

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Humane Treatment of Domestic Livestock

Proposed Amendments: N.J.A.C. 2:8-1.2, 2.4, and 7.4

Authorized By: State Board of Agriculture and Joseph Atchison,
Assistant Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:1-11.1, 4:1-12, 4:1-17, 4:1-18, and 4:22-16.1;
and P.L. 2023, c. 130.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2024-017.

Submit comments by April 5, 2024, to:

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The agency proposal follows:

Summary

As the Department of Agriculture (Department) has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Public Law 2023, c. 130 requires the Department and the State Board of Agriculture to adopt rules and regulations that: (1) prohibit the confinement, in an enclosure, of any breeding pig in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs, or turning around freely; (2) prohibit the confinement in an enclosure of any 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; (3) require that calves raised for veal are confined in a manner such that each calf can groom itself naturally and have visual contact with other calves; and (4) establish penalties for violations of the those provisions.

Existing N.J.A.C. 2:8 addresses the humane treatment of domestic livestock. Subchapter 2 establishes humane treatment standards for cattle, with N.J.A.C. 2:8-2.4 addressing standards for the keeping of cattle, including calves raised for veal. Subchapter 7 establishes humane treatment standards for swine, with N.J.A.C. 2:8-7.4 addressing standards for the keeping of swine, including breeding pigs. This rulemaking

proposes changes to those rules to incorporate the requirements at P.L. 2023, c. 130.

Specifically, the enclosure restrictions applicable to breeding pigs that are set forth at P.L. 2023, c. 130, as well as the exceptions thereto authorized at P.L. 2023, c. 130, will be incorporated into N.J.A.C. 2:8-7.4, which addresses the standards for the keeping of swine. Existing N.J.A.C. 2:8-7.4(b)1i provides that where constructed shelters (enclosures) are used for swine, they must be "of sufficient size to provide adequate space for each animal seeking shelter within to stand, lie down, rest, get up, and move its head freely." By amending "move its head freely" to state "be able to turn around freely and fully extend the animal's limbs," the rule of enclosures at N.J.A.C. 2:8-7.4 will come into compliance with P.L. 2023, c. 130. The Department recognizes that that proposed change will be applicable to all swine, not just breeding pigs. The Department believes that the proposed change is consistent with existing practices of farmers in New Jersey, and the Department has determined that that minor change in the rules is warranted and appropriate as part of the humane standards applicable to swine. Likewise, because it is appropriate to apply the proposed rule changes to all swine, the statutory term "breeding pig" is not used; instead, the present references to "sows" and "gilts" are maintained, because those are the class of animals encompassed by the statutory usage of "breeding pig."

In addition, P.L. 2023, c. 130, allows the Department to include an exception to the confinement standards otherwise applicable to sows and gilts, *inter alia*, "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." That exception, in a slightly modified form, is included at proposed N.J.A.C. 2:8-7.4(b)2. The "expected date of the breeding pig giving birth" is not defined in the statute. Moreover, that 14-day period prior to an "expected date" is not something that Department personnel or humane law enforcement can easily determine through the examination of a sow or gilt. The gestation period for a pig is generally accepted as being three months, three weeks, and three days, or roughly 115 days. However, at its best, an "expected date of ... giving birth" is an estimate that necessarily refers to the middle of a normative range of dates. Furthermore, individual swine traits and factors, as well as environmental factors, may affect the length of a pig's gestation period. These are factors that the farmer is in a better position to know. To permit enforcement of the 14-day farrowing exception to be workable for the Department and for humane law enforcement officers, the Department proposes using the actual date of giving birth, instead of the expected date of giving birth, in the exception because it better serves the statutory intent to minimize the duration of confinement and because compliance is more readily verifiable by the Department, local law enforcement, and the farmer. The Department believes that timeframe is workable for and verifiable by both the farmer and the Department for purposes of compliance and enforcement.

