

SENATE, No. 21

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning food and drugs, and revising parts of the statutory law.

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

1 1. Section 24:1-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:1-2. The books printed and published and known as the official United
4 States Pharmacopœia, official Homeopathic Pharmacopœia of the United
5 States, official National Formulary, or any supplement to any of them, or any
6 of the printed copies of such books, shall in any action or proceeding brought
7 under any of the provisions of this subtitle be received as evidence of the
8 contents thereof, in any court or before any magistrate.

9 The court or magistrate may determine whether the books offered as
10 such were so printed and published, either from inspection or the knowl-
11 edge of the judge or magistrate, or from testimony.

12 No judgment shall be reversed because of the admission of such books
13 unless it be shown that the books so offered in evidence were not, in fact,
14 printed and published as such official United States Pharmacopœia, official
15 Homeopathic Pharmacopœia of the United States, or official National
16 Formulary.

1 2. Section 24:4-1 of the Revised Statutes is amended to read as fol- 6
2 lows: 7

3 24:4-1. Any food, drug, cosmetic or device, if not in transit from one 8
4 State to another, that is offered or exposed for sale, or had in possession 9
5 with intent to distribute or sell or is intended for distribution or sale in viola- 10
6 tion of any provision of this subtitle, may be confiscated by a summary pro- 11
7 ceeding as hereinafter provided. 1

1 3. Section 24:4-2 of the Revised Statutes is amended to read as fol- 2
2 lows: 3

3 24:4-2. The County Court, or county district court or municipal court 4
4 having jurisdiction in the county or municipality, as the case may be, in 5
5 which such food, drug, cosmetic or device is found shall have jurisdiction to 6
6 hear and determine such proceeding. 7

1 4. Section 24:4-3 of the Revised Statutes is hereby repealed. 8

1 5. Section 24:4-4 of the Revised Statutes is hereby repealed. 9

1 6. Section 24:4-5 of the Revised Statutes is amended to read as fol- 10
2 lows: 11

3 24:4-5. Upon the filing of a verified complaint the court may issue a 1
4 warrant directed to the sheriff or a constable of the county or other peace 2
5 officer, commanding such officer to seize and take in his possession the article 3
6 described in the complaint, and bring the same before the court which issued 4
7 the warrant and to summon the person named in the warrant, and any other 5
8 person who may be found in possession of the article, to appear at the time 6
9 and place therein specified. 7

1 7. Section 24:4-6 of the Revised Statutes is hereby repealed. 8

1 8. Section 24:4-7 of the Revised Statutes is hereby repealed. 9

1 9. Section 24:4-9 of the Revised Statutes is amended to read as fol- 10
2 lows: 11

3 24:4-9. If upon the hearing it shall appear that the article was offered 12
4 or exposed for sale, or had in possession with intent to distribute or sell, or 13
5 was intended for distribution or sale in violation of any provision of this

6 subtitle, it shall be confiscated and disposed of by destruction or sale as the
7 court may direct, but no such article shall be sold contrary to any provision
8 of this subtitle.

9 The proceeds of any sale, less the legal costs and charges, shall be paid
10 to the State department which shall pay the same into the State treasury,
11 or to the local board for the use of the municipality.

1 10. Section 24:4-10 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:4-10. In case the article seized is not injurious to health and is of
4 such a character that when properly marked or branded its sale is not pro-
5 hibited by this subtitle, the court may order such article delivered to the
6 owner upon the payment of the costs of the proceeding and the execution
7 and delivery to the State department or local board instituting the proceed-
8 ing, as obligee, of a good and sufficient bond to the effect that such article
9 shall not be sold or otherwise disposed of contrary to the provisions of this
10 subtitle or the laws of any State, territory, district of the United States, or
11 of the United States.

1 11. Section 24:10-21 of the Revised Statutes is amended to read as
2 follows:

3 24:10-21. Any person violating any of the provisions of sections 24:10-2,
4 24:10-3, 24:10-4, 24:10-7, 24:10-8, or 24:10-19 of this Title shall be liable to
5 a penalty of two hundred dollars (\$200.00), and any person violating any of
6 the provisions of sections 24:10-11, 24:10-14, 24:10-15, or 24:10-16 of this
7 Title shall be liable to a penalty of not less than twenty-five dollars (\$25.00)
8 nor more than one hundred dollars (\$100.00).

