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LAW/KR

P.L.2011, CHAPTER 223, *approved January 17, 2012*
Assembly, No. 3688 (*Third Reprint*)

1 AN ACT concerning the provision of fresh produce to urban
2 communities, and supplementing Title 4 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. This act shall be known, and may be cited ² as ² **[,]** the
8 “New Jersey Fresh Mobiles ³Pilot Program³ Act.”

9
10 2. a. The Legislature finds and declares that there are certain
11 urban areas of the State, known as “food desert” communities, in
12 which residents are unable to obtain reasonable and adequate access
13 to nutritious foods and, in particular, to fresh fruits and vegetables;
14 that the inaccessibility of nutritious food in urban food desert
15 communities has been attributed, in large part, to the absence
16 therein of supermarkets, grocery stores, and farmers’ markets and
17 the prevalence therein of businesses like liquor stores and
18 convenience marts, which provide convenient and affordable access
19 only to pre-processed foods, generally high in empty calories,
20 sugar, unhealthy preservatives, and harmful fats, and low in
21 nutritional value; that low-income families are more likely than
22 others to live in urban food desert communities and to lack the
23 transportation or financial resources necessary to reach distant
24 wholesome markets; that, as is evidenced by the work of various
25 non-profit and private entities across the United States, the
26 accessibility to, desire for, and use of, fresh produce by residents of
27 urban food desert communities can be improved through the
28 provision of mobile farmers’ markets, which regularly travel to and
29 from these communities, and which provide fresh produce ¹[at
30 discounted prices]¹ to ¹[low-income]¹ residents situated therein;
31 and that the institution of a ³[Statewide and State-regulated]³
32 mobile farmers’ market ¹[and fresh produce voucher]¹ initiative is
33 a reasonable means by which to ensure that ³[all similarly
34 situated]³ residents ¹[, and particularly all similarly situated low-
35 income residents]¹ of urban food desert communities in the State

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 AAN committee amendments adopted January 24, 2011.

²Senate SEG committee amendments adopted May 19, 2011.

³Assembly amendments adopted in accordance with Governor's recommendations January 9, 2012.

1 ¹[.]¹ are provided with reasonable access to nutritious, fresh, ¹and¹
2 delicious ¹[, and reasonably priced]¹ produce, and are afforded the
3 opportunity thereby to make healthier eating choices for themselves
4 and for their families.

5 b. The Legislature therefore determines that it is both
6 reasonable and necessary to authorize the Department of
7 Agriculture to ³[establish and regulate a Statewide] develop and
8 assist in the implementation of a pilot program to establish a³
9 mobile farmers' market ¹[and fresh produce voucher]¹ initiative
10 that will ³[enable the State to]³ provide a consistent, and easily
11 accessible, source of fresh ¹[and affordable]¹ produce to ¹[low-
12 income]¹ residents in urban food desert communities ³[throughout
13 the State] in municipalities selected to participate in the pilot
14 program³ .

15

16 3. For the purposes of this act:

17 “Department” means the Department of Agriculture.

18 “Federal food stamp assistance program” means the federal food
19 stamp program authorized by Title XIII of the “Food and
20 Agriculture Act of 1977,” Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

21 “Federal WIC program” means the Special Supplemental
22 Nutrition Program for Women, Infants and Children, established
23 pursuant to the federal “Child Nutrition Act of 1966,” Pub.L.89-642
24 (42 U.S.C. s.1771 et seq.).

25 “Fresh mobile vendor” or “vendor” means a person who has been
26 qualified ³[by the department]³, pursuant to paragraph ¹[(2)] ¹(1)¹
27 of subsection b. of section 4 of this act, to provide fresh produce to
28 residents of urban food desert communities.

29 “Fresh Mobiles Initiative” or “Initiative” means the “New Jersey
30 Fresh Mobiles Initiative ³Pilot Program³,” established and
31 ³[regulated by the department] developed³ pursuant to this act.

