. <sup>1</sup>**[Sell]** Knowingly sell<sup>1</sup> or barter or offer for sale or barter, at  
40 wholesale or retail, for human consumption, the flesh of a <sup>1</sup>domestic<sup>1</sup>  
41 dog or cat or any product made in whole or in part from the flesh of  
42 a <sup>1</sup>domestic<sup>1</sup> dog or cat --
- 43 Shall forfeit and pay a sum not to exceed **[\$250.00]** \$250, except  
44 in the case of a violation of subsection **["t."]** t. a mandatory sum of  
45 \$500, and \$1,000 if the violation occurs on or near a roadway, and in  
46 the case of a violation of subsection x. or y. a sum not to exceed

1 \$1,000 for each <sup>1</sup>domestic<sup>1</sup> dog or cat fur or fur or hair product or  
2 <sup>1</sup>domestic<sup>1</sup> dog or cat carcass or meat product, to be sued for and  
3 recovered, with costs, in a civil action by any person in the name of the  
4 New Jersey Society for the Prevention of Cruelty to Animals.  
5 (cf: P.L.1998, c.105, s.3)

6

7 4. This act shall take effect immediately.

8

9

10

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11

12 Prohibits sale of dog or cat fur or hair and products made therefrom,  
13 and prohibits sale for human consumption of domestic dog or cat flesh  
14 and products made therefrom.

# SENATE, No. 1815

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 6, 1999

**Sponsored by:**

**Senator EDWARD T. O'CONNOR**

**District 31 (Hudson)**

**Senator WILLIAM L. GORMLEY**

**District 2 (Atlantic)**

**SYNOPSIS**

Prohibits sale of dog or cat fur or hair and products made therefrom, and prohibits sale for human consumption of dog or cat flesh and products made therefrom.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/7/1999)



1 AN ACT prohibiting the sale or barter of dog or cat fur or hair and  
2 products made therefrom and prohibiting the sale or barter of dog  
3 or cat flesh and products made therefrom for human consumption,  
4 supplementing Title 4 of the Revised Statutes, and amending  
5 R.S.4:22-26.

6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
8 *of New Jersey:*

9

10 1. (New section) a. No person may sell or barter or offer for sale  
11 or barter, at wholesale or retail, the fur or hair of a dog or cat or any  
12 product made in whole or in part from the fur or hair of a dog or cat,  
13 except that this prohibition shall not apply to the sale or barter of the  
14 fur or hair of a dog or cat cut at a commercial grooming establishment  
15 or at a veterinary office or clinic or for scientific research purposes.

16 b. A person who violates this section shall be guilty of a crime of  
17 the fourth degree.

18 c. A person shall be entitled to an affirmative defense to a violation  
19 of this section if the person did not know that the fur or hair at issue  
20 was the fur or hair of a dog or cat or that the product was made in  
21 whole or in part from the fur or hair of a dog or cat. This affirmative  
22 defense shall not be available to any person who, by reason of  
23 expertise or experience, should have known that the fur or hair at issue  
24 was the fur or hair of a dog or cat or that the product was made in  
25 whole or in part from the fur or hair of a dog or cat.

26

27 2. (New section) a. No person may sell or barter or offer for sale  
28 or barter, at wholesale or retail, for human consumption, the flesh of  
29 a dog or cat or any product made in whole or in part from the flesh of  
30 a dog or cat.

31 b. A person who violates this section shall be guilty of a disorderly  
32 persons offense, and shall be subject to a fine of not less than \$100 and  
33 a term of imprisonment of not less than 30 days.

34 c. A person shall be entitled to an affirmative defense to a violation  
35 of this section if the person did not know that the flesh at issue was the  
36 flesh of a dog or cat or that the product was made in whole or in part  
37 from the flesh of a dog or cat. This affirmative defense shall not be  
38 available to any person who, by reason of expertise or experience,  
39 should have known that the flesh at issue was the flesh of a dog or cat  
40 or that the product was made in whole or in part from the flesh of a  
41 dog or cat.