9 Such penalties shall be recovered in a civil action in the name of the
10 State Department of Health or a local board of health, as the case may be.
11 Such action may be maintained in the county district court of any county, or
12 a municipal court, and jurisdiction is conferred upon such courts to hear and
13 determine actions brought hereunder.

1 12. Section 24:10-42 of the Revised Statutes is amended to read as
2 follows:

3 24:10-42. If any person shall violate any provision of section 24:10-39
4 of this Title in the distribution or sale of milk or cream, or the keeping or
5 feeding of cows, the State department may institute an action in the Superior
6 Court in the name of the State, on the relation of the department, to enjoin
7 and prohibit such violation, and for such other or further relief as the court
8 shall deem proper.

1 13. Section 24:10-50 of the Revised Statutes is amended to read as
2 follows:

3 24:10-50. Any person who shall violate any of the provisions of this
4 article shall be liable for the first offense to a penalty of not less than
5 twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00),
6 and for the second and each subsequent offense to a penalty of not less than
7 one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00),
8 which penalty shall be sued for and enforced by the State department in a
9 summary proceeding in accordance with the penalty enforcement law (N. J. S.
10 2A:58-1 et seq.). Process shall be in the nature of a summons or warrant.

1 14. Section 24:10-52 of the Revised Statutes is hereby repealed.

1 15. Section 24:10-54 of the Revised Statutes is hereby repealed.

1 16. Section 24:10-55 of the Revised Statutes is hereby repealed.

1 17. Section 24:10-56 of the Revised Statutes is hereby repealed.

1 18. Section 24:10-99 of the Revised Statutes is amended to read as
2 follows:

3 24:10-99. Any person who shall violate the provisions of this article
4 shall be liable to a penalty of not less than one hundred dollars (\$100.00)
5 nor more than two hundred dollars (\$200.00) for the first offense, and to a
6 penalty of two hundred dollars (\$200.00) for the second and each subsequent
7-8 offense.

9 The penalty herein prescribed shall be sued for and enforced by and in
10 the name of the State department in a summary proceeding in accordance

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11 with the penalty enforcement law (N. J. S. 2A:58-1 et seq.). All penalties
 12 recovered hereunder, after payment of costs, shall be paid into the treasury
 13 of the State.

1 19. Section 24:10-100 of the Revised Statutes is amended to read as
 2 follows:

3 24:10-100. In addition to the courts specified in said penalty enforce-
 4 ment law, jurisdiction over such proceedings is conferred upon municipal
 5 courts of the municipality where the defendant may be apprehended or where
 6 he may reside. Process shall be either a summons or a warrant.

7 If any person shall fail to pay forthwith the penalty so imposed, together
 8 with all costs, he shall be committed to the common jail of the county wherein
 9 such conviction is had for a period not exceeding ninety days or until the
 10 penalty and costs are paid.

1 20. Section 24:10-101 of the Revised Statutes is hereby repealed.

1 21. Section 24:10-102 of the Revised Statutes is amended to read as fol-
 2 lows:

3 24:10-102. Any constable, police officer or member of the New Jersey State
 4 Police may execute all process in the proceeding. For violations of any pro-
 5 vision of this article within the view of any such officer, he may arrest the
 6 offender without warrant.

1 22. Section 24:10-103 of the Revised Statutes is hereby repealed.

1 23. Section thirty-two of chapter one hundred ninety-five of the laws of
 2 one thousand nine hundred and thirty-eight is amended to read as follows:

3 32. Any person violating any of the provisions of this act shall be liable to
 4 a penalty of not less than twenty-five dollars (\$25.00) for the first offense
 5 and fifty dollars (\$50.00) for any subsequent offense, which penalty shall be
 6 enforced in the name of the Department of Health of the State of New Jer-
 7 sey or other body exercising the powers thereof, as the case may be, in a sum-
 8 mary proceeding in accordance with the penalty enforcement law (N. J. S.
 9 2A:58-1 et seq.). The penalties, when recovered, shall be paid to the State
 10 Treasurer.

1 24. Section thirty-three of chapter one hundred ninety-five of the laws of
2 one thousand nine hundred and thirty-eight is amended to read as follows:

3 33. Upon the failure of the defendant to pay such penalty and costs within
4 three days, he shall be committed to the common jail of the county for a period
5 not exceeding sixty days unless the judgment for said penalty and costs shall
6 be sooner paid.