Certified Livestock Investigators (CLIs) observe on-farm conditions and practices. When conditions or practices require modification or

correction to ensure compliance with the humane standards, those conditions or practices are promptly brought to the attention of the farmer and law enforcement officers. CLIs then endeavor to work with law enforcement to verify correction (or violation), which may be accomplished upon a return visit by local law enforcement with or without the assistance of the CLIs. That practice is consistent with the Department's general administrative agency practice to foster education and understanding of regulatory requirements and to favor compliance and corrective action prior to citation for violations, a practice that, in the context of matters involving the humane treatment of domestic livestock, finds express support at both N.J.S.A. 4:22-16.1.b(2) and N.J.A.C. 2:8-8.7(a)2. The use of "the date of giving birth" in the farrowing period exception, while potentially a slightly more strict standard than the letter of the statute, will serve to foster, rather than impair, the enforcement of the confinement standards applicable to swine, will provide the opportunity to educate farmers and law enforcement, provides a standard that is clear and verifiable, and is consistent with other departmental enforcement practices.

In all other respects, the proposed rulemaking incorporates the other exceptions to the confinement standards affecting sows and gilts that are permitted pursuant to P.L. 2023, c. 130, at proposed N.J.A.C. 2:8-7.4(b)3.

Similarly, the enclosure restrictions applicable to calves raised for veal that are set forth at P.L. 2023, c. 130, as well as the exceptions thereto authorized at P.L. 2023, c. 130, will be incorporated into N.J.A.C. 2:8-2.4, which addresses the standards for the keeping of cattle. Currently, the Department's confinement standards affecting calves raised for veal are set forth at N.J.A.C. 2:8-2.4(h). However, those rearing and housing standards are inconsistent with the requirements at P.L. 2023, c. 130. Accordingly, the Department is proposing to delete and replace the confinement standards applicable to Special-Fed veal that are set forth at N.J.A.C. 2:8-2.4(h) to conform to the requirements at P.L. 2023, c. 130, in the following ways. First, consistent with the definition of a "calf raised for veal" at P.L. 2023, c. 130, as "any calf of the bovine species kept for the purpose of producing the food product described as veal," the proposed confinement standards will apply to all calves who are "raised through special feeding and husbandry practices with the direct intent of processing, selling, or distributing for human consumption as veal." Those definitions, which are proposed to be added at N.J.A.C. 2:8-1.2, properly account for agricultural industry practices when delineating what it means for a calf to be kept for the purpose of producing the food product described as veal as used at P.L. 2023, c. 130. Second, the proposed confinement rules applicable to calves raised for veal will provide that such calves must not be tethered or confined in a manner that prevents them from being able to turn around freely or fully extend the animal's limbs by stretching normally, or confined in a manner that prevents the calf from grooming itself naturally and having visual contact with other calves. As the most extended position of a bovine's limbs is accomplished by stretching their legs and by arching their back while standing, the proposed amendment adds "by stretching normally" to the statutory terms "fully extend the animal's limbs" for clarity. Third, the proposed restrictions on the confinement of calves raised for veal also incorporate the exceptions that are permitted pursuant to P.L. 2023, c. 130. Finally, existing N.J.A.C. 2:8-2.4(h) and (i) are proposed for deletion to remove reference to the recommendations for rearing and housing outlined in the Guide for the Care and Production of Veal Calves, Sixth Edition 2001 (American Veal Association, Inc., Middletown, PA 17507) because some of those recommendations are inconsistent with the standards that are now required pursuant to P.L. 2023, c. 130. Even though N.J.A.C. 2:8-2.4(h) will no longer reference the rearing and housing recommendations in that guide, the humane standards applicable to calves raised for veal will not be diminished because the remaining humane standards elsewhere at Subchapter 2 apply to all cattle, including calves raised for veal.

With respect to violations of the livestock humane treatments standards established at N.J.A.C. 2:8, the existing rules already set forth detailed procedures for the investigation and enforcement of such violations at Subchapter 8, which includes the issuance of written notices and warnings, as well as referrals for criminal prosecution that can lead to incarceration and/or the imposition of monetary penalties pursuant to N.J.S.A. 4:22-15 et seq. Consequently, the proposed incorporation of the confinement standards at P.L. 2023, c. 130, affecting breeding pigs and

calves raised for veal into the existing humane standards rules at N.J.A.C. 2:8, which include the enforcement provisions set forth at Subchapter 8 thereof, satisfies the requirement to establish penalties for violations of the provisions at P.L. 2023, c. 130.