**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. R.S.4:22-26 is amended to read as follows:  
2       4:22-26. A person who shall:
- 3       a. Overdrive, overload, drive when overloaded, overwork, torture,  
4       torment, deprive of necessary sustenance, or cruelly beat or otherwise  
5       abuse or needlessly mutilate or kill a living animal or creature;
  - 6       b. Cause or procure to be done by his agent, servant, employee or  
7       otherwise an act enumerated in subsection ["a."] a. of this section;
  - 8       c. Inflict unnecessary cruelty upon a living animal or creature of  
9       which he has charge or custody either as owner or otherwise, or  
10       unnecessarily fail to provide it with proper food, drink, shelter or  
11       protection from the weather;
  - 12       d. Receive or offer for sale a horse that is suffering from abuse or  
13       neglect, or which by reason of disability, disease, abuse or lameness,  
14       or any other cause, could not be worked, ridden or otherwise used for  
15       show, exhibition or recreational purposes, or kept as a domestic pet  
16       without violating the provisions of this article;
  - 17       e. Keep, use, be connected with or interested in the management  
18       of, or receive money or other consideration for the admission of a  
19       person to, a place kept or used for the purpose of fighting or baiting  
20       a living animal or creature;
  - 21       f. Be present and witness, pay admission to, encourage, aid or  
22       assist in an activity enumerated in subsection ["e."] e. of this section;
  - 23       g. Permit or suffer a place owned or controlled by him to be used  
24       as provided in subsection ["e."] e. of this section;
  - 25       h. Carry, or cause to be carried, a living animal or creature in or  
26       upon a vehicle or otherwise, in a cruel or inhuman manner;
  - 27       i. Use a dog or dogs for the purpose of drawing or helping to draw  
28       a vehicle for business purposes;
  - 29       j. Impound or confine or cause to be impounded or confined in a  
30       pound or other place a living animal or creature, and shall fail to  
31       supply it during such confinement with a sufficient quantity of good  
32       and wholesome food and water;
  - 33       k. Abandon a maimed, sick, infirm or disabled animal or creature  
34       to die in a public place;
  - 35       l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
36       be sold or offered for sale, used or exposed, a horse or other animal  
37       having the disease known as glanders or farcy, or other contagious or  
38       infectious disease dangerous to the health or life of human beings or  
39       animals, or who shall, when any such disease is beyond recovery,  
40       refuse, upon demand, to deprive the animal of life;
  - 41       m. Own, operate, manage or conduct a roadside stand or market  
42       for the sale of merchandise along a public street or highway; or a  
43       shopping mall, or a part of the premises thereof; and keep a living  
44       animal or creature confined, or allowed to roam in an area whether or  
45       not the area is enclosed, on these premises as an exhibit; except that  
46       this subsection shall not be applicable to: a pet shop licensed pursuant

- 1 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
2 animal, in a humane manner, for the purpose of the protection of the  
3 premises; or a recognized breeders' association, a 4-H club, an  
4 educational agricultural program, an equestrian team, a humane  
5 society or other similar charitable or nonprofit organization conducting  
6 an exhibition, show or performance;
- 7 n. Keep or exhibit a wild animal at a roadside stand or market  
8 located along a public street or highway of this State; a gasoline  
9 station; or a shopping mall, or a part of the premises thereof;
- 10 o. Sell, offer for sale, barter or give away or display live baby  
11 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
12 have been dyed or artificially colored or otherwise treated so as to  
13 impart to them an artificial color;
- 14 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
15 alms, collections, contributions, subscriptions, donations, or payment  
16 of money except in connection with exhibitions, shows or  
17 performances conducted in a bona fide manner by recognized breeders'  
18 associations, 4-H clubs or other similar bona fide organizations;
- 19 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
20 baby chicks, ducklings or other fowl under two months of age, for use  
21 as household or domestic pets;
- 22 r. Sell, offer for sale, barter or give away living baby chicks,  
23 ducklings or other fowl, or rabbits, turtles or chameleons under two  
24 months of age for any purpose not prohibited by subsection q. of this  
25 section and who shall fail to provide proper facilities for the care of  
26 such animals;
- 27 s. Artificially mark sheep or cattle, or cause them to be marked, by  
28 cropping or cutting off both ears, cropping or cutting either ear more  
29 than one inch from the tip end thereof, or half cropping or cutting both  
30 ears or either ear more than one inch from the tip end thereof, or who  
31 shall have or keep in his possession sheep or cattle, which he claims to  
32 own, marked contrary to this subsection unless they were bought in  
33 market or of a stranger;
- 34 t. Abandon a domesticated animal;
- 35 u. For amusement or gain, cause, allow, or permit the fighting or  
36 baiting of a living animal or creature;
- 37 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
38 a living animal or creature for the purpose of fighting or baiting that  
39 animal or creature; [or]
- 40 w. Gamble on the outcome of a fight involving a living animal or  
41 creature;
- 42 x. Sell or barter or offer for sale or barter, at wholesale or retail,  
43 the fur or hair of a dog or cat or any product made in whole or in part  
44 from the fur or hair of a dog or cat, unless such fur or hair for sale or  
45 barter is from a commercial grooming establishment or a veterinary  
46 office or clinic or is for use for scientific research; or