1 25. Section three of chapter one hundred seven of the laws of one thou-
2 sand nine hundred and forty-six is amended to read as follows:

3 3. Any person who violates any of the provisions of this act shall be liable
4 to a penalty of twenty-five dollars (\$25.00) for the first offense and fifty dol-
5 lars (\$50.00) for each subsequent offense, to be recovered in a civil action
6 brought by and in the name of the State Department of Health or the local
7 board of health of the municipality within which the violation occurred.

1 26. Section ten of chapter eighty-six of the laws of one thousand nine
2 hundred and forty-six is amended to read as follows:

3 10. Any violation of this act or of any rule or regulation of the department
4 lawfully issued hereunder shall be punishable by a penalty of not less than
5 twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).
6 All such penalties shall be sued for and recovered in a civil action by and in
7 the name of the department or by and in the name of the local board of health
8 of the municipality in which the violation occurred.

9 Any penalty recovered in any such action shall be paid to the plaintiff
10 therein. When the plaintiff is the department, the penalty recovered shall be
11 paid by the department into the State treasury. When the plaintiff is a local
12 board of health, the penalty recovered shall be paid by the local board into
13 the treasury of the municipality within which the local board has juris-
14 diction.

1 27. Section twelve of chapter eighty-six of the laws of one thousand
2 nine hundred and forty-six is amended to read as follows:

3 12. The department, either before or after the institution of an action for
4 the recovery of a penalty imposed by this act for violation of any provision

5 thereof, may institute an action in the Superior Court in the name of the
6 State at the relation of the department, to restrain such violation and for
7 such other relief as the court shall deem proper. Neither the action for the
8 restraint and other relief, nor any of the proceedings therein, shall relieve
9 any party thereto from any penalty prescribed by this act for such violation.

1 28. Section 24:13-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:13-7. Every person who shall violate any of the provisions of this
4 chapter shall be liable to a penalty of fifty dollars (\$50.00) for the first
5 offense, and to a penalty of one hundred dollars (\$100.00) for the second and
6 each subsequent offense to be enforced in a summary proceeding in accord-
7 ance with the penalty enforcement law (N. J. S. 2A:58-1 et seq.).

1 29. Section 24:13-8 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:13-8. In addition to the courts specified in said penalty enforcement
4 law, jurisdiction over such proceedings is conferred upon municipal courts.
5 All such proceedings shall be instituted by the State department, or the local
6 board of the municipality in which the violation occurred, as plaintiff. The
7 process shall be either in the nature of a summons or warrant.

1 30. Section 24:13-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:13-9. Upon the failure of the defendant to pay forthwith the amount
4 of any money judgment rendered against him, the defendant shall be com-
5 mitted to the county jail for any period not exceeding ninety days.

1 31. Section 24:13-10 of the Revised Statutes is hereby repealed.

1 32. Section 24:13-11 of the Revised Statutes is hereby repealed.

1 33. Section 24:13-12 of the Revised Statutes is hereby repealed.

1 34. Section 24:13-13 of the Revised Statutes is hereby repealed.

1 35. Section 24:13-14 of the Revised Statutes is hereby repealed.

1 36. Section 24:14-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-9. Any person who shall violate any provision of this chapter, ex-
4 cept as hereinafter provided, or any rule, regulation or order of the State
5 department, shall be liable to a penalty of twenty-five dollars (\$25.00) for the
6 first offense, and to a penalty of fifty dollars (\$50.00) for the second and each
7 subsequent offense.

8 Any person who shall gather any oysters, clams or other shellfish from a
9 place which has been condemned by the State department pursuant to section
10 24:14-2 of this Title, or who shall distribute, sell, offer or expose for sale or
11 have in his possession any such shellfish so gathered, unless he shall first have
12 secured a permit in writing from the State department to take such shellfish,
13 or unless he shall first have secured a permit from the State department to
14 distribute, sell, offer or expose for sale or have in his possession any such
15 shellfish so taken, shall be liable to a penalty of one hundred dollars (\$100.00)
16 for the first offense, and for each subsequent offense shall be committed to
17 the common jail of the county wherein the conviction was had for a period of
18 not less than thirty days.

19 The penalties herein provided shall be enforced by the State department
20 as plaintiff in a summary proceeding in accordance with the penalty enforce-
21 ment law (N. J. S. 2A:58-1 et seq.).

