

## CHAPTER 223

AN ACT concerning the provision of fresh produce to urban communities, and supplementing Title 4 of the Revised Statutes.

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

C.4:10-25.3 Short title.

1. This act shall be known, and may be cited, as the “New Jersey Fresh Mobiles Pilot Program Act.”

C.4:10-25.4 Findings, declarations, determinations relative to provision of fresh produce to urban communities.

2. a. The Legislature finds and declares that there are certain urban areas of the State, known as “food desert” communities, in which residents are unable to obtain reasonable and adequate access to nutritious foods and, in particular, to fresh fruits and vegetables; that the inaccessibility of nutritious food in urban food desert communities has been attributed, in large part, to the absence therein of supermarkets, grocery stores, and farmers’ markets and the prevalence therein of businesses like liquor stores and convenience marts, which provide convenient and affordable access only to pre-processed foods, generally high in empty calories, sugar, unhealthy preservatives, and harmful fats, and low in nutritional value; that low-income families are more likely than others to live in urban food desert communities and to lack the transportation or financial resources necessary to reach distant wholesome markets; that, as is evidenced by the work of various non-profit and private entities across the United States, the accessibility to, desire for, and use of, fresh produce by residents of urban food desert communities can be improved through the provision of mobile farmers’ markets, which regularly travel to and from these communities, and which provide fresh produce to residents situated therein; and that the institution of a mobile farmers’ market initiative is a reasonable means by which to ensure that residents of urban food desert communities in the State are provided with reasonable access to nutritious, fresh, and delicious produce, and are afforded the opportunity thereby to make healthier eating choices for themselves and for their families.

b. The Legislature therefore determines that it is both reasonable and necessary to authorize the Department of Agriculture to develop and assist in the implementation of a pilot program to establish a mobile farmers’ market initiative that will provide a consistent, and easily accessible, source of fresh produce to residents in urban food desert communities in municipalities selected to participate in the pilot program.

C.4:10-25.5 Definitions relative to provision of fresh produce to urban communities.

3. For the purposes of this act:

“Department” means the Department of Agriculture.

“Federal food stamp assistance program” means the federal food stamp program authorized by Title XIII of the “Food and Agriculture Act of 1977,” Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

“Federal WIC program” means the Special Supplemental Nutrition Program for Women, Infants and Children, established pursuant to the federal “Child Nutrition Act of 1966,” Pub.L.89-642 (42 U.S.C. s.1771 et seq.).

“Fresh mobile vendor” or “vendor” means a person who has been qualified, pursuant to paragraph (1) of subsection b. of section 4 of this act, to provide fresh produce to residents of urban food desert communities.

“Fresh Mobiles Initiative” or “Initiative” means the “New Jersey Fresh Mobiles Initiative Pilot Program,” established and developed pursuant to this act.

“Low-income food voucher” means any type of food voucher, coupon, stamp, certificate, written authorization, or benefits card, which has been issued to a person by a government entity in accordance with the provisions of the federal food stamp assistance program, the Supplemental Nutrition Assistance Program, the federal WIC program, the New Jersey Supplementary Food Stamp Program, the Work First New Jersey program, or any other federal or State level nutrition or income assistance program now or hereafter established by law.

“Mobile venue” means a food truck or other vehicle serving as a base of operations from which a fresh mobile vendor may offer fresh produce for sale to consumers in urban food desert communities through participation in the Fresh Mobiles Initiative Pilot Program.

“New Jersey Supplementary Food Stamp Program” means the State level food stamp program, established pursuant to P.L.1998, c.32 (C.44:10-79 et seq.), which applies to non-citizens who were rendered ineligible for federal food stamp program assistance by section 402 of the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C. s.1612).

“Participating municipality” means a municipality, or physically contiguous urban area in the State, which qualifies as an urban food desert selected by the Secretary of Agriculture to participate in the Fresh Mobiles Initiative Pilot Program established pursuant to this act.

“Secretary” means the Secretary of Agriculture.

“Supplemental Nutrition Assistance Program” means the supplemental nutrition assistance program, established pursuant to the federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7 U.S.C.s.2011 et seq.).

“Urban food desert,” “urban food desert community,” or “community” means a municipality, or physically contiguous urban area in the State, in which residents have limited access to nutritious foods, such as fresh fruits and vegetables, through supermarkets, grocery stores, and farmers’ markets.

“Vendor supply area” means a specific street location in a participating municipality where qualified fresh mobile vendors may offer their fresh produce for sale to consumers as part of the pilot program authorized pursuant to this act.

“Work First New Jersey” means the Work First New Jersey temporary public assistance program, established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with authorization received under Title IV of the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C. s.1601 et seq.).

