

ASSEMBLY, No. 1940

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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SYNOPSIS

Requires Department of Agriculture to take various actions to publicize and promote community supported agriculture in New Jersey.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT concerning the promotion of community supported
2 agriculture, supplementing Title 4 of the Revised Statutes, and
3 amending various parts of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. As used in P.L. , c. (C.) (pending
9 before the Legislature as this bill):

10 “Community supported agriculture” means a method of on-the-
11 farm direct sales and marketing in which the retail sale, to a
12 consumer, of a share of the agricultural output of a commercial
13 farm is effectuated through a paid subscription service.

14 “Community supported agriculture program” or “CSA program”
15 means a farm product retail sales and marketing program in which
16 participating consumers agree to pay a seasonal or annual
17 subscription fee to a farm in exchange for the consumers’ regular
18 and ongoing receipt of weekly shares of the farm’s seasonal
19 agricultural output.

20 “Department” means the Department of Agriculture.

21 “Secretary” means the Secretary of Agriculture.

22 b. Within 180 days after the effective date of P.L. ,
23 c. (C.) (pending before the Legislature as this bill), the
24 Secretary of Agriculture shall develop and implement a publicity
25 and marketing program to promote community supported
26 agriculture in the State. As part of the program, the department
27 shall:

28 (1) establish and regularly update, on its Internet website, a
29 webpage that is dedicated to community supported agriculture,
30 which webpage shall, at a minimum: (a) include a searchable list of
31 all CSA programs in the State and the farms participating therein;
32 and (b) provide hyperlinks, or use another simple methodology, to
33 enable members of the public to subscribe to CSA programs in their
34 local area;

35 (2) use all available means, including, but not limited to, print
36 media, television, radio, road and other signage, the Internet, and
37 social media to advertise and publicize: (a) the availability of, and
38 the benefits of participating in, community supported agriculture in
39 the State; (b) the names and locations of farms that participate in
40 CSA programs; and (c) the availability of the community supported
41 agriculture webpage, established pursuant to paragraph (1) of this
42 subsection; and

43 (3) develop, print, and distribute distinct promotional and
44 marketing labels that may be used by farmers to identify
45 agricultural products that are being marketed and sold through

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.

1 community supported agriculture. The labels developed pursuant to
2 this paragraph may contain the official New Jersey State map
3 symbol, developed pursuant to R.S.4:10-5, as well as a “Jersey
4 Fresh,” “Premium Jersey Fresh,” or “Made with Jersey Fresh”
5 designation, as deemed by the secretary to be appropriate, but shall
6 additionally indicate, in large and distinctive typeface, that the
7 labeled products are being marketed and sold through community
8 supported agriculture. Nothing in this paragraph shall be deemed to
9 prohibit the operator of a farm, after first consulting with the
10 department, from creating the farm’s own promotional labels and
11 using those labels to identify agricultural products that are being
12 marketed and sold by the farm through community supported
13 agriculture.

14

15 2. (New section) a. The Department of Agriculture, acting in
16 cooperation with the Department of Education and in coordination
17 with farmers, public, private, and charter schools and their food
18 services, the New Jersey Farm to School Network or its successor
19 entity, and other interested and relevant organizations and groups,
20 as determined by the Department of Agriculture and the Department
21 of Education to be appropriate, shall establish and annually observe
22 a week of promotional events to be known as “Community
23 Supported Agriculture Week.”

24 b. “Community Supported Agriculture Week” shall highlight
25 and promote the value and importance of community supported
26 agriculture, both as a means by which farming operations can better
27 ensure their ongoing productivity, success, and financial stability,
28 and as a means by which individuals, families, and businesses in the
29 State can obtain fresh, seasonal, and easily accessible farm-to-table
30 foods, throughout the year, while developing closer, more
31 supportive, and reciprocal relationships with local farmers and
32 becoming more invested in, and aware of the factors affecting, the
33 seasonal and long-term success, stability, and viability of farming
34 operations.

35 c. “Community Supported Agriculture Week” shall be
36 celebrated on an annual basis, throughout the State, during the last
37 full week in February, and shall be observed through the holding of
38 relevant promotional events. Such promotional events shall be
39 made available to members of the public at farms, community
40 farmers’ markets, farm stands, grocery stores, community group
41 meetings, churches, and service organizations; to children at school,
42 through the use of in-class presentations, food sampling
43 opportunities, and field trips to farms that are engaged in
44 community supported agriculture; to students of higher education at
45 on-campus events; and to any other groups or organizations at any
46 other locations, as may be deemed by the Department of
47 Agriculture to be beneficial or essential to the effective promotion,

1 throughout the State, of the value and importance of community
2 supported agriculture.

