

CHAPTER 111

AN ACT concerning baked goods and other food products and the “Jersey Fresh” designation, amending P.L.1999, c.32 and P.L.2008, c.40, and supplementing P.L.1939, c.136 (C.4:10-16 et seq.).

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

C.4:10-19.1 “Made With Jersey Fresh” designated products.

1. The Secretary of Agriculture in conjunction with the State Board of Agriculture shall develop and implement the inclusion of baked goods or other food products that are baked or made with “Jersey Fresh” products into the “Jersey Fresh” designation and program as “Made With Jersey Fresh” designated products.

2. Section 3 of P.L.2008, c.40 (C.4:1-11.2) is amended to read as follows:

C.4:1-11.2 Rules, regulations.

3. The State Board of Agriculture shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to provide for the buying and selling of agricultural or horticultural products, and baked goods or other food products that are baked or made with “Jersey Fresh” products, at service areas along toll roads in the State that may be transported in or out of State from those service areas.

3. Section 1 of P.L.2008, c.40 (C.27:23-48) is amended to read as follows:

C.27:23-48 New Jersey Turnpike Authority, sale of “Jersey Fresh,” “Made With Jersey Fresh” products at certain service areas.

1. a. The New Jersey Turnpike Authority shall adopt, in consultation with the Department of Agriculture and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to provide for and encourage the sale of agricultural products labeled "Jersey Fresh", other agricultural or horticultural products grown and raised in the State, and “Made With Jersey Fresh” products that are baked or made with “Jersey Fresh” products, at service areas along the Garden State Parkway and the New Jersey Turnpike. These rules and regulations shall include, but need not be limited to, provisions allowing for:

- (1) the selection of appropriate service areas;
- (2) the designation of locations for such sales at selected service areas;
- (3) procedures for growers and sellers of agricultural or horticultural products, and bakers or producers of “Made With Jersey Fresh” products, to use these designated sales locations; and
- (4) compliance with the rules and regulations adopted by the State Board of Agriculture pursuant to section 3 of P.L.2008, c.40 (C.4:1-11.2).

b. To the extent necessary, appropriate, and practicable, the New Jersey Turnpike Authority shall initiate discussions with contracted vendors at service areas concerning the promotion and sale of agricultural products labeled "Jersey Fresh" and other agricultural or horticultural products, and “Made With Jersey Fresh” baked goods and other food products, at service areas and shall incorporate any necessary provisions in the contracts of the vendors to allow for the promotion and sale of these products at service areas along the Garden State Parkway and the New Jersey Turnpike.

4. Section 2 of P.L.2008, c.40 (C.27:25A-43) is amended to read as follows:

C.27:25A-43 South Jersey Transportation Authority, sales of "Jersey Fresh," "Made With Jersey Fresh" products at service areas along the Atlantic City Expressway.

2. a. The South Jersey Transportation Authority shall adopt, in consultation with the Department of Agriculture and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to provide for and encourage the sale of agricultural products labeled "Jersey Fresh", other agricultural or horticultural products grown and raised in the State, and "Made With Jersey Fresh" products that are baked or made with "Jersey Fresh" products, at service areas along the Atlantic City Expressway. These rules and regulations shall include, but need not be limited to, provisions allowing for:

(1) the selection of appropriate service areas;
(2) the designation of locations for such sales at selected service areas;
(3) procedures for growers and sellers of agricultural or horticultural products, and bakers and producers of "Made With Jersey Fresh" products, to use these designated sales locations; and

(4) compliance with the rules and regulations adopted by the State Board of Agriculture pursuant to section 3 of P.L.2008, c.40 (C.4:1-11.2).

b. To the extent necessary, appropriate, and practicable, the South Jersey Turnpike Authority shall initiate discussions with contracted vendors at service areas concerning the promotion and sale of agricultural products labeled "Jersey Fresh" and other agricultural or horticultural products, and "Made With Jersey Fresh" baked goods and other food products, at service areas and shall incorporate any necessary provisions in the contracts of the vendors to allow for the promotion and sale of these products at service areas along the Atlantic City Expressway.

5. Section 1 of P.L.1999, c.32 (C.52:32-1.6) is amended to read as follows:

C.52:32-1.6 Review, modification of bid, product specifications relative to purchase of "Jersey Fresh," "Jersey Grown," "Made With Jersey Fresh" products or commodities.

1. a. The Director of the Division of Purchase and Property in the Department of the Treasury shall, upon consultation with the Department of Agriculture, review and modify all bid and product specifications relating to the purchase of agricultural and horticultural products and commodities, so that the specifications do not discriminate against, but encourage, the maximum purchase of "Jersey Fresh," "Jersey Grown," other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products. In purchasing any agricultural or horticultural products, commodities, or goods for use by the various agencies and departments of the State government, for the entities defined in section 1 of P.L.1959, c.40 (C.52:27B-56.1), or for any county, municipality or school district pursuant to P.L.1969, c.104 (C.52:25-16.1 et al.), the Director of the Division of Purchase and Property, to the maximum extent possible, shall make contracts available for "Jersey Fresh," "Jersey Grown," other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products, unless the director determines it to be inconsistent with the public interest or the cost to be unreasonable. The Department of Agriculture shall provide information regarding the location and time of year "Jersey Fresh," "Jersey Grown,"

“Made With Jersey Fresh,” and other agricultural food products and commodities grown or raised in New Jersey are available to the Division of Purchase and Property.

b. To the extent any agency or department of State government purchases agricultural or horticultural products or commodities other than through or by the Division of Purchase and Property, the agency or department shall follow guidelines therefor to be developed and issued by the Division of Purchase and Property in consultation with the Department of Agriculture. These guidelines shall encourage and promote to the maximum extent practicable the purchase of "Jersey Fresh," "Jersey Grown," other agricultural food products and commodities grown or raised in New Jersey, and “Made With Jersey Fresh” baked goods or other food products baked or made with “Jersey Fresh” products.

6. This act shall take effect immediately.

Approved January 4, 2011.