

[First Reprint]

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 MATSIKOUDIS

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Assemblywoman N.Munoz

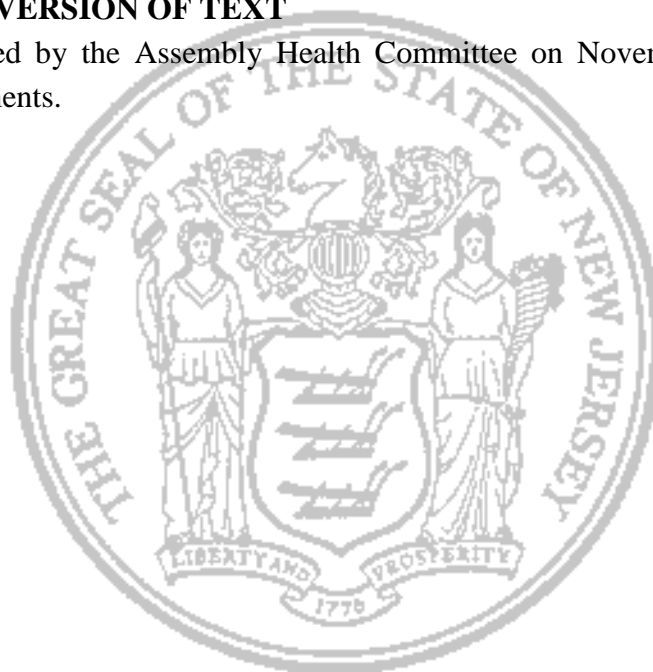
WITHDRAWN

SYNOPSIS

Regulates food and beverage delivery vehicle network companies.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on November 14, 2022,
with amendments.



(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. ¹“Digital network” shall not
13 include any online-enabled technology application, service, website,
14 or system offered or utilized by a third-party that enables a
15 transaction to occur directly between a customer and a restaurant¹.

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

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

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

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

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

42

43 2. a. The Department of Health shall establish a food and
44 beverage delivery vehicle network company license program and

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:

¹Assembly AHE committee amendments adopted November 14, 2022.

1 application process, which shall entitle the holder to engage in
2 digital sales in the State.

3 b. (1) An applicant seeking to obtain a food and beverage
4 delivery vehicle network company license shall apply to the
5 Department of Health in a form and manner determined by the
6 Department of Health. The application shall include such
7 information as the Department of Health deems relevant. The
8 Department of Health may charge an applicant a reasonable fee to
9 cover the department's costs for administering and enforcing the
10 provisions of this act.

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

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

26 d. The Department of Health shall establish a supplemental
27 application to permit a licensed food and beverage delivery vehicle
28 network company to seek licensure for additional food and
29 beverage delivery vehicles, food commissaries, and storage and
30 supply centers that were not submitted or approved on the initial
31 application.

32

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

45 b. If, upon inspection of a food and beverage delivery vehicle,
46 food commissary, or storage and supply center, pursuant to
47 subsection a. of this section, the Department of Health determines
48 that the food and beverage delivery vehicle network company is

1 storing, preparing, processing, or handling food in unsanitary
2 conditions, selling unsafe food, or violating any provision of this
3 act, the Department of Health shall take appropriate corrective
4 measures.

5
6 4. a. Notwithstanding any other law, rule, or regulation to the
7 contrary, a food and beverage delivery vehicle network company
8 shall maintain individual digital sale records for all sales conducted
9 within the State for at least a two year period following the date of
10 the digital sale.

11 b. The Department of Health may inspect the digital sale
12 records held by the food and beverage delivery vehicle network
13 company for all sales conducted within the State if the department
14 provides a written request for the records and a legitimate basis for
15 the request.

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

23
24 5. Notwithstanding any law, rule, or regulation to the contrary,
25 a food and beverage delivery vehicle network company licensed by
26 the Department of Health pursuant to this act, and the food and
27 beverage delivery vehicles, food commissaries, and storage and
28 supply centers that are owned by the food and beverage delivery
29 vehicle network company, shall be exempt from the food delivery
30 licensing requirements of any municipality, regional, or county
31 governmental agency.

32
33 6. The Commissioner of Health shall adopt rules and
34 regulations, in accordance with the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
36 the provisions of this act.

37
38 7. This act shall take effect 180 days after the date of
39 enactment.