32 ¹["Low-income resident" means a person who resides in an
33 urban food desert community, as delineated by the department
34 pursuant to section 5 of this act, and who satisfies the requirements
35 of section 8 of this act, pertaining to the establishment of financial
36 need]

37 “Low-income food voucher” means any type of food voucher,
38 coupon, stamp, certificate, written authorization, or benefits card,
39 which has been issued to a person by a government entity in
40 accordance with the provisions of the federal food stamp assistance
41 program, the Supplemental Nutrition Assistance Program, the
42 federal WIC program, the New Jersey Supplementary Food Stamp
43 Program, the Work First New Jersey program, or any other federal
44 or State level nutrition or income assistance program now or
45 hereafter established by law¹ .

1 “Mobile venue” means a food truck or other vehicle ³[, approved
2 by the department for use in the initiative pursuant to paragraph
3 ¹[(4)] (3)¹ of subsection b. of section 4 of this act, which vehicle
4 shall serve] servicing³ as a base of operations from which a fresh
5 mobile vendor may offer fresh produce for sale to consumers in
6 urban food desert communities ³through participation in the Fresh
7 Mobiles Initiative Pilot Program³ .

8 “New Jersey Supplementary Food Stamp Program” means the
9 State level food stamp program, established pursuant to P.L.1998,
10 c.32 ²[(C.44:10-80 et seq.)] (C.44:10-79 et seq.)², which applies to
11 non-citizens who were rendered ineligible for federal food stamp
12 program assistance by section 402 of the federal “Personal
13 Responsibility and Work Opportunity Reconciliation Act of 1996,”
14 Pub.L.104-193 (8 U.S.C. s.1612 ²[et seq.]²).

15 ³“Participating municipality” means a municipality, or physically
16 contiguous urban area in the State, which qualifies as an urban food
17 desert selected by the Secretary of Agriculture to participate in the
18 Fresh Mobiles Initiative Pilot Program established pursuant to this
19 act.³

20 “Secretary” means the Secretary of Agriculture.

21 “Supplemental Nutrition Assistance Program” means the
22 supplemental nutrition assistance program, established pursuant to
23 the federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7
24 U.S.C. 2011 et seq.).

25 ¹“Social Security Income” means income or benefits received
26 pursuant to Title XVI of the federal Social Security Act, as
27 amended, Pub.L.92-603 (42 U.S.C. s.1381 et seq.), or pursuant to
28 P.L.1973, c.256 (C.44:7-85 et seq.).¹

29 “Urban food desert,” “urban food desert community,” or
30 “community” means a ³['city,]³ municipality, or¹ physically
31 contiguous urban area in the State, ¹[the boundaries of]¹ ³[which
32 ¹[have been delineated] is selected and designated as such¹ by the
33 ¹[department in accordance with the provisions of] Secretary of
34 Agriculture pursuant to¹ section 5 of this act] in which residents
35 have limited access to nutritious foods, such as fresh fruits and
36 vegetables, through supermarkets, grocery stores, and farmers’
37 markets³ .

38 “Vendor supply area” means a specific street location in a ³[food
39 desert community] participating municipality³ where qualified
40 fresh mobile vendors may offer their fresh produce for sale to
41 consumers ³as part of the pilot program authorized³ pursuant to
42 ¹[paragraph (1) of subsection a. of section 6] ³[section 5¹ of]³ this
43 act.

44 “Work First New Jersey” means the Work First New Jersey
45 temporary public assistance program, established pursuant to
46 P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with

1 authorization received under ²Title IV of² the federal “Personal
2 Responsibility and Work Opportunity Reconciliation Act of 1996,”
3 Pub.L.104-193 ²[(8 U.S.C. s.1612 et seq.)] (8 U.S.C. s.1601 et
4 seq.)².