Finally, the definitions section at N.J.A.C. 2:8-1.2 has been amended for clarity and consistency with other definitions sections in the New Jersey Administrative Code to revise the lead-in paragraph without any substantive change.

The adopted rules will be operative six months after the notice of adoption is published in the New Jersey Register. This will give any affected persons due notice to come into compliance with the adopted amendments.

Social Impact

P.L. 2023, c. 130, and this proposed rulemaking, which incorporates the requirements of P.L. 2023, c. 130 into N.J.A.C. 2:8, establishes new legal standards regarding the types of enclosures that can be used for the confinement of pigs and calves raised for veal in New Jersey. The intended benefits of P.L. 2023, c. 130, for the health and welfare of pigs and calves raised for veal are explained in a press release from the Governor's Office that accompanied the signing of P.L. 2023, c. 130. *See* Governor Murphy Signs Legislation Prohibiting Inhumane Enclosures for Certain Livestock dated July 26, 2023 (<https://nj.gov/governor/news/news/562023/approved/20230726d.shtml>). This rulemaking furthers that statutory purpose and, therefore, this rulemaking is intended to have the positive social impacts set forth in that press release.

Economic Impact

While the statute breaks new ground in terms of the establishment of legal rules for the humane confinement of gilts and sows and calves raised for veal, animal rearing standards, and practices are constantly evolving. As concerns enclosures used for breeding pigs and calves raised for veal in New Jersey, it is the Department's understanding that industry practices already largely, if not completely, align with the requirements that are set forth at P.L. 2023, c. 130, and the proposed amendments, which incorporate the same.

Annual consumption of veal in the United States has declined from 8.4 pounds per person in 1944 to 0.2 pounds per person in 2021. Information provided to the Department by the New Jersey Farm Bureau suggests that there is presently only one farm in New Jersey that raises calves for veal, and that that farm uses an open, group housing scheme for its calves, consistent with the recommendations of the American Veal Association and P.L. 2023, c. 130. Similarly, information provided to the Department by the New Jersey Farm Bureau suggests that there are five commercial pig breeders in New Jersey, all of whom use an open housing scheme until shortly before the expected date of the breeding pig giving birth and on days when the breeding pig is nursing piglets. In addition, the Department is unaware of other swine in New Jersey being confined in a manner that violates this rulemaking. The 2022 Annual Report and Agricultural Statistics published by the Department shows that New Jersey had a calf crop of 8,000 head in 2021, but no statistics indicate how many of those calves were then kept for the purpose of producing veal. Nonetheless, the Department believes that the number of calves likely to be raised for veal in New Jersey is a very small fraction of the total calf crop. Most calves are born on dairy farms. Roughly half of those calves are kept for dairy purposes. Most calves not kept for dairy purposes are sold as soon as practicable after birth and are not kept for the purpose of producing veal. Only a very small number of those calves, if any, may later end up being raised in New Jersey for the purpose of producing veal. Likewise, the number of breeding pigs in New Jersey is relatively small, estimated at 1,000 head in 2021 in the Department's 2022 Annual Report and Agricultural Statistics.

As it is the Department's understanding that most, if not all, breeding pig operations in the State already limit the use of so-called gestation stalls in a manner that is consistent with that permitted pursuant to the statute, the proposed rulemaking is expected to impose minimal, if any, additional costs on New Jersey farmers. Likewise, because the veal industry has for years followed standards that are consistent with the requirements at P.L. 2023, c. 130, the proposed rules are expected to impose minimal, if any, additional costs on New Jersey veal farmers. And, while capital costs could be significant for those who do not now house their veal calves and

pigs in the manner that is required by this proposed rulemaking, it is believed that the number of such farmers in New Jersey is minuscule, if in fact there are any such farmers in New Jersey. It is also believed that the new statute, as well as the proposed amendments, will serve to further promote New Jersey livestock as being humanely raised, and thereby potentially increase consumer demand for dairy and meat products that are produced in the State. For those reasons, it is believed that the proposed amendments will have a minimal, but positive, economic impact.

