

SENATE, No. 2734

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED FEBRUARY 22, 2011

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN
District 16 (Morris and Somerset)

Co-Sponsored by:

Senator Doherty

SYNOPSIS

Permits sale of home-baked goods under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/4/2011)

1 AN ACT concerning the sale of certain foods and supplementing
2 Title 26 of the Revised Statutes.

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

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7 1. As used in this act:

8 “Bakery goods” means ready-to-eat baked food for which further
9 cooking is not required for food safety, which is classified by
10 regulation of the commissioner as being a not potentially hazardous
11 food to consumers and includes, but is not limited to, bread, rolls,
12 cakes, pies, cookies or pastries.

13 “Commissioner” means the Commissioner of Health and Senior
14 Services.

15 “Home-baked” means that the bakery good was prepared in a
16 kitchen in a private home that is not subject to regulation and
17 inspection by the Department of Health and Senior Services.

18 “Not potentially hazardous food” means a food which does not
19 require time or temperature control for safety to limit pathogenic
20 microorganism growth or toxin formation.

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22 2. A person may sell home-baked bakery goods if the consumer
23 is notified by a clearly visible placard at the point of sale, in a
24 manner prescribed by the commissioner, that the bakery goods were
25 prepared in a kitchen that is not subject to regulation and inspection
26 by the Department of Health and Senior Services.

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28 3. The commissioner, pursuant to the “Administrative
29 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), after
30 consultation with the Secretary of Agriculture, shall adopt rules and
31 regulations to effectuate the purposes of this act.

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33 4. This act shall take effect on the 180th day after enactment,
34 but the Commissioner of Health and Senior Services may take such
35 anticipatory administrative action in advance thereof as shall be
36 necessary for the implementation of this act.

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STATEMENT

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41 This bill permits the sale of home-baked bakery goods if the
42 consumer is notified by a clearly visible placard at the point of sale,
43 in a manner prescribed by the Commissioner of Health and Senior
44 Services, that the bakery goods were prepared in a kitchen that is
45 not subject to regulation and inspection by the Department of
46 Health and Senior Services.

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As defined in the bill:

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1 “Bakery goods” means ready-to-eat baked food for which further
2 cooking is not required for food safety, which is classified by
3 regulation of the commissioner as being a not potentially hazardous
4 food to consumers and includes, but is not limited to, bread, rolls,
5 cakes, pies, cookies or pastries.

6 “Home-baked” means that the bakery good was prepared in a
7 kitchen in a private home that is not subject to regulation and
8 inspection by the Department of Health and Senior Services and
9 prepared for sale at farmers’ markets, roadside stands, private
10 houses or at functions.

11 “Not potentially hazardous food” means a food which does not
12 require time or temperature control for safety to limit pathogenic
13 microorganism growth or toxin formation.

14 The bill directs the Commissioner of Health and Senior Services
15 to adopt rules and regulations, after consultation with the Secretary
16 of Agriculture, to effectuate its purposes.