1 37. Section 24:14-10 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-10. In addition to the courts specified in said penalty enforcement
4 law, jurisdiction over such proceedings is conferred upon municipal courts.
5 Process shall be either in the nature of a summons or warrant.

1 38. Section 24:14-11 of the Revised Statutes is hereby repealed.

1 39. Section 24:14-12 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-12. If any person convicted of violating this chapter shall fail
4 forthwith to pay the penalty imposed, together with the costs of the prose-

5 cution, the defendant shall be committed to the county jail for a period not
6 exceeding ninety days, or until the penalty and costs are paid.

1 40. Section 24:14-13 of the Revised Statutes is hereby repealed.

1 41. Section 24:14-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-14. Any constable, police officer, or inspector of the State depart-
4 ment or of a local board may arrest, without warrant, any person who shall
5 violate any provision of this chapter within the view of such constable, police
6 officer or inspector.

1 42. Section 24:14-15 of the Revised Statutes is hereby repealed.

1 43. Section 24:17-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:17-4. The State department, either before or after the institution of
4 a proceeding for the collection of a penalty imposed by this subtitle for a
5 violation of any provision thereof, may institute an action in the Superior
6 Court in the name of the State at the relation of the department to restrain
7 such violation and for such other or further relief as the court shall deem
8 proper.

9 The institution of such action, or any of the proceedings therein, shall
10 not relieve any party to such proceeding from any penalty prescribed by this
11 subtitle for such violation.

1 44. Section 24:17-5 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:17-5. Except as otherwise specifically provided, any and all penalties
4 prescribed by any provision of this subtitle shall be sued for and recovered
5 in a civil action by and in the name of the State Department of Health, or by
6 and in the name of the local board of health, as the case may be, as plaintiff.

1 45. Section 24:17-6 of the Revised Statutes is hereby repealed.

1 46. Section 24:17-7 of the Revised Statutes is hereby repealed.

1 47. This act shall take effect immediately.

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SENATE, No. 21

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning food and drugs, and revising parts of the statutory law.

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

1 1. Section 24:1-2 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:1-2. The books printed and published and known as the official United
4 States Pharmacopœia, official Homeopathic Pharmacopœia of the United
5 States, official National Formulary, or any supplement to any of them, or any
6 of the printed copies of such books, shall in any action or proceeding brought
7 under any of the provisions of this subtitle be received as evidence of the
8 contents thereof, in any court or before any magistrate.

9 The court or magistrate may determine whether the books offered as
10 such were so printed and published, either from inspection or the knowl-
11 edge of the judge or magistrate, or from testimony.

12 No judgment shall be reversed because of the admission of such books
13 unless it be shown that the books so offered in evidence were not, in fact,
14 printed and published as such official United States Pharmacopœia, official
15 Homeopathic Pharmacopœia of the United States, or official National
16 Formulary.

1 2. Section 24:4-1 of the Revised Statutes is amended to read as fol- 6 sul
2 lows: 7 co

3 24:4-1. Any food, drug, cosmetic or device, if not in transit from one 8 of
4 State to another, that is offered or exposed for sale, or had in possession 9
5 with intent to distribute or sell or is intended for distribution or sale in viola- 10 to
6 tion of any provision of this subtitle, may be confiscated by a summary pro- 11 or
7 ceeding as hereinafter provided. 1

1 3. Section 24:4-2 of the Revised Statutes is amended to read as fol- 2 lov
2 lows: 3

3 24:4-2. The County Court, or county district court or municipal court 4 su
4 having jurisdiction in the county or municipality, as the case may be, in 5 hi
5 which such food, drug, cosmetic or device is found shall have jurisdiction to 6 ov
6 hear and determine such proceeding. 7 ar

1 4. Section 24:4-3 of the Revised Statutes is hereby repealed. 8 in

1 5. Section 24:4-4 of the Revised Statutes is hereby repealed. 9 sh

1 6. Section 24:4-5 of the Revised Statutes is amended to read as fol- 10 su
2 lows: 11 of

3 24:4-5. Upon the filing of a verified complaint the court may issue a 1
4 warrant directed to the sheriff or a constable of the county or other peace 2 fo
5 officer, commanding such officer to seize and take in his possession the article 3
6 described in the complaint, and bring the same before the court which issued 4 2
7 the warrant and to summon the person named in the warrant, and any other 5 a
8 person who may be found in possession of the article, to appear at the time 6 tl
9 and place therein specified. 7 T

