

[First Reprint]

**SENATE, No. 998**

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**STATE OF NEW JERSEY**

**216th LEGISLATURE**

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INTRODUCED JANUARY 27, 2014

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**SYNOPSIS**

Directs State Board of Agriculture and Dept. of Agriculture to adopt regulations concerning confinement of pregnant sows during gestation.

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth Committee on January 30, 2014, with amendments.



**(Sponsorship Updated As Of: 10/17/2014)**

1 AN ACT concerning confinement of pregnant sows during gestation  
2 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. a. For the purposes of this section:

8 “Enclosure” means any cage, crate, stall, or other structure used  
9 for confinement of an animal, including what is commonly  
10 described as a “gestation crate.”

11 “Fully extending the limbs of the animal” means fully extending  
12 all limbs without touching the side of an enclosure.

13 “Sow during gestation” means a pregnant female pig kept for the  
14 purpose of breeding.

15 “Turning around freely” means turning in a complete circle  
16 without any impediment and without touching the side of an  
17 enclosure.

18 b. Within six months after the date of enactment of this act, the  
19 State Board of Agriculture, in consultation with the Department of  
20 Agriculture, shall develop and adopt, pursuant to the  
21 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
22 seq.) and with an effective date of no later than December 31, 2017,  
23 rules and regulations:

24 (1) prohibiting the confinement of any sow during gestation in an  
25 enclosure in a manner that prevents the sow from turning around  
26 freely, lying down, standing up, or fully extending the limbs of the  
27 animal; and

28 (2) establishing penalties for violations of such rules and  
29 regulations.

30 c. The rules and regulations developed and adopted pursuant to  
31 subsection b. of this section may include exceptions for the  
32 following activities only:

33 (1) medical research involving pigs;

34 (2) examination, testing, individual treatment, or operation for  
35 veterinary purposes, but only if performed by or under the direct  
36 supervision of a licensed veterinarian;

37 (3) transportation of sows;

38 (4) State or county fair exhibitions, 4-H programs, and similar  
39 exhibitions;

40 (5) temporary confinement for animal husbandry purposes for no  
41 more than six hours in any 24-hour period;

42 (6) humane slaughter in accordance with applicable laws, rules  
43 <sup>1, 1</sup> and regulations; and

**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 January 30, 2014.

1 (7) the seven-day period prior to a sow's expected date of giving  
2 birth.

3 d. The provisions of subsection e. of R.S.4:22-16 and  
4 subsection b. of section 1 of P.L.1995, c.311 (C.4:22-16.1) shall not  
5 apply to the provisions of this act or any rule or regulation adopted  
6 pursuant thereto.

7 e. It is not a defense to any alleged violation of the rules and  
8 regulations developed and adopted pursuant to subsection b. of this  
9 section that the sow was kept as part of an agricultural operation  
10 and in accordance with customary animal husbandry or farming  
11 practices.

12 f. Except as provided in subsection d. of this section, the  
13 provisions of this section are in addition to, and not in lieu of, any  
14 other law, or rule or regulation adopted pursuant thereto, protecting  
15 animal welfare. This section shall not be construed to <sup>1</sup> [

16 (1)]<sup>1</sup> limit any other State law, or any rule or regulation adopted  
17 pursuant thereto, protecting the welfare of animals <sup>1</sup> [

18 (2) prevent a local governing body from adopting and enforcing  
19 its own animal welfare laws and regulations concerning the  
20 confinement of animals ]<sup>1</sup> .

21

22 2. This act shall take effect immediately.