#### C.4:10-25.6 Mobile farmers’ market pilot program.

4. a. In order to promote and facilitate improved access to fresh produce by low-income residents of urban food deserts, the Department of Agriculture shall develop and assist in the implementation of a mobile farmers’ market pilot program, to be known as the “New Jersey Fresh Mobiles Initiative.” The pilot program shall operate in one or more municipalities, selected by the Secretary of Agriculture, in which residents have limited access to nutritious foods through supermarkets, grocery stores, and farmers’ markets, which agree to participate in the program. The department shall identify, on its Internet website, the municipalities selected for participation, and the vendor supply areas at which, and the times during which, fresh mobile vendors will be accessible for community residents. The pilot program shall operate for a period of at least one year. No later than one year after the pilot program is established and becomes effective, the department shall submit to the Governor and, pursuant

to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a written report containing information on the implementation of the pilot program, including a recommendation on the feasibility and desirability of implementing the initiative on a Statewide basis.

b. As a part of the Fresh Mobiles Initiative Pilot Program, the department shall be authorized to:

(1) establish qualifications for fresh mobile vendors and assist the participating municipalities in identifying and recruiting appropriate qualified persons to act as fresh mobile vendors in the pilot program to be operated in the participating municipality, provided that the vendors agree to accept any low-income food vouchers as payment at the mobile venues established under the pilot program as a condition of participation in the program;

(2) assist the participating municipalities in designating one or more vendor supply areas to be used for vendor sales, which designations shall ensure a high level of accessibility to vendors by community residents;

(3) coordinate and encourage partnerships between the participating municipalities and such fresh mobile vendors as deemed necessary to better enable and ensure the prompt or efficient delivery of fresh produce to urban food desert communities and the provision of a year-round supply of fresh produce through the pilot program;

(4) take appropriate actions to encourage consumer participation in the initiative and increase consumer familiarity with regard to the various types of produce offered by fresh mobile vendors;

(5) take appropriate actions to encourage, at the discretion of the individual fresh mobile vendor, the acceptance of any method of payment, including, but not limited to, cash, credit, or check;

(6) develop educational and informational materials for distribution to consumers, which materials may incorporate information pertaining to the nutritional value of fruits and vegetables, the importance of incorporating fresh produce into the diet, or any other topic that is relevant to the work of the initiative; and

(7) take such other actions, including but not limited to adopting rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that the secretary deems necessary or appropriate to implement the provisions of this act.

#### C.4:10-25.7 Identification, recruitment of vendors.

5. a. The department shall work with participating municipalities to identify and recruit appropriate and qualified persons to serve as vendors to provide fresh produce for sale to residents in urban food desert communities in participating municipalities.

b. In implementing subsection a. of this section, the department shall use to the maximum extent practicable in-State produce farmers, collaborative farmers' organizations, or private, non-profit, or governmental entities that are engaged in fresh produce rescue efforts, such as the New Jersey Agricultural Society in its "Farmers Against Hunger" program and the New Jersey Federation of Food Banks, which is the network of food banks which exist in New Jersey. The department shall encourage the State's produce farmers and other entities to participate in the initiative as fresh mobile vendors.

The department shall make reasonable efforts to ensure, through the adoption of appropriate regulatory requirements or otherwise, that a consistent, year-round supply of reasonably priced fresh produce, sufficient to satisfy the fresh produce needs of residents in the urban food desert communities in the participating municipalities, will be made available by the fresh mobile vendors recruited to participate in the pilot program. In the event that in-

State produce farmers are unable to meet the needs of residents in the designated communities, the secretary may recruit out-of-State produce farmers to meet those needs.

C.4:10-25.8 Eligibility for participation as consumer in Fresh Mobiles Initiative.

6. a. Any person may participate as a consumer in the Fresh Mobiles Initiative.

b. A person who is currently enrolled as a participant in:

- (1) the federal food stamp assistance program;
- (2) the Supplemental Nutrition Assistance Program;
- (3) the federal WIC program;
- (4) the New Jersey Supplementary Food Stamp Program;
- (5) Work First New Jersey; or

(6) any other federal or State level nutrition or income assistance program now or hereafter established by law may use, to the extent such use is consistent with the requirements of the programs, low-income food vouchers to purchase fruits and vegetables from fresh mobile vendors.

c. The department may adopt rules and regulations as necessary to facilitate the acceptance of low-income food vouchers by fresh mobile vendors in accordance with subsection b. of this section and paragraph (1) of subsection b. of section 4 of this act.

C.4:10-25.9 “New Jersey Fresh Mobiles Operation Fund.”

7. a. The Secretary of Agriculture is authorized to receive and expend, for the purposes specified in subsection b. of this section, any moneys that are obtained thereby through:

- (1) appropriations or allocations of funds to the department for purposes consistent with this act, except for moneys allocated for the State Food Purchase Program;
- (2) grant or loan awards made available to the department for purposes consistent with this act;
- (3) direct contributions, gifts, legacies, bequests, or endowments for purposes consistent with this act; and
- (4) any other source for purposes consistent with this act.

b. The secretary shall deposit all moneys received pursuant to subsection a. of this section in a special account to be known as the “New Jersey Fresh Mobiles Operation Fund.” The secretary may expend the moneys deposited in the fund, in addition to any interest accrued thereon, and any dividends and returns resulting from investment of the moneys in the fund, for any of the following purposes:

- (1) advertising and publicizing the initiative;
- (2) developing and distributing educational materials as part of the initiative;
- (3) providing financing for any studies that are reasonably necessary to evaluate the efficacy of the Fresh Mobiles Initiative Pilot Program;
- (4) offsetting any costs incurred by the department or participating municipalities in complying with the provisions of this act; and
- (5) providing financing for any other activity or endeavor that is consistent with the purposes of this act, and that will support, or facilitate the efficient and effective operation of, the Fresh Mobiles Initiative Pilot Program.

8. This act shall take effect on the first day of the sixth month following enactment, except that the Secretary of Agriculture may take such anticipatory action as may be necessary to implement the provisions of this act.

Approved January 17, 2012.