

ASSEMBLY, No. 4339

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman MICHELE MATSIKLOUDIS

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Assemblywoman N.Munoz

SYNOPSIS

Regulates food and beverage delivery vehicle network companies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/11/2022)

1 AN ACT concerning food and beverage delivery vehicle network
2 companies and supplementing Title 24 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. As used in this act:

8 “Digital network” means any online-enabled technology
9 application, service, website, or system offered or utilized by a food
10 and beverage delivery vehicle network company that enables a
11 digital sale to occur between a customer and a food and beverage
12 delivery vehicle network company.

13 “Digital sale” means a transaction in which a customer purchases
14 food from a food and beverage delivery vehicle network company
15 through a digital network, for which a food and beverage delivery
16 vehicle is used to deliver food that was processed and prepared at a
17 food commissary.

18 “Food and beverage delivery vehicle” means a vehicle that is
19 operated by a food and beverage delivery vehicle network company,
20 which contains refrigerated storage, hot holding, or heating
21 equipment for the purposes of transporting and delivering food
22 prepared and processed at a food commissary to a customer at a
23 predetermined location, does not accept payment or otherwise
24 process sales transactions on the vehicle, and is stored at either at a
25 food commissary or storage and supply center when not being used
26 for delivery.

27 “Food and beverage delivery vehicle network company” means a
28 corporation, partnership, sole proprietorship, or any other legal
29 entity that utilizes a digital network to conduct digital sales in the
30 State.

31 “Food commissary” means a facility that is utilized by a food
32 and beverage delivery vehicle network company where food is
33 processed, prepared, stored, or packed for transport, delivery, and
34 consumption.

35 “Storage and supply center” means a facility that is operated by a
36 food and beverage delivery vehicle network company that provides
37 storage of a food delivery vehicle, or storage of food that was
38 processed, prepared, stored, or packed at a food commissary.

39

40 2. a. The Department of Health shall establish a food and
41 beverage delivery vehicle network company license program and
42 application process, which shall entitle the holder to engage in
43 digital sales in the State.

44 b. (1) An applicant seeking to obtain a food and beverage
45 delivery vehicle network company license shall apply to the
46 Department of Health in a form and manner determined by the
47 Department of Health. The application shall include such
48 information as the Department of Health deems relevant. The

1 Department of Health may charge an applicant a reasonable fee to
2 cover the department's costs for administering and enforcing the
3 provisions of this act.

4 (2) The Department of Health may permit applicants to self-
5 certify that, if approved for licensure, food will be stored,
6 processed, prepared, and handled in sanitary conditions in all food
7 and beverage delivery vehicles, food commissaries, and storage and
8 supply centers operated by the applicant in a manner that is
9 consistent with the provisions of R.S.24:15-1 through R.S.24:15-10
10 and R.S.24:15-12.

11 c. A food and beverage delivery vehicle network company
12 license issued pursuant to this section shall be valid for a term of
13 two years from the date of issuance, unless suspended or revoked
14 for cause, and may be renewed upon application to the Department
15 of Health. A food and beverage delivery vehicle network company
16 shall display its license in a conspicuous location in each of the
17 food and beverage delivery vehicles, food commissaries, and
18 storage and supply centers that it operates.

19 d. The Department of Health shall establish a supplemental
20 application to permit a licensed food and beverage delivery vehicle
21 network company to seek licensure for additional food and
22 beverage delivery vehicles, food commissaries, and storage and
23 supply centers that were not submitted or approved on the initial
24 application.

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26 3. a. The Department of Health may inspect any of the food
27 and beverage delivery vehicles, food commissaries, and storage and
28 supply centers, operated by a licensed food and beverage delivery
29 vehicle network company, if the Department of Health reasonably
30 believes that the food and beverage delivery vehicle network
31 company is storing, preparing, processing, or handling food in
32 unsanitary conditions, selling unsafe food, or violating any
33 provision of this act. The Department of Health may partner with a
34 municipal or county health department to conduct inspections and
35 may charge a license holder a reasonable fee to cover all costs
36 associated with conducting an inspection pursuant to this
37 subsection.

38 b. If, upon inspection of a food and beverage delivery vehicle,
39 food commissary, or storage and supply center, pursuant to
40 subsection a. of this section, the Department of Health determines
41 that the food and beverage delivery vehicle network company is
42 storing, preparing, processing, or handling food in unsanitary
43 conditions, selling unsafe food, or violating any provision of this
44 act, the Department of Health shall take appropriate corrective
45 measures.

46
47 4. a. Notwithstanding any other law, rule, or regulation to the
48 contrary, a food and beverage delivery vehicle network company

1 shall maintain individual digital sale records for all sales conducted
2 within the State for at least a two year period following the date of
3 the digital sale.

4 b. The Department of Health may inspect the digital sale
5 records held by the food and beverage delivery vehicle network
6 company for all sales conducted within the State if the department
7 provides a written request for the records and a legitimate basis for
8 the request.