3

4 3. Section 1 of P.L.1939, c.136 (C.4:10-16) is amended to read
5 as follows:

6 1. a. For the purpose of advertising and promoting the sale of
7 New Jersey farm **【product and】** products, the "Jersey Fresh"
8 program, and the value and importance of community supported
9 agriculture, the Secretary of Agriculture is **【hereby】** authorized to
10 solicit and receive funds, either as direct contributions, or from the
11 sale of labels or the right to use labels authorized by the Department
12 of Agriculture, or from any other source **【for advertising and**
13 **promotional purposes】**. The monies received pursuant to this
14 subsection shall be deposited in the "New Jersey Farm Products
15 Publicity Fund," established pursuant to subsection b. of this
16 section.

17 b. There is established in the Department of Agriculture a
18 special nonlapsing fund to be known as the "New Jersey Farm
19 Products Publicity Fund." The fund shall be administered by the
20 Department of Agriculture, and monies in the fund shall be used
21 exclusively for the purposes of advertising and promoting: (1) the
22 sale of New Jersey farm products **【and】**; (2) the "Jersey Fresh"
23 program; and (3) the value and importance of community supported
24 agriculture. Any monies deposited into a bank or trust company
25 designated to accept deposits of State money prior to the effective
26 date of P.L.2017, c.267 and pursuant to section 1 of P.L.1939, c.136
27 (C.4:10-16), for the "New Jersey Farm Products Publicity Fund"
28 shall be transferred to the fund established pursuant to this
29 subsection. Monies deposited in the fund shall be held in interest-
30 bearing accounts in public depositories, as defined pursuant to
31 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or
32 reinvested in such securities as are approved by the State Treasurer.
33 Interest or other income earned on monies deposited into the fund,
34 and any monies **【which】** that may be appropriated or otherwise
35 become available for the purposes of the fund, shall be credited to
36 and deposited in the fund for use as set forth in this section.

37 c. The Secretary of Agriculture may notify interested persons
38 and business entities of the opportunity to contribute funds to be
39 used for the **【purpose established in subsection a. of】** purposes of
40 this section.

41 (cf: P.L.2017, c.267, s.1)

42

43 4. Section 2 of P.L.1939, c.136 (C.4:10-17) is amended to read
44 as follows:

45 2. All **【moneys so】** monies deposited in the "New Jersey Farm
46 Products Publicity Fund" shall be disbursed by the Secretary of
47 Agriculture for advertising and general publicity purposes, **【to be】**

1 as determined by the secretary, in [co-operation] cooperation with
2 contributing commodity groups, to be appropriate, and shall be used
3 to promote the sale of New Jersey farm products; to publicize the
4 “Jersey Fresh” program and the value and importance of community
5 supported agriculture; [for] to cover the expenses of printing and
6 distributing labels [to be] used [in identifying] either in
7 identifying products sold under official State brands, as hereinafter
8 provided, or in identifying products that are being marketed and
9 sold through community supported agriculture; and [for] to cover
10 any other expenses that are incident to [carrying out the provisions]
11 the implementation of [this act] P.L.1939, c.136 (C.4:10-16 et seq.)
12 or P.L. , c. (C.) (pending before the Legislature as this
13 bill); provided, however, that no greater amount shall be expended
14 from such fund for the promotion of a publicity campaign for any
15 particular product than the amount of revenue in such fund that is
16 derived from such product. The Secretary of Agriculture shall keep
17 accurate accounts of the receipts and disbursements of this fund,
18 which accounts may be subject to audit by the State Comptroller.
19 (cf: P.L.1939, c.136, s.2)
20

21 5. Section 7 of P.L.2011, c.218 (C.4:10-19.2) is amended to
22 read as follows:

23 7. a. A person shall not advertise, or in any way imply in any
24 advertising or on any packages or devices, that any produce,
25 seafood, dairy, or other agricultural product;

26 (1) has been produced in New Jersey unless the product,
27 seafood, dairy, or other agricultural product was produced in New
28 Jersey or the waters thereof; or

29 (2) has been marketed and sold through means of community
30 supported agriculture unless the product, seafood, dairy, or other
31 agricultural product was marketed and sold through such means.

32 b. A person who [shall violate] violates the provisions of this
33 section shall be liable to a penalty of \$100, to be collected in a civil
34 action in a summary proceeding, pursuant to the "Penalty
35 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
36 and paid to the General Fund. The Superior Court and the
37 municipal court shall have jurisdiction to enforce the provisions of
38 the "Penalty Enforcement Law of 1999" in connection with this
39 section. Each package, product, or device that is improperly
40 labeled in violation of this section shall constitute a separate
41 violation.

