ASSEMBLY COMMERCE, ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3330

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2024

The Assembly Commerce, Economic Development and Agriculture Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3330.

This committee substitute requires the Department of the Treasury to establish a unified procedure for a business to apply for certification as an LGBTQ+ business. Under the bill, "LGBTQ+ business" is defined to mean:

(1) a sole proprietorship, owned and controlled by a person who identifies as LGBTQ+;

(2) a partnership or joint venture, in which at least 51 percent of the ownership interest is held by individuals who identify as LGBTQ+ and the management and daily business operations are controlled by one or more of the individuals who identify as LGBTQ+; or

(3) a corporation or other entity, the management and daily business operations of which are controlled by one or more individuals who identify as LGBTQ+ and of which at least 51 percent of the legal beneficial ownership is held by one or more individuals who identify as LGBTQ+.

The substitute requires the department, among other items, to establish criteria to be used:

(1) to determine the status of a business as an LGBTQ+ business;

(2) to deny or revoke the certification of an LGBTQ+ business; and

(3) by a third-party challenging the qualifications of an applicant to be certified as an LGBTQ+ business.

The substitute also requires the department to establish a process for a business to challenge the denial or revocation of an LGBTQ+ certification. The substitute specifies that certain information a business submits to the department with its application is to remain confidential. This substitute is consistent with the provisions of Executive Order No. 295 of 2022, issued by Governor Murphy to address LGBTQ+ business certification.