

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1056

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Senate Health Committee reports favorably Senate Bill No. 1056 with committee amendments.

As amended by committee, this bill revises the definition of "frozen desserts plant" to exclude retail stores and provide, instead, that the term shall apply to an establishment where frozen desserts are assembled, manufactured, processed, frozen or converted in form, for wholesale distribution or sale. The bill deletes the duplicate requirement that retail establishments that prepare frozen desserts for sale at the establishment obtain a State license, as well as a county or municipal retail establishment license. The bill retains the State licensing requirement for mobile units, which are vehicles on which frozen desserts are manufactured, prepared, processed or converted in form and sold and dispensed to the consuming public.

The bill also deletes the specific dollar amounts for licensing fees and provides, instead, that the Commissioner of Health and Senior Services shall adopt a reasonable fee schedule, by regulation, that will reflect the services performed in the licensing and inspection of a frozen desserts plant or mobile unit, but that the licensing fee shall not exceed \$500.

The term "frozen desserts" is defined in N.J.A.C.8:21-7.1 to include: ice cream, frozen custard, ice milk, sherbet, water ice, mellorine, goat's milk ice cream, goat's milk ice milk, frozen yogurt, frozen lowfat yogurt or lowfat frozen yogurt, frozen nonfat yogurt or nonfat frozen yogurt, quiescently frozen confection, quiescently frozen dairy confection, frozen dietary dairy dessert, dietary frozen dessert or lowfat frozen dairy dessert, whipped cream confection, bisque tortoni, nonfruit sherbet, nonfruit water ice, manufactured dessert mixes, lactose reduced ice cream, lactose reduced ice milk, frozen pudding, freezer made shake and freezer made milk shake, lowfat parevine, parevine, Lo-Mel, as all such products are commonly known, together with any such mix used in frozen desserts and any products which are similar in appearance, odor or taste to such products or are prepared or frozen as such products are customarily prepared or frozen whether made with dairy or nondairy products.

The committee amended the bill to delete the exemption from P.L.1964, c.120 (C.24:10-73.1 et seq.) of certain frozen desserts plants which only sell or distribute their products on a retail basis in the county in which they are located, and to provide, instead, that the term frozen desserts plant shall only apply to wholesale distributions or sales. Amendments also revise the licensing fee provisions in that law to grant the Department of Health and Senior Services greater discretion in establishing the amount of the fee.