42 c. The Secretary of Agriculture, in conjunction with the
43 Division of Consumer Affairs in the Department of Law and Public
44 Safety, shall have the power, by seeking an injunction or otherwise,
45 to restrain any person or organization violating the provisions of
46 this section. [Notwithstanding] Notwithstanding any law, rule, or
47 regulation to the contrary, a Department of Agriculture [inspectors]

1 inspector may issue **【citations】** a citation to any person suspected of
2 violating the provisions of this section.

3 (cf: P.L.2011, c.218, s.7)

4
5 6. Section 2 of P.L.2011, c.10 (C.4:10-25.2) is amended to read
6 as follows:

7 2. a. The Department of Agriculture shall develop a "New
8 Jersey Farm to School Program" and, pursuant to the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
10 seq.), adopt rules and regulations for its implementation, including,
11 but not necessarily limited to, rules and regulations that:

12 (1) **【provide encouragement for】** encourage schools **【that**
13 **participate】** participating in school meal programs to: (a) expand or
14 improve their kitchen facilities to allow for the daily production of
15 meals that incorporate more fresh, locally grown or produced farm
16 produce, fruit, or other products; and (b) obtain fresh, locally grown
17 or produced agricultural products for school meals by subscribing
18 to, and participating in, a community supported agriculture
19 program;

20 (2) establish a bidding matrix that provides for school purchases
21 of New Jersey-grown food **【and】**, allows schools to adopt price
22 preferences for local agricultural and farm products, and encourages
23 schools to participate as subscribers in a community supported
24 agriculture program; and

25 (3) in conjunction and cooperation with the Department of
26 Education, provide for the incorporation and coordination of school
27 curricula that provides students with information about:

28 (a) New Jersey agriculture;

29 (b) the importance and significance of farms and farmers to
30 New Jersey's economy, culture, history, and quality of life; **【and】**

31 (c) the health value of eating fresh farm foods and locally grown
32 produce and fruits; and

33 (d) the value and importance of community supported
34 agriculture, both to farmers and to the community as a whole, and
35 the ways in which students and their families can become active
36 participants in community supported agriculture programs.

37 b. The Department of Agriculture, in conjunction with the
38 Department of Education, shall develop a training program with
39 emphasis on the **【theme of】** "Farm to School" theme, and shall
40 offer this program to schools, teachers, and other event providers.

41 c. (1) The Department of Agriculture shall establish a "New
42 Jersey Farm to School" website that shall be designed to:

43 (a) provide opportunities for the establishment of product
44 purchasing networks and the execution of community supported
45 agriculture subscription agreements between and among farmers,
46 distributors, and schools or school districts;

(b) facilitate the development and refinement of promotional events in association with "Jersey Fresh Farm to School Week," established pursuant to section 1 of P.L.2011, c.10 (C.4:10-25.1), and in association with "Community Supported Agriculture Week," established pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill); and

(c) provide for the dissemination of information about, and the website-based promotion of, these and other related events.

The department shall include, on the "New Jersey Farm to School" website, a copy of any public contract or other written agreement for the purchase of fresh foods and the provision thereof to school children, including, but not limited to, a community supported agriculture subscription agreement, which has been entered into and successfully implemented by any school or school district in the State.

(2) The department shall post, in a prominent location on the homepage of its Internet website, a hyperlink that provides visitors with direct access to the "New Jersey Farm to School" website established pursuant to this subsection.

(cf: P.L.2014, c.37, s.1)

7. Section 1 of P.L.2014, c.41 (C.4:10-25.2c) is amended to read as follows:

1. a. The Department of Agriculture, in consultation with the Department of Education and the Department of Health, shall establish and maintain, or partner with a nonprofit organization to establish and maintain, a website to serve as a clearinghouse for farmers to provide produce and dairy products to school breakfast programs, school lunch programs, and food banks throughout the State. The website shall include a list of schools, school districts, and food banks **【with】** that have a need for produce or dairy products【,】 or that are interested in participating as subscribers in a community supported agriculture program. The list shall be organized by county, with hyperlinks to each individual school, school district, or food bank website.

b. The Department of Agriculture may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary for the implementation of this **【act】** section.

(cf: P.L.2014, c.41, s.1)

8. The Secretary of Agriculture shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to implement the provisions of this act.

9. This act shall take effect immediately.

STATEMENT

This bill would require the Department of Agriculture (DOA) to take certain actions to publicize and promote community supported agriculture in the State. “Community supported agriculture” is a method of on-the-farm direct sales and marketing in which the retail sale, to a consumer, of a share of the agricultural output of a commercial farm is effectuated through a paid subscription service. “Community supported agriculture program” or “CSA program” is defined by the bill to mean a farm product retail sales and marketing program in which participating consumers agree to pay a seasonal or annual subscription fee to a farm in exchange for the consumers’ regular and ongoing receipt of weekly shares of the farm’s seasonal agricultural output.

