

# ASSEMBLY AGRICULTURE COMMITTEE

## STATEMENT TO

### SENATE, No. 4128

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 3, 2022

The Assembly Agriculture Committee reports favorably and with committee amendments Senate Bill No. 4128.

This bill, as amended, requires that only fruits and vegetables grown, harvested, and packaged in the State may be labeled by food retailers as “locally grown,” “locally harvested,” “locally-sourced,” or local to the State.

The bill, as amended, beginning 60 days after the effective date, prohibits a food retailer from labeling, or advertising or in any way implying with labeling or signage in the store or other establishment where the fruit or vegetable is sold, that a fruit or vegetable is “locally grown,” “locally harvested,” “locally-sourced,” or local to the State unless the fruit or vegetable was grown, harvested, and packaged in the State. Any food retailer that violates the provisions in the bill would be subject to a penalty of not less than \$100 for the first violation, or more than \$200 for a second or subsequent violation. The bill specifies that each type of fruit or vegetable improperly labeled by a food retailer would constitute a separate violation. “Food retailer” is defined in the bill as an establishment that sells a selection of foods to consumers including, but not limited to, grocery stores, supermarkets, farmer’s markets, and convenience stores.

Finally, the bill, as amended, requires the Department of Agriculture to post on its website, as soon as practicable after the effective date of the act, notification of the enactment and provisions of the act.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 6231 as amended and reported by the committee.

#### COMMITTEE AMENDMENTS

The committee amendments:

1) revise the prohibitions under the bill to apply to labeling, or advertising or in any way implying with labeling or signage in the store or other establishment where the fruit or vegetable is sold;

2) establish the penalty of not less than \$100 is for the first violation;

3) establish the penalty of not more than \$200 is for a second or subsequent violation;

4) specify that each type of fruit or vegetable improperly labeled would constitute a separate violation; and

5) require the Department of Agriculture to post on its website notification of the enactment and provisions of the act as soon as practicable after the effective date of the act.