**S1815 O'CONNOR, GORMLEY**

6

1 extensive international trade in the pelts of these animals, and that the  
2 method of killing is often exceedingly cruel. Dog and cat fur products  
3 are sometimes marketed in the United States, as evidenced, for  
4 example, by recent news stories reporting the sale of fur-trimmed  
5 coats labeled as "Mongolia dog fur" in New Jersey. Currently, federal  
6 law does not prohibit the practices of importing, selling, or using dog  
7 or cat fur in garments and only requires the labeling of the fur used  
8 when the product costs more than \$150.

9 This bill would help stop the inhumane killing of dogs and cats to  
10 obtain fur from those animals for use in the garment and other  
11 industries by prohibiting the sale of dog or cat fur products in the  
12 State.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 1815**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Senate Economic Growth, Agriculture and Tourism Committee favorably reports Senate Bill No. 1815 with committee amendments.

As amended by the committee, this bill would prohibit the sale or barter or attempted sale or barter, at wholesale or retail, of the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, except that this prohibition would not apply to the sale or barter of the fur or hair of a domestic dog or cat cut at a commercial grooming establishment or at a veterinary office or clinic or for use for scientific research. A person violating this provision would be guilty of a crime of the fourth degree and also would be subject to a civil penalty of up to \$1,000 for each domestic dog or cat fur or fur or hair product.

The bill would also prohibit the sale or barter or attempted sale or barter, at wholesale or retail, of the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat, for human consumption. A person violating this provision would be guilty of a disorderly persons offense, with a minimum criminal penalty of a \$100 fine and at least 30 days in jail. The violator also would be subject to a civil penalty of up to \$1,000 for each domestic dog or cat carcass or meat product.

The committee amended the bill to provide that a person would be guilty of an offense under the bill if the person knows or reasonably should have known that the product at issue was made in whole or in part from the fur or hair or flesh of a domestic dog or cat.

The committee also amended the bill clarify that the provisions of the bill would apply to "domestic" dogs or cats and not to wild or commercially raised dogs or cats.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 1815**

with Senate Floor Amendments  
(Proposed By Senator O'CONNOR)

ADOPTED: JUNE 21, 1999

These floor amendments would modify and clarify the definition of "domestic dog or cat" to provide that it means a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally recognized in the United States as being a household pet and does not include coyote, fox, lynx, bobcat, or any other wild canine or feline species.

# ASSEMBLY, No. 2747

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 7, 1999

**Sponsored by:**

**Assemblyman WILFREDO CARABALLO**

**District 28 (Essex)**

**Assemblywoman JOAN M. QUIGLEY**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Assemblywoman Friscia, Assemblyman Greenwald, Assemblywomen  
Previte and Weinberg**

**SYNOPSIS**

Prohibits sale of dog or cat fur and products made therefrom.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT prohibiting the sale or barter of dog or cat fur and products  
2 made therefrom, supplementing Title 4 of the Revised Statutes, and  
3 amending 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. No person may sell or barter or offer for sale  
9 or barter, at wholesale or retail, the fur of a dog or cat or any product  
10 made in whole or in part from the fur of a dog or cat.

11 b. A person who violates this section shall be guilty of a crime of  
12 the fourth degree.

13 c. A person shall be entitled to an affirmative defense to a  
14 violation of this section if the person did not know that the fur at issue  
15 was the fur of a dog or cat or that the product was made in whole or  
16 in part from the fur of a dog or cat. This affirmative defense shall not  
17 be available to any person who, by reason of expertise or experience,  
18 should have known that the fur at issue was the fur of a dog or cat or  
19 that the product was made in whole or in part from the fur of a dog or  
20 cat.