5
6 4. a. In order to promote and facilitate improved access to
7 fresh produce by low-income residents of urban food deserts ³[in
8 the State]³, the Department of Agriculture shall ³[establish a
9 Statewide] develop and assist in the implementation of a³ mobile
10 farmers’ market ¹[and fresh produce voucher]¹ ³pilot³ program, to
11 be known as the “New Jersey Fresh Mobiles Initiative.” ³The pilot
12 program shall operate in one or more municipalities, selected by the
13 Secretary of Agriculture, in which residents have limited access to
14 nutritious foods through supermarkets, grocery stores, and farmers’
15 markets, which agree to participate in the program. The department
16 shall identify, on its Internet website, the municipalities selected for
17 participation, and the vendor supply areas at which, and the times
18 during which, fresh mobile vendors will be accessible for
19 community residents. The pilot program shall operate for a period
20 of at least one year. No later than one year after the pilot program
21 is established and becomes effective, the department shall submit to
22 the Governor and, pursuant to section 2 of P.L.1991, c.164
23 (C.52:14-19.1), to the Legislature, a written report containing
24 information on the implementation of the pilot program, including a
25 recommendation on the feasibility and desirability of implementing
26 the initiative on a Statewide basis.³

27 b. As a part of the Fresh Mobiles Initiative ³Pilot Program³,
28 the department shall ³be authorized to³:

29 (1) ¹[develop, in accordance with the provisions of section 5 of
30 this act, a complete map identifying all urban food desert
31 communities in the State;

32 (2) ¹establish ³[standards,]³ qualifications ³[, and conditions]³
33 for fresh mobile vendors ³[, as may be necessary to ensure both the
34 freshness of produce sold and the quality of customer service
35 provided to consumers under the initiative, and issue licenses or
36 permits, as is appropriate and necessary, to persons who are
37 qualified under those standards and in accordance with the
38 provisions of this act] and assist the participating municipalities in
39 identifying and recruiting appropriate qualified persons³ to act as
40 fresh mobile vendors ³in the pilot program to be operated in the
41 participating municipality, provided that the vendors agree to accept
42 any low-income food vouchers as payment at the mobile venues
43 established under the pilot program as a condition of participation
44 in the program³;

45 ¹[(3)] (2) ¹ ³[designate] assist the participating municipalities in
46 designating³ one or more vendor supply areas to be ¹[utilized]

1 used¹ for vendor sales ³[in each urban food desert community]³ ,
2 which designations shall ensure a high level of accessibility to
3 vendors by community residents;

4 ¹[(4)] ³[(3)]¹ authorize fresh mobile vendors to purchase or
5 otherwise obtain, and to ¹[utilize] use¹ , mobile venues for
6 purposes of the initiative, and establish inspection and approval or
7 permitting procedures through which the department may ensure the
8 sanitation and safety of mobile venues ¹[utilized] used¹ by
9 vendors;

10 ¹[(5)] (4)¹ establish,] (3)³ coordinate ³[,]³ and encourage
11 partnerships between ³the participating municipalities and such³
12 fresh mobile vendors as ³[is]³ deemed necessary to better enable
13 and ensure the prompt or efficient delivery of fresh produce to
14 urban food desert communities and the provision of a year-round
15 supply of ¹[low-cost,]¹ fresh produce ³[to all urban food desert
16 communities in the State] through the pilot program³ ;

17 ¹[(6) establish and regulate a fresh produce voucher program, in
18 accordance with the provisions of section 8 of this act, to enable
19 low-income residents of urban food desert communities to obtain
20 discounted prices on produce offered for sale through fresh mobile
21 vendors;

22 (7) ³[(5)]¹ establish seasonal and other purchasing incentive
23 programs to be implemented as part of the initiative, which
24 incentive programs shall be designed]

25 (4) take appropriate actions³ to encourage consumer
26 participation in the initiative and increase consumer familiarity with
27 regard to the various types of produce offered by fresh mobile
28 vendors;

29 ³[(6) direct the fresh mobile vendors to accept any low-income
30 food vouchers as payment at the established mobile venues and
31 vendor supply areas, and]

32 (5) take appropriate actions to³ encourage, at the discretion of
33 the individual fresh mobile vendor, the acceptance of any method of
34 payment, including, but not limited to, cash, credit, or check;¹

35 ¹[(8)] ³[(7)]¹ (6)³ develop educational and informational
36 materials for