Federal Standards Statement

N.J.S.A. 52:14B-23 requires State agencies that adopt, readopt, or amend any rules to include a statement as to whether the rule or regulation in question contains any standards or requirements that exceed the standards or requirements imposed by Federal law. A Federal standard analysis is not required because there are no Federal requirements or standards applicable to the proposed amendments.

Jobs Impact

The proposed amendments are not expected to result in the generation or loss of any jobs in the State because the requirements at P.L. 2023, c. 130, will not measurably affect current industry practices in New Jersey.

Agriculture Industry Impact

For the reasons already set forth in the Summary, the Social Impact, and the Economic Impact statements, the proposed amendments are likely to have a positive impact on the agriculture industry, and in particular, on the livestock industry, because they largely codify existing industry practices and may increase consumer demand for meat and dairy products, thereby promoting the interests of agriculture, its products, and markets.

Regulatory Flexibility Analysis

While many farmers are small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the proposed amendments will not impose any new or increased reporting or recordkeeping requirements. To the extent that there are any New Jersey farms that do not already follow the confinement practices set forth at P.L. 2023, c. 130, and this proposed rulemaking, the costs to comply with the new standards will largely be capital costs to reconfigure enclosures that are being utilized for pigs and for calves raised for veal, and those costs will vary from farm to farm depending upon the structural changes that might be required. Nonetheless, based on information provided to the Department, it is not expected that any current livestock operations in New Jersey will need to incur such expenditures to be compliant with the proposed amendments at N.J.A.C. 2:8. In any event, since these rules incorporate specific standards that are mandated at P.L. 2023, c. 130, governing the use of enclosures for breeding pigs and for calves that are being raised for the purpose of producing the food product described as veal, and since those statutory enclosure standards do not allow for any differentiation based on business size, any additional burdens imposed on small businesses are necessitated by compliance with the statutory directives set forth at P.L. 2023, c. 130.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and it is extremely unlikely that the rulemaking would evoke a change in the average costs associated with housing because the amendments address the humane treatment of domestic livestock in New Jersey, which does not affect housing.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and it is extremely unlikely that the rulemaking would evoke a change in house production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the rules address the humane treatment of domestic livestock in New Jersey, which does not affect housing production either in Planning Areas 1 or 2, or within designated centers.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated the proposed amendments and determined that they will not have an impact on pretrial detention,

sentencing, probation, or parole policies concerning juveniles and adults in the state. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

2:8-1.2 Definitions

(a) The following words and terms, as used in this chapter, shall have the following meanings. [Words] **Terms** of art undefined in [the following paragraphs] **this chapter** shall have the meaning attributed to them by trade usage [or general usage as reflected by definition in a standard dictionary, such as Webster’s].

...
“Cattle intended to be raised for veal” or “calf raised for veal” means any calf of the bovine species that is kept for the purpose of producing the food product described as veal.

...
“Kept for the purpose of producing the food product described as veal” means raised through special feeding and husbandry practices with the direct intent of processing, selling, or distributing for human consumption as veal.

...

SUBCHAPTER 2. STANDARDS FOR CATTLE

2:8-2.4 Keeping

(a)-(f) (No change.)

(g) [Nothing] **Except as provided at (h) below, nothing** in [these rules] **this chapter** shall prohibit the use of tethers to feed and monitor individual cattle, to prevent oral-fecal and urine contamination, and to prevent injury resulting from interaction amongst cattle. Tethers must be long enough to permit the cattle to stand, eat, rest in a natural sternal posture or with their head and neck turned to the side of their body, and allow movement forward and backward, yet be short enough to prevent strangulation.

(h) For cattle intended to be raised as Special-Fed veal, the NJDA adopts and incorporates by reference the recommendations for rearing and housing outlined in the Guide for the Care and Production of Veal Calves, Sixth Edition 2001 (American Veal Association, Inc., Middletown, PA 17507) as amended and supplemented.