1 7. Section 24:4-6 of the Revised Statutes is hereby repealed. 8 n

1 8. Section 24:4-7 of the Revised Statutes is hereby repealed. 9

1 9. Section 24:4-9 of the Revised Statutes is amended to read as fol- 10 S
2 lows: 11 S

3 24:4-9. If upon the hearing it shall appear that the article was offered 12 a
4 or exposed for sale, or had in possession with intent to distribute or sell, or 13 c
5 was intended for distribution or sale in violation of any provision of this

6 subtitle, it shall be confiscated and disposed of by destruction or sale as the
7 court may direct, but no such article shall be sold contrary to any provision
8 of this subtitle.

9 The proceeds of any sale, less the legal costs and charges, shall be paid
10 to the State department which shall pay the same into the State treasury,
11 or to the local board for the use of the municipality.

1 10. Section 24:4-10 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:4-10. In case the article seized is not injurious to health and is of
4 such a character that when properly marked or branded its sale is not pro-
5 hibited by this subtitle, the court may order such article delivered to the
6 owner upon the payment of the costs of the proceeding and the execution
7 and delivery to the State department or local board instituting the proceed-
8 ing, as obligee, of a good and sufficient bond to the effect that such article
9 shall not be sold or otherwise disposed of contrary to the provisions of this
10 subtitle or the laws of any State, territory, district of the United States, or
11 of the United States.

1 11. Section 24:10-21 of the Revised Statutes is amended to read as
2 follows:

3 24:10-21. Any person violating any of the provisions of sections 24:10-2,
4 24:10-3, 24:10-4, 24:10-7, 24:10-8, or 24:10-19 of this Title shall be liable to
5 a penalty of two hundred dollars (\$200.00), and any person violating any of
6 the provisions of sections 24:10-11, 24:10-14, 24:10-15, or 24:10-16 of this
7 Title shall be liable to a penalty of not less than twenty-five dollars (\$25.00)
8 nor more than one hundred dollars (\$100.00).

9 Such penalties shall be recovered in a civil action in the name of the
10 State Department of Health or a local board of health, as the case may be.
11 Such action may be maintained in the county district court of any county, or
12 a municipal court, and jurisdiction is conferred upon such courts to hear and
13 determine actions brought hereunder.

1 12. Section 24:10-42 of the Revised Statutes is amended to read as 11
2 follows: 12

3 24:10-42. If any person shall violate any provision of section 24:10-39 13
4 of this Title in the distribution or sale of milk or cream, or the keeping or 1
5 feeding of cows, the State department may institute an action in the Superior 2
6 Court in the name of the State, on the relation of the department, to enjoin 3
7 and prohibit such violation, and for such other or further relief as the court 4
8 shall deem proper. 5

1 13. Section 24:10-50 of the Revised Statutes is amended to read as 6
2 follows: 7

3 24:10-50. Any person who shall violate any of the provisions of this 8
4 article shall be liable for the first offense to a penalty of not less than 9
5 twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), 10
6 and for the second and each subsequent offense to a penalty of not less than 1
7 one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), 1
8 which penalty shall be sued for and enforced by the State department in a 2
9 summary proceeding in accordance with the penalty enforcement law (N. J. S. 3
10 2A:58-1 et seq.). Process shall be in the nature of a summons or warrant. 4

1 14. Section 24:10-52 of the Revised Statutes is hereby repealed. 5

1 15. Section 24:10-54 of the Revised Statutes is hereby repealed. 6

1 16. Section 24:10-55 of the Revised Statutes is hereby repealed. 1

1 17. Section 24:10-56 of the Revised Statutes is hereby repealed. 1

1 18. Section 24:10-99 of the Revised Statutes is amended to read as 2
2 follows: 3

3 24:10-99. Any person who shall violate the provisions of this article 4
4 shall be liable to a penalty of not less than one hundred dollars (\$100.00) 5
5 nor more than two hundred dollars (\$200.00) for the first offense, and to a 6
6 penalty of two hundred dollars (\$200.00) for the second and each subsequent 7
7-8 offense. 8

9 The penalty herein prescribed shall be sued for and enforced by and in 9
10 the name of the State department in a summary proceeding in accordance 10

11 with the penalty enforcement law (N. J. S. 2A:58-1 et seq.). All penalties
 12 recovered hereunder, after payment of costs, shall be paid into the treasury
 13 of the State.

