

P.L. 1997, CHAPTER 337, *approved January 12, 1998*
Senate, No. 1056 (*First Reprint*)

1 AN ACT concerning frozen desserts licenses and ¹[supplementing]
2 amending¹ P.L.1964, c.120 ¹[(C.24:10-73.1 et seq.)]¹.

3

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

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7 ¹[1. Notwithstanding the licensing requirements established
8 pursuant to P.L.1964, c.120 (C.24:10-73.1 et seq.), a person owning
9 or operating a frozen desserts plant for the assembly, manufacturing,
10 processing, freezing or converting in form of frozen desserts for sale
11 or distribution within his county, shall be exempt from Department of
12 Health frozen desserts licensing requirements if the frozen desserts
13 plant passes the required county or municipal sanitary inspection
14 pursuant to N.J.A.C.8:24-1.1 et seq. and the person obtains an annual
15 retail food establishment mercantile license from the county or
16 municipality in which the plant is located.]¹

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18 ¹1. Section 5 of P.L.1964, c.120 (C. 24:10-73.5) is amended to
19 read as follows:

20 5. (a) "Frozen desserts plant" is hereby defined as any place,
21 premises or establishment or any part thereof where frozen desserts
22 are assembled, manufactured, processed, frozen or converted in form,
23 for wholesale distribution or sale, and shall include rooms or premises
24 wherein utensils are washed, sanitized or kept. [This definition shall
25 be construed to include retail stores and mobile units but shall not
26 include retail establishments other than mobile units mechanically
27 converting frozen desserts into soft ice cream, shakes, sandwiches and
28 sundaes unless they also operate subject to licensing requirements.]

29 (b) ["Cellar" is hereby defined as a room which is more than 1/2
30 its height below the level of the curb or ground adjoining the building,
31 excluding areaways.](Deleted by amendment, P.L. , c.)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted January 23, 1997.

1 (c) "Mobile unit" is hereby defined as any vehicle on which frozen
2 desserts are manufactured, prepared, processed or converted in form
3 and which is used in selling and dispensing such products to the
4 consuming public.

5 (d) "Depot" is hereby defined as a building from which mobile
6 units operate and where they are sanitized.

7 (e) ["Station" is hereby defined as a building used for storage of
8 frozen desserts manufactured elsewhere prior to distribution in
9 wholesale quantities.](Deleted by amendment, P.L. , c.)

10 (f) "Wholesale" means any place engaged in the production,
11 preparation, processing, manufacture, packing, storage or handling of
12 food for sale or distribution to a person other than the ultimate
13 consumer.¹

14 (cf: P.L.1969, c.88, s.3)

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16 ¹2. Section 10 of P.L.1964, c.120 (C. 24:10-73.10) is amended to
17 read as follows:

18 10. Every person owning or operating a frozen dessert plant for the
19 assembly, manufacturing, processing, freezing or converting in form
20 of frozen desserts for wholesale sale or distribution or a mobile unit
21 within this State shall, before July 1 in each year, apply to the
22 department for a license to sell or distribute such products within this
23 State and register with the department such information as may be
24 required by the department to enable it to carry out its responsibilities
25 under this act.

26 At the same time application for a license and registration is filed
27 the applicant shall pay to the department an annual license fee [as
28 follows: for each manufacturer of frozen desserts producing or
29 distributing annually within this State not in excess of 10,000 gallons
30 of those products, \$20.00; in excess of 10,000 gallons and not in
31 excess of 25,000 gallons of those products, \$40.00; in excess of
32 25,000 gallons and not in excess of 50,000 gallons of those products,
33 \$100.00; in excess of 50,000 gallons and not in excess of 100,000
34 gallons of those products, \$200.00; in excess of 100,000 gallons of
35 those products, \$400.00]. The fee schedule shall be adopted by
36 regulation pursuant to the "Administrative Procedure Act," P.L.1968,
37 c.410 (C.52:14B-1 et seq.) and shall be reasonable for services
38 performed in the licensing and inspection of a frozen dessert plant or
39 mobile unit, except that the license fee shall not exceed \$500.¹

40 (cf: P.L1983, c.275, s.9)

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42 ¹[2.] 3.¹ This act shall take effect immediately.

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46 Amends definition of frozen desserts plant to exclude retail stores.