(i) A copy of the Guide for the Care and Production of Veal Calves (Sixth Edition 2001) is on file in the Director’s Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the American Veal Association, 1500 Fulling Mill Road, Middletown, PA 17057. Phone: (717) 985-9125; Fax: (717) 985-9127; Email: info@vealfarm.com.]

(h) For cattle intended to be raised for veal, such calves must not be tethered or confined in a manner that prevents them from being able to turn around freely or fully extend the animal’s limbs by stretching normally. Each such calf must be able to groom itself naturally and have visual contact with other calves. However, these restrictions on the confinement of calves raised for veal shall not apply to the following activities:

- i. Medical research;**
- ii. Examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or pursuant to the supervision of a licensed veterinarian, either in-person or through a telemedicine appointment;**
- iii. Transportation;**
- iv. State or county fair exhibitions, 4-H programs, or similar temporary exhibitions; or**
- v. Humane slaughter, in accordance with applicable laws, rules, and regulations.**

SUBCHAPTER 7. STANDARDS FOR SWINE

2:8-7.4 Keeping

(a) (No change.)

(b) Relief [under] pursuant to (a) above can be accomplished with natural features of the environment including, but not limited to, trees, land windbreaks, overhangs or other natural weather barriers, or constructed shelters.

1. Where constructed shelters are provided, they shall:
 - i. Be of sufficient size to provide adequate space for each animal seeking shelter within to stand, lie down, rest, get up, [and move its head] **be able to turn around freely, and fully extend the animal’s limbs;**
 - ii.-vi. (No change.)
 2. Stalls **that do not allow a sow or gilt to turn around freely or allow them to fully extend their limbs** may be used to feed and monitor individual sows and gilts and to minimize injury to piglets **during the 14-day period prior to the date of giving birth or during any day when the pig is nursing.**
 - i. The **gilt or sow’s** head must not have to rest on an adjacent feeder.
 - ii. The **gilt or sow’s** rear quarters must not be in contact with the back of the stall with her nose in contact with the front of the stall.
 - iii. The **gilt or sow’s** head must not have to rest in the water trough.
 - iv. A pregnant **gilt or sow’s** stall must be wide enough to allow the sow to stand up and lie down unimpeded, rest, and move its head freely.
 3. **The confinement standards set forth at (b)1i and 2 above shall not apply to the following activities:**
 - i. **Medical research;**
 - ii. **Examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or pursuant to the supervision of a licensed veterinarian, either in-person or through a telemedicine appointment;**
 - iii. **Transportation;**
 - iv. **State or county fair exhibitions, 4-H programs, or similar temporary exhibitions; or**
 - v. **Humane slaughter, in accordance with applicable laws, rules, and regulations.**
- (c)-(d) (No change.)

PO Box 360
Trenton, NJ 08625-0360

The agency proposal follows:

Summary

P.L. 1986, c. 204 (approved January 6, 1987) established the New Jersey Uncompensated Care Trust Fund (UCTF), and expired December 31, 1988, pursuant to § 15 of that law. P.L. 1989, c. 1 (approved January 11, 1989), extended the UCTF for a two-year period through December 31, 1990, and established therein § 14, which provided: “Every student enrolled as a full-time student at a public or private institution of higher education in this State shall maintain health insurance coverage which provides basic hospital benefits ... throughout the period of the student’s enrollment[, and] present evidence [thereof] to the institution at least annually, in a manner prescribed by the institution. The State Board of Higher Education shall require all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students who are required to maintain the coverage pursuant to this section [and] shall adopt rules and regulations ... to carry out the purposes of ... this section.”

P.L. 1991, c. 187 (approved July 1, 1991), repealed P.L. 1989, c. 1, established the New Jersey Health Care Trust Fund to replace the UCTF, and, at § 77, reestablished verbatim the requirement at repealed P.L. 1989, c. 1, § 14, as new N.J.S.A. 18A:62-15.

P.L. 1994, c. 48 (approved July 1, 1994), the Higher Education Restructuring Act of 1994, abolished the Department of Higher Education, including the State Board of Higher Education, established the Commission on Higher Education, and, at § 87, transferred the obligation of the State Board of Higher Education to implement N.J.S.A. 18A:62-15 to the Department of Health (Department).