1 19. Section 24:10-100 of the Revised Statutes is amended to read as
 2 follows:

3 24:10-100. In addition to the courts specified in said penalty enforce-
 4 ment law, jurisdiction over such proceedings is conferred upon municipal
 5 courts of the municipality where the defendant may be apprehended or where
 6 he may reside. Process shall be either a summons or a warrant.

7 If any person shall fail to pay forthwith the penalty so imposed, together
 8 with all costs, he shall be committed to the common jail of the county wherein
 9 such conviction is had for a period not exceeding ninety days or until the
 10 penalty and costs are paid.

1 20. Section 24:10-101 of the Revised Statutes is hereby repealed.

1 21. Section 24:10-102 of the Revised Statutes is amended to read as fol-
 2 lows:

3 24:10-102. Any constable, police officer or member of the New Jersey State
 4 Police may execute all process in the proceeding. For violations of any pro-
 5 vision of this article within the view of any such officer, he may arrest the
 6 offender without warrant.

1 22. Section 24:10-103 of the Revised Statutes is hereby repealed.

1 23. Section thirty-two of chapter one hundred ninety-five of the laws of
 2 one thousand nine hundred and thirty-eight is amended to read as follows:

3 32. Any person violating any of the provisions of this act shall be liable to
 4 a penalty of not less than twenty-five dollars (\$25.00) for the first offense
 5 and fifty dollars (\$50.00) for any subsequent offense, which penalty shall be
 6 enforced in the name of the Department of Health of the State of New Jer-
 7 sey or other body exercising the powers thereof, as the case may be, in a sum-
 8 mary proceeding in accordance with the penalty enforcement law (N. J. S.
 9 2A:58-1 et seq.). The penalties, when recovered, shall be paid to the State
 10 Treasurer.

1 24. Section thirty-three of chapter one hundred ninety-five of the laws of
2 one thousand nine hundred and thirty-eight is amended to read as follows:

3 33. Upon the failure of the defendant to pay such penalty and costs within
4 three days, he shall be committed to the common jail of the county for a period
5 not exceeding sixty days unless the judgment for said penalty and costs shall
6 be sooner paid.

1 25. Section three of chapter one hundred seven of the laws of one thou-
2 sand nine hundred and forty-six is amended to read as follows:

3 3. Any person who violates any of the provisions of this act shall be liable
4 to a penalty of twenty-five dollars (\$25.00) for the first offense and fifty dol-
5 lars (\$50.00) for each subsequent offense, to be recovered in a civil action
6 brought by and in the name of the State Department of Health or the local
7 board of health of the municipality within which the violation occurred.

1 26. Section ten of chapter eighty-six of the laws of one thousand nine
2 hundred and forty-six is amended to read as follows:

3 10. Any violation of this act or of any rule or regulation of the department
4 lawfully issued hereunder shall be punishable by a penalty of not less than
5 twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).
6 All such penalties shall be sued for and recovered in a civil action by and in
7 the name of the department or by and in the name of the local board of health
8 of the municipality in which the violation occurred.

9 Any penalty recovered in any such action shall be paid to the plaintiff
10 therein. When the plaintiff is the department, the penalty recovered shall be
11 paid by the department into the State treasury. When the plaintiff is a local
12 board of health, the penalty recovered shall be paid by the local board into
13 the treasury of the municipality within which the local board has juris-
14 diction.

1 27. Section twelve of chapter eighty-six of the laws of one thousand
2 nine hundred and forty-six is amended to read as follows:

3 12. The department, either before or after the institution of an action for
4 the recovery of a penalty imposed by this act for violation of any provision

5 thereof, may institute an action in the Superior Court in the name of the
6 State at the relation of the department, to restrain such violation and for
7 such other relief as the court shall deem proper. Neither the action for the
8 restraint and other relief, nor any of the proceedings therein, shall relieve
9 any party thereto from any penalty prescribed by this act for such violation.

1 28. Section 24:13-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:13-7. Every person who shall violate any of the provisions of this
4 chapter shall be liable to a penalty of fifty dollars (\$50.00) for the first
5 offense, and to a penalty of one hundred dollars (\$100.00) for the second and
6 each subsequent offense to be enforced in a summary proceeding in accord-
7 ance with the penalty enforcement law (N. J. S. 2A:58-1 et seq.).