The bill would provide, in particular, that within 180 days after the bill’s effective date, the Secretary of Agriculture is to develop and implement a publicity and marketing program to promote community supported agriculture in the State. As part of the program, the department would be required to:

(1) establish and regularly update, on its Internet website, a webpage that is dedicated to community supported agriculture, which webpage, at a minimum, is to include a searchable list of all CSA programs in the State and the farms participating therein, and provide hyperlinks, or use another simple methodology, to enable members of the public to subscribe to CSA programs in their local area;

(2) use all available means, including, but not limited to, print media, television, radio, road and other signage, the Internet, and social media to advertise and publicize: the availability of, and the benefits of participating in, community supported agriculture in the State; the names and locations of farms that participate in CSA programs; and the availability of the community supported agriculture webpage, established pursuant to the bill; and

(3) develop, print, and distribute distinct promotional and marketing labels that may be used by farmers to identify agricultural products that are being marketed and sold through community supported agriculture.

Nothing in the bill would prohibit the operator of a farm, after first consulting with the DOA, from creating the farm’s own promotional labels and using those labels to identify agricultural products that are being marketed and sold by the farm through community supported agriculture.

The bill would also require the DOA, acting in cooperation with the Department of Education and in coordination with farmers, public, private, and charter schools and their food services, the New Jersey Farm to School Network or its successor entity, and other interested and relevant organizations and groups, as determined by the Department of Agriculture and the Department of Education to

1 be appropriate, to establish and annually observe a week of
2 promotional events to be known as “Community Supported
3 Agriculture Week.”

4 “Community Supported Agriculture Week” would be intended to
5 highlight and promote the value and importance of community
6 supported agriculture, both as a means by which farming operations
7 can better ensure their ongoing productivity, success, and financial
8 stability, and as a means by which individuals, families, and
9 businesses in the State can obtain fresh, seasonal, and easily
10 accessible farm-to-table foods, throughout the year, while
11 developing closer, more supportive, and reciprocal relationships
12 with local farmers and becoming more invested in, and aware of the
13 factors affecting, the seasonal and long-term success, stability, and
14 viability of farming operations. The week would be celebrated on
15 an annual basis, throughout the State, during the last full week in
16 February, and would be observed through the holding of relevant
17 promotional events.

18 The bill would further require the DOA, through the State’s
19 existing “Farm to School Program,” to encourage schools in the
20 State to obtain fresh, locally grown or produced agricultural
21 products for school meals by subscribing to, and becoming
22 participants in, a community supported agriculture program, and to
23 work in cooperation with the Department of Education to ensure
24 that school curriculum addresses the value and importance of
25 community supported agriculture, both to farmers and to the
26 community as a whole, and the ways in which students and their
27 families can become active participants in community supported
28 agriculture. In addition, the bill would require the State’s existing
29 “Farm to School” website to: (1) provide opportunities for the
30 execution of community supported agriculture subscription
31 agreements between and among farmers, distributors, and schools
32 or school districts; (2) facilitate the development and refinement of
33 promotional events in association with “Community Supported
34 Agriculture Week”; and (3) include a copy of any community
35 supported agriculture subscription agreement that has been entered
36 into and successfully implemented by any school or school district
37 in the State.

38 The bill would also require the existing State website that serves
39 as a clearinghouse for farmers, and that currently provides a list of
40 schools, school districts, and food banks that have a need for
41 produce or dairy products, to additionally provide a list of schools,
42 school districts, and food banks that are interested in participating
43 as subscribers in a community supported agriculture program.

44 The bill authorizes the Secretary of Agriculture to solicit and
45 receive funds, either as direct contributions, or from the sale of
46 labels or the right to use labels authorized by the DOA, or from any
47 other source, for the purposes of advertising and promoting the
48 value and importance of community supported agriculture in the

1 State, as provided by the bill. This authority would be
2 supplemental to the secretary's existing authority to solicit and
3 receive funds for the purpose of advertising and promoting the sale
4 of NJ farm products and the "Jersey Fresh" program. Any monies
5 received for the purposes of the bill are to be deposited in the
6 State's existing "New Jersey Farm Products Publicity Fund." The
7 bill would clarify that, in addition to the existing purposes for
8 which monies in the "New Jersey Farm Products Publicity Fund"
9 may be used, such monies may be used to publicize the value and
10 importance of community supported agriculture; to cover the
11 expenses of printing and distributing labels used in identifying
12 products being marketed and sold through community supported
13 agriculture; and to cover any other expenses that are incident to the
14 implementation of this bill.