In 1997, the Department established rules implementing N.J.S.A. 18A:62-15 as new Subchapter 7, Higher Education Student Health Insurance Coverage, at N.J.A.C. 8:57, Communicable Diseases. 29 N.J.R. 2261(a); 3727(a).

In 2000, the Department proposed to readopt Subchapter 7 without change, as part of the readoption of N.J.A.C. 8:57, Communicable Diseases. 32 N.J.R. 965(a). N.J.A.C. 8:57 expired on April 12, 2000, before the Department adopted the notice of proposal to readopt N.J.A.C. 8:57. Later in 2000, the Department adopted the expired rules, including Subchapter 7, as new rules at N.J.A.C. 8:57. 32 N.J.R. 3463(a).

In 2003, and again in 2009, the Department readopted Subchapter 7 without change, as part of the readoption of N.J.A.C. 8:57, Communicable Diseases. 34 N.J.R. 3945(a); 35 N.J.R. 4883(b); and 40 N.J.R. 1962(a); 41 N.J.R. 1419(a). In accordance with N.J.S.A. 52:14B-5.1.b, N.J.A.C. 8:57 was scheduled to expire on March 10, 2014. P.L. 2011, c. 45 (effective April 6, 2011) amended N.J.S.A. 52:14B-5.1.b, and operated to extend the chapter expiration dates for the rules in the New Jersey Administrative Code by two years, thereby extending the expiration date of N.J.A.C. 8:57 to March 10, 2016. 43 N.J.R. 1203(a).

P.L. 2013, c. 78, § 1 (approved July 5, 2013) amended N.J.S.A. 18A:62-15 to eliminate the requirement that full-time students at institutions of higher education obtain health insurance and provide proof thereof to their institutions, while maintaining the Department’s obligation to require “all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students,” and to promulgate rules implementing this requirement. In an action that had no substantive impact on the Department’s rulemaking obligation, P.L. 2013, c. 253, § 3 (approved January 17, 2014), purported to amend N.J.S.A. 18A:62-15 to delete a reference to a defunct entity of State government; however, P.L. 2013, c. 78, already had deleted the provision that P.L. 2013, c. 253, § 3 purported to amend.

In 2016, the Department again readopted Subchapter 7, without change, as part of the readoption of N.J.A.C. 8:57, Communicable Diseases. 48 N.J.R. 420(a). As stated in that rulemaking, the purpose of the readoption was to maintain the existing chapter’s effectiveness, pending the Department’s development of rulemaking to revise, update, and reorganize existing N.J.A.C. 8:57. *Id.*

N.J.A.C. 8:57 was scheduled to expire February 8, 2023. In accordance with N.J.S.A. 52:14B-5.1.d(1), the expiration date of Chapter 57,

HEALTH

(a)

**OFFICE OF THE COMMISSIONER
Higher Education Student Health Insurance
Coverage
Proposed Readoption and Recodifications with
Amendments: N.J.A.C. 8:57-7.1 and 7.4 as 8:92-
1.1 and 1.3, Respectively
Proposed New Rule: N.J.A.C. 8:92-1.2**

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Acting Commissioner, Department of Health, in consultation with the Public Health Council.

Authority: N.J.S.A. 17:23A-13; 18A:61D-1 et seq., particularly 18A:61D-6; 18A:62-15, 15.1, and 15.2; 26:1A-7 and 15; 26:2-137.1; 26:4-1 et seq., particularly 26:4-2 and 26:4-70; 26:5C-1 et seq., particularly 26:5C-6 and 20; and 30:9-57; and Reorganization Plan No. 003-2005 (Governor Codey, June 27, 2005).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-015.

Submit written comments by April 5, 2024, electronically to <http://www.nj.gov/health/legal/ecomments.shtml>, or by regular mail postmarked by April 5, 2024, to:

Kimberly E. Jenkins, Director
Office of Legal and Regulatory Compliance
Office of the Commissioner
New Jersey Department of Health