9 c. Any records inspected by the Department of Health shall: be
10 deemed confidential, not be disclosed to a third party except with
11 the prior written consent of the food and beverage delivery vehicle
12 network company, and not be considered a government record
13 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404
14 (C.47:1A-5 et al.), or the common law concerning access to
15 government records.

16

17 5. Notwithstanding any law, rule, or regulation to the contrary,
18 a food and beverage delivery vehicle network company licensed by
19 the Department of Health pursuant to this act, and the food and
20 beverage delivery vehicles, food commissaries, and storage and
21 supply centers that are owned by the food and beverage delivery
22 vehicle network company, shall be exempt from the food delivery
23 licensing requirements of any municipality, regional, or county
24 governmental agency.

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26 6. The Commissioner of Health shall adopt rules and
27 regulations, in accordance with the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
29 the provisions of this act.

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31 7. This act shall take effect 180 days after the date of
32 enactment.

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STATEMENT

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37 This bill regulates food and beverage delivery vehicle network
38 companies.

39 Under the bill, the Department of Health (department) is to
40 establish a food and beverage delivery vehicle network company
41 license program and application process, which is to entitle the
42 holder to engage in digital sales in the State. An applicant seeking
43 to obtain a food and beverage delivery vehicle network company
44 license is to apply to the department in a form and manner
45 determined by the department. The application is to include such
46 information as the department deems relevant.

47 The bill defines "digital network" to mean any online-enabled
48 technology application, service, website, or system offered or

1 utilized by a food and beverage delivery vehicle network company
2 that enables a digital sale to occur between a customer and a food
3 and beverage delivery vehicle network company. “Digital sale”
4 means a transaction in which a customer purchases food from a
5 food and beverage delivery vehicle network company through a
6 digital network, for which a food and beverage delivery vehicle is
7 used to deliver food that was processed and prepared at a food
8 commissary. “Food and beverage delivery vehicle” means a vehicle
9 that is operated by a food and beverage delivery vehicle network
10 company, which contains refrigerated storage, hot holding, or
11 heating equipment for the purposes of transporting and delivering
12 food prepared and processed at a food commissary to a customer at
13 a predetermined location, does not accept payment or otherwise
14 process sales transactions on the vehicle, and is stored at either at a
15 food commissary or storage and supply center when not being used
16 for delivery. “Food and beverage delivery vehicle network
17 company” means a corporation, partnership, sole proprietorship, or
18 any other legal entity that utilizes a digital network to conduct
19 digital sales in the State. “Food commissary” means a facility that
20 is utilized by a food and beverage delivery vehicle network
21 company where food is processed, prepared, stored, or packed for
22 transport, delivery, and consumption. “Storage and supply center”
23 means a facility that is operated by a food and beverage delivery
24 vehicle network company that provides storage of a food delivery
25 vehicle, or storage of food that was processed, prepared, stored, or
26 packed at a food commissary.

27 The bill provides that the department may permit applicants to
28 self-certify that, if approved for licensure, food will be stored,
29 processed, prepared, and handled in sanitary conditions in all food
30 and beverage delivery vehicles, food commissaries, and storage and
31 supply centers operated by the applicant in a manner that is
32 consistent with the applicable provisions of law. A food and
33 beverage delivery vehicle network company license is to be valid
34 for a term of two years from the date of issuance, unless suspended
35 or revoked for cause, and may be renewed upon application to the
36 department.

37 Under the bill, the department may inspect any of the food and
38 beverage delivery vehicles, food commissaries, and storage and
39 supply centers, operated by a licensed food and beverage delivery
40 vehicle network company, if the department reasonably believes
41 that the food and beverage delivery vehicle network company is
42 storing, preparing, processing, or handling food in unsanitary
43 conditions, selling unsafe food, or violating any provision of this
44 bill. The department may partner with a municipal or county health
45 department to conduct inspections and may charge a license holder
46 a reasonable fee to cover all costs associated with conducting an
47 inspection. If, upon inspection of a food and beverage delivery
48 vehicle, food commissary, or storage and supply center, the

1 department determines that the food and beverage delivery vehicle
2 network company is storing, preparing, processing, or handling
3 food in unsanitary conditions, selling unsafe food, or violating any
4 provision of this bill, the department is to take appropriate
5 corrective measures.

6 The bill provides that a food and beverage delivery vehicle
7 network company is to maintain individual digital sale records for
8 all sales conducted within the State for at least a two year period
9 following the date of the digital sale. The department may inspect
10 the digital sale records held by the food and beverage delivery
11 vehicle network company for all sales conducted within the State if
12 the department provides a written request for the records and a
13 legitimate basis for the request. Any records inspected by the
14 department are to: be deemed confidential, not be disclosed to a
15 third party except with the prior written consent of the food and
16 beverage delivery vehicle network company, and not be considered
17 a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
18 P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning
19 access to government records.

WITHDRAWN