21

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

23 4:22-26. A person who shall:

24 a. Overdrive, overload, drive when overloaded, overwork,  
25 torture, torment, deprive of necessary sustenance, or cruelly beat or  
26 otherwise abuse or needlessly mutilate or kill a living animal or  
27 creature;

28 b. Cause or procure to be done by his agent, servant, employee or  
29 otherwise an act enumerated in subsection **["a." ]** a. of this section;

30 c. Inflict unnecessary cruelty upon a living animal or creature of  
31 which he has charge or custody either as owner or otherwise, or  
32 unnecessarily fail to provide it with proper food, drink, shelter or  
33 protection from the weather;

34 d. Receive or offer for sale a horse that is suffering from abuse or  
35 neglect, or which by reason of disability, disease, abuse or lameness,  
36 or any other cause, could not be worked, ridden or otherwise used for  
37 show, exhibition or recreational purposes, or kept as a domestic pet  
38 without violating the provisions of this article;

39 e. Keep, use, be connected with or interested in the management  
40 of, or receive money or other consideration for the admission of a  
41 person to, a place kept or used for the purpose of fighting or baiting  
42 a living animal or creature;

43 f. Be present and witness, pay admission to, encourage, aid or

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 assist in an activity enumerated in subsection **["e."]** e. of this section;
- 2 g. Permit or suffer a place owned or controlled by him to be used  
3 as provided in subsection **["e."]** e. of this section;
- 4 h. Carry, or cause to be carried, a living animal or creature in or  
5 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 6 i. Use a dog or dogs for the purpose of drawing or helping to  
7 draw a vehicle for business purposes;
- 8 j. Impound or confine or cause to be impounded or confined in  
9 a pound or other place a living animal or creature, and shall fail to  
10 supply it during such confinement with a sufficient quantity of good  
11 and wholesome food and water;
- 12 k. Abandon a maimed, sick, infirm or disabled animal or creature  
13 to die in a public place;
- 14 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
15 to be sold or offered for sale, used or exposed, a horse or other animal  
16 having the disease known as glanders or farcy, or other contagious or  
17 infectious disease dangerous to the health or life of human beings or  
18 animals, or who shall, when any such disease is beyond recovery,  
19 refuse, upon demand, to deprive the animal of life;
- 20 m. Own, operate, manage or conduct a roadside stand or market  
21 for the sale of merchandise along a public street or highway; or a  
22 shopping mall, or a part of the premises thereof; and keep a living  
23 animal or creature confined, or allowed to roam in an area whether or  
24 not the area is enclosed, on these premises as an exhibit; except that  
25 this subsection shall not be applicable to: a pet shop licensed pursuant  
26 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
27 animal, in a humane manner, for the purpose of the protection of the  
28 premises; or a recognized breeders' association, a 4-H club, an  
29 educational agricultural program, an equestrian team, a humane  
30 society or other similar charitable or nonprofit organization conducting  
31 an exhibition, show or performance;
- 32 n. Keep or exhibit a wild animal at a roadside stand or market  
33 located along a public street or highway of this State; a gasoline  
34 station; or a shopping mall, or a part of the premises thereof;
- 35 o. Sell, offer for sale, barter or give away or display live baby  
36 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
37 have been dyed or artificially colored or otherwise treated so as to  
38 impart to them an artificial color;
- 39 p. Use any animal, reptile, or fowl for the purpose of soliciting  
40 any alms, collections, contributions, subscriptions, donations, or  
41 payment of money except in connection with exhibitions, shows or  
42 performances conducted in a bona fide manner by recognized breeders'  
43 associations, 4-H clubs or other similar bona fide organizations;
- 44 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
45 baby chicks, ducklings or other fowl under two months of age, for use  
46 as household or domestic pets;

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

6 s. Artificially mark sheep or cattle, or cause them to be marked,  
7 by cropping or cutting off both ears, cropping or cutting either ear  
8 more than one inch from the tip end thereof, or half cropping or  
9 cutting both ears or either ear more than one inch from the tip end  
10 thereof, or who shall have or keep in his possession sheep or cattle,  
11 which he claims to own, marked contrary to this subsection unless they  
12 were bought in market or of a stranger;

13 t. Abandon a domesticated animal;

14 u. For amusement or gain, cause, allow, or permit the fighting or  
15 baiting of a living animal or creature;

16 v. Own, possess, keep, train, promote, purchase, or knowingly  
17 sell a living animal or creature for the purpose of fighting or baiting  
18 that animal or creature; **[or]**

19 w. Gamble on the outcome of a fight involving a living animal or  
20 creature ;or

