

[First Reprint]

**SENATE, No. 4128**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED NOVEMBER 8, 2021

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**District 3 (Cumberland, Gloucester and Salem)**

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**District 35 (Bergen and Passaic)**

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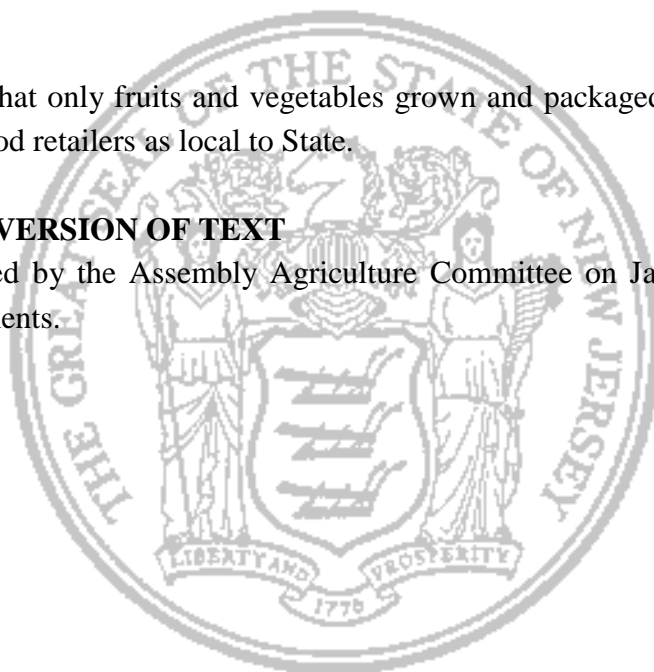
**Senator Turner**

**SYNOPSIS**

Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Agriculture Committee on January 3, 2022, with amendments.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning the labeling of fruits and vegetables by food  
2 retailers and supplementing Title 4 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Beginning <sup>1</sup>~~30~~ 60<sup>1</sup> days after the effective date of this  
8 section, a food retailer shall not label, <sup>1</sup>~~or~~<sup>1</sup> advertise <sup>1</sup>~~[,]~~<sup>1</sup> or in any  
9 way imply <sup>1</sup>~~in any advertising~~ with labeling or signage in the  
10 store or other establishment where the fruit or vegetable is sold,<sup>1</sup>  
11 that a fruit or vegetable is “locally grown,” “locally harvested,”  
12 “locally-sourced,” or local to the State unless the fruit or vegetable  
13 was grown, harvested, and packaged within the State.

14 b. Beginning <sup>1</sup>~~30~~ 60<sup>1</sup> days after the effective date of this  
15 section, a food retailer who violates the provisions of this section  
16 shall be subject to a penalty of not less than \$100 <sup>1</sup>~~for the first~~  
17 violation,<sup>1</sup> or more than \$200 for <sup>1</sup>~~each offense~~ a second or  
18 subsequent violation<sup>1</sup>, to be collected in a civil action in a  
19 summary proceeding pursuant to the "Penalty Enforcement Law of  
20 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court  
21 and the municipal court shall have jurisdiction to enforce the  
22 provisions of the "Penalty Enforcement Law of 1999" in connection  
23 with this section. Each <sup>1</sup>~~piece~~ type<sup>1</sup> of fruit or vegetable  
24 improperly labeled by a food retailer in violation of this section  
25 shall constitute a separate violation. The Secretary of Agriculture is  
26 authorized to institute a civil action for a violation of this section.

27 c. <sup>1</sup>As soon as practicable after the effective date of this act,  
28 the Department of Agriculture shall post on its website notification  
29 of the enactment and provisions of this section.

30 d.<sup>1</sup> As used in this section, “food retailer” means an  
31 establishment that sells a selection of foods to consumers including,  
32 but not limited to, grocery stores, supermarkets, farmer’s markets,  
33 and convenience stores.

34  
35 2. This act shall take effect immediately.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted January 3, 2022.