ASSEMBLY, No. 2320

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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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

As reported by the Assembly Commerce, Economic Development and Agriculture Committee with technical review.

(Sponsorship Updated As Of: 3/18/2024)

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

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

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

"Community supported agriculture" means 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" means 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.

"Department" means the Department of Agriculture.

"Secretary" means the Secretary of Agriculture.

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

(1) establish and regularly update, on its Internet website, a webpage that is dedicated to community supported agriculture, which webpage shall, at a minimum: (a) include a searchable list of all CSA programs in the State and the farms participating therein; and (b) 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: (a) the availability of, and the benefits of participating in, community supported agriculture in the State; (b) the names and locations of farms that participate in CSA programs; and (c) the availability of the community supported agriculture webpage, established pursuant to paragraph (1) of this subsection; 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

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 <u>thus</u> is new matter.

community supported agriculture. The labels developed pursuant to this paragraph may contain the official New Jersey State map symbol, developed pursuant to R.S.4:10-5, as well as a "Jersey Fresh," "Premium Jersey Fresh," or "Made with Jersey Fresh" designation, as deemed by the secretary to be appropriate, but shall additionally indicate, in large and distinctive typeface, that the labeled products are being marketed and sold through community supported agriculture. Nothing in this paragraph shall be deemed to prohibit the operator of a farm, after first consulting with the department, 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.

2. (New section) a. The Department of Agriculture, 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 be appropriate, shall establish and annually observe a week of promotional events to be known as "Community Supported Agriculture Week."

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

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

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

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

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

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

c. The Secretary of Agriculture may notify interested persons and business entities of the opportunity to contribute funds to be used for the **[**purpose established in subsection a. of**]** purposes of this section.

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

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

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

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

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

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

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

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

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

c. The Secretary of Agriculture, in conjunction with the Division of Consumer Affairs in the Department of Law and Public Safety, shall have the power, by seeking an injunction or otherwise, to restrain any person or organization violating the provisions of this section. [Not withstanding] Notwithstanding any law, rule, or regulation to the contrary, a Department of Agriculture [inspectors]

inspector may issue [citations] a citation to any person suspected of violating the provisions of this section.
(cf: P.L.2011, c.218, s.7)

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

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

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

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

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

(a) New Jersey agriculture;

(b) the importance and significance of farms and farmers to New Jersey's economy, culture, history, and quality of life; [and]

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

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

b. The Department of Agriculture, in conjunction with the Department of Education, shall develop a training program with emphasis on the [theme of] "Farm to School" theme, and shall offer this program to schools, teachers, and other event providers.

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

(a) provide opportunities for the establishment of product purchasing networks and the execution of community supported agriculture subscription agreements between and among farmers, 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)**]**

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

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

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

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

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

(a) New Jersey agriculture;

(b) the importance and significance of farms and farmers to New Jersey's economy, culture, history, and quality of life; [and]

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

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

(4) encourage additional classroom activities during "New Jersey Agricultural Literacy Week", which may include, but need not be limited to, personal stories from volunteers which may include farmers.

b. The Department of Agriculture, in conjunction with the Department of Education, shall develop a training program with emphasis on the [theme of] "Farm to School" theme, and shall offer this program to schools, teachers, and other event providers.

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

(a) provide opportunities for the establishment of product purchasing networks and the execution of community supported agriculture subscription agreements between and among farmers, 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 "New Jersey Agricultural Literacy Week"; 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.2023, c.51, s.2)

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.