21 x. Sell or barter or offer for sale or barter, at wholesale or retail,  
22 the fur of a dog or cat or any product made in whole or in part from  
23 the fur of a dog or cat --

24 Shall forfeit and pay a sum not to exceed **["\$250.00"]** \$250 , except  
25 in the case of a violation of subsection **["t."]** t. a mandatory sum of  
26 \$500, and \$1,000 if the violation occurs on or near a roadway, and in  
27 the case of a violation of subsection x. a sum not to exceed \$1,000 for  
28 each dog or cat fur or fur product, to be sued for and recovered, with  
29 costs, in a civil action by any person in the name of the New Jersey  
30 Society for the Prevention of Cruelty to Animals.

31 (cf: P.L.1998, c.105, s.3)

32

33 3. This act shall take effect immediately.

34

35

36

#### STATEMENT

37

38 This bill would prohibit the sale or barter or attempted sale or  
39 barter, at wholesale or retail, of the fur of a dog or cat or any product  
40 made in whole or in part from the fur of a dog or cat. A person  
41 violating the bill would be guilty of a crime of the fourth degree and  
42 also would be subject to a civil penalty of up to \$1,000 for each dog  
43 or cat fur or fur product. Under the bill, a violator would be entitled  
44 to an affirmative defense to a criminal prosecution if the person did not  
45 know that the fur at issue was the fur of a dog or cat or that the  
46 product was made in whole or in part from the fur of a dog or cat.

1 This affirmative defense would not be available to the violator if the  
2 person, by reason of expertise or experience, should have known that  
3 the fur at issue was the fur of a dog or cat or that the product was  
4 made in whole or in part from the fur of a dog or cat.

5 A recent investigation conducted by the Humane Society of the  
6 United States and others revealed that approximately two million dogs  
7 and cats are killed annually worldwide for their fur as part of an  
8 extensive international trade in the pelts of these animals, and that the  
9 method of killing is often exceedingly cruel. Dog and cat fur products  
10 are sometimes marketed in the United States, as evidenced, for  
11 example, by recent news stories reporting the sale of fur-trimmed  
12 coats labeled as "Mongolia dog fur" in New Jersey. Currently, federal  
13 law does not prohibit the practices of importing, selling, or using dog  
14 or cat fur in garments and only requires the labeling of the fur used  
15 when the product costs more than \$150.

16 This bill would help stop the inhumane killing of dogs and cats to  
17 obtain fur from those animals for use in the garment and other  
18 industries by prohibiting the sale of dog or cat fur products in the  
19 State.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2747**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 11, 1999

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 2747 with committee amendments.

This bill, as amended by the committee, would prohibit the sale or barter or attempted sale or barter, at wholesale or retail, of the fur or hair of a dog or cat or any product made in whole or in part from the fur or hair of a dog or cat, except that this prohibition would not apply to the sale or barter of the fur or hair of a dog or cat cut at a commercial grooming establishment or at a veterinary office or clinic or for use for scientific research. A person violating this provision would be guilty of a crime of the fourth degree and also would be subject to a civil penalty of up to \$1,000 for each dog or cat fur or fur or hair product.

The committee amended the bill to also prohibit the sale or barter or attempted sale or barter, at wholesale or retail, of the flesh of a dog or cat, or any product made in whole or in part from the flesh of a dog or cat, for human consumption. A person violating this provision would be guilty of a disorderly persons offense, with a minimum criminal penalty of a \$100 fine and at least 30 days in jail. The violator also would be subject to a civil penalty of up to \$1,000 for each dog or cat carcass or meat product.

Under the bill, as amended by the committee, a violator would be entitled to an affirmative defense to a criminal prosecution if the person did not know that the fur or hair or flesh at issue was that of a dog or cat or that the product was made in whole or in part from a dog or cat. This affirmative defense would not be available to the violator if the person, by reason of expertise or experience, should have known that the fur or hair or flesh at issue was that of a dog or cat or that the product was made in whole or in part from the fur or hair or flesh of a dog or cat.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2747**

with Assembly Floor Amendments  
(Proposed By Assemblyman CARABALLO)

ADOPTED: MAY 10, 1999

These floor amendments provide that a person would be guilty of an offense under the bill if the person knows or reasonably should have known that the product at issue was made in whole or in part from the fur or hair or flesh of a dog or cat.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 2747**

with Assembly Floor Amendments  
(Proposed By Assemblyman CARABALLO)