1 29. Section 24:13-8 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:13-8. In addition to the courts specified in said penalty enforcement
4 law, jurisdiction over such proceedings is conferred upon municipal courts.
5 All such proceedings shall be instituted by the State department, or the local
6 board of the municipality in which the violation occurred, as plaintiff. The
7 process shall be either in the nature of a summons or warrant.

1 30. Section 24:13-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:13-9. Upon the failure of the defendant to pay forthwith the amount
4 of any money judgment rendered against him, the defendant shall be com-
5 mitted to the county jail for any period not exceeding ninety days.

1 31. Section 24:13-10 of the Revised Statutes is hereby repealed.

1 32. Section 24:13-11 of the Revised Statutes is hereby repealed.

1 33. Section 24:13-12 of the Revised Statutes is hereby repealed.

1 34. Section 24:13-13 of the Revised Statutes is hereby repealed.

1 35. Section 24:13-14 of the Revised Statutes is hereby repealed.

1 36. Section 24:14-9 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-9. Any person who shall violate any provision of this chapter, ex-
4 cept as hereinafter provided, or any rule, regulation or order of the State
5 department, shall be liable to a penalty of twenty-five dollars (\$25.00) for the
6 first offense, and to a penalty of fifty dollars (\$50.00) for the second and each
7 subsequent offense.

8 Any person who shall gather any oysters, clams or other shellfish from a
9 place which has been condemned by the State department pursuant to section
10 24:14-2 of this Title, or who shall distribute, sell, offer or expose for sale or
11 have in his possession any such shellfish so gathered, unless he shall first have
12 secured a permit in writing from the State department to take such shellfish,
13 or unless he shall first have secured a permit from the State department to
14 distribute, sell, offer or expose for sale or have in his possession any such
15 shellfish so taken, shall be liable to a penalty of one hundred dollars (\$100.00)
16 for the first offense, and for each subsequent offense shall be committed to
17 the common jail of the county wherein the conviction was had for a period of
18 not less than thirty days.

19 The penalties herein provided shall be enforced by the State department
20 as plaintiff in a summary proceeding in accordance with the penalty enforce-
21 ment law (N. J. S. 2A:58-1 et seq.).

1 37. Section 24:14-10 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-10. In addition to the courts specified in said penalty enforcement
4 law, jurisdiction over such proceedings is conferred upon municipal courts.
5 Process shall be either in the nature of a summons or warrant.

1 38. Section 24:14-11 of the Revised Statutes is hereby repealed.

1 39. Section 24:14-12 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-12. If any person convicted of violating this chapter shall fail
4 forthwith to pay the penalty imposed, together with the costs of the prose-

5 cution, the defendant shall be committed to the county jail for a period not
6 exceeding ninety days, or until the penalty and costs are paid.

1 40. Section 24:14-13 of the Revised Statutes is hereby repealed.

1 41. Section 24:14-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:14-14. Any constable, police officer, or inspector of the State depart-
4 ment or of a local board may arrest, without warrant, any person who shall
5 violate any provision of this chapter within the view of such constable, police
6 officer or inspector.

1 42. Section 24:14-15 of the Revised Statutes is hereby repealed.

1 43. Section 24:17-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:17-4. The State department, either before or after the institution of
4 a proceeding for the collection of a penalty imposed by this subtitle for a
5 violation of any provision thereof, may institute an action in the Superior
6 Court in the name of the State at the relation of the department to restrain
7 such violation and for such other or further relief as the court shall deem
8 proper.

9 The institution of such action, or any of the proceedings therein, shall
10 not relieve any party to such proceeding from any penalty prescribed by this
11 subtitle for such violation.

1 44. Section 24:17-5 of the Revised Statutes is amended to read as fol-
2 lows:

3 24:17-5. Except as otherwise specifically provided, any and all penalties
4 prescribed by any provision of this subtitle shall be sued for and recovered
5 in a civil action by and in the name of the State Department of Health, or by
6 and in the name of the local board of health, as the case may be, as plaintiff.

1 45. Section 24:17-6 of the Revised Statutes is hereby repealed.

1 46. Section 24:17-7 of the Revised Statutes is hereby repealed.

1 47. This act shall take effect immediately.