ADOPTED: JUNE 28, 1999

These floor amendments would conform this bill to Senate Bill No. 1815 (Second Reprint) and would clarify that the provisions of the bill would apply to "domestic" dogs or cats. These floor amendments would define "domestic dog or cat" to mean a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally recognized in the United States as being a household pet and does not include coyote, fox, lynx, bobcat, or any other wild canine or feline species.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
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RELEASE: January 4, 2000

## **Governor Signs Bill Protecting dogs and Cats, Among Other Legislation**

New Jersey is a dog's best friend - and a cat's too - thanks to the bill Governor Christie Whitman today signed prohibiting the sale of dog or cat fur and products made from it, and the sale of domestic dog or cat flesh for human consumption and its resulting products.

"Coming from a family of animal lovers, I can't imagine that we would even have needed a bill to protect our dogs and cats from such cruelty. When I became aware of the fact that there were dog and cat fur products on the market, it was something I wanted to stop here in New Jersey," said Gov. Whitman. "As I often say, I want to continue making our state the best place to live for our many faces - but one family - of New Jersey. My mission also applies to our beloved 'four-legged' friends."

According to Gov. Whitman, the bill was introduced following a television report on "Dateline" that covered a recent investigation by the Humane Society of the United States. The report showed that approximately two million dogs and cats are killed annually as part of an international trade of dog and cat fur products. It also found that there is an extensive international trade of dog and cat fur products and that the method of killing is exceedingly cruel.

Dogs and cats are defined as those animals that are generally recognized in the U.S. as household pets, excluding "wild" dogs and cats such as coyotes, foxes, lynxes or bobcats.

The bill, **S-1815**, was sponsored by Senators Edward T. O'Connor (D-Hudson) and William L. Gormley (R-Atlantic).

In addition, Gov. Whitman today signed the following legislation:

**ACS for A-2463 and A-2496**, sponsored by Assembly Members Louis D. Greenwald (D-Camden), Mary T. Previte (D-Camden), Guy F. Talarico (R-Bergen) and Rose Marie Heck (R-Bergen) and Senators Robert J. Martin (R-Essex/Morris/Passaic), John H. Adler (D-Camden) and Anthony R. Bucco (R-Morris), provides for the inclusion of students, who are "courtesy" bused because of hazardous route conditions, in the calculation of regular vehicle utilization for the purpose of state transportation aid.

**S-342**, sponsored by Senators Diane B. Allen (R-Burlington/Camden) and Louis F. Kosco (R-Bergen) and Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Loretta Weinberg (D-Bergen), establishes an Intergenerational Child Care Incentive Pilot Program. Its goal is to expand the availability of necessary child care services by encouraging the establishment of innovative employer-



community partnerships; using volunteer networks, such as retirees; and promoting intergenerational child care programs in retirement communities around the state. Specifically, this bill directs the Commissioner of the Department of Human Services to create a three-year Intergenerational Child Care Incentive Pilot Program in the Division of Family Development.

**A-670**, sponsored by Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Marion Crecco (R-Essex/Passaic), permits the application of certain tinting materials on motor vehicle windows and windshields for medical reasons. This bill was introduced at a constituent's request who suffers from a medical condition involving sensitivity to sun. Under previous law, all New Jersey drivers were prohibited from tinting their windows.

**S-501**, sponsored by Senator Andrew R. Ciesla (R-Monmouth/Ocean) and Assemblyman Louis D. Greenwald (D-Camden), permits certain motor vehicles to display rear license plate only. Two classes are exempt from displaying dual license plates under this bill including vehicles registered as historic and vehicles manufactured before 1945.

**S-539**, sponsored by Senators William L. Gormley (R-Atlantic) and James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assemblymen Kenneth LeFevre (R-Atlantic) and Francis J. Blee (R-Atlantic), increases the criminal penalties associated with using a body vest, sometimes referred to as a "bullet proof vest", in certain circumstances.

This bill changes the offense to a second degree crime when the vest was worn during the commission of a first degree crime. In all other circumstances, the offense will continue to be graded as a third-degree crime.

**A-1525**, sponsored by Assembly Members Joseph R. Malone III (R-Burlington/ Monmouth/ Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Martha W. Bark (R-Atlantic/Burlington/Camden), provides for civil and criminal penalties for fraud in the General Assistance program. The bill was introduced in order to deter individuals who obtain benefits and providers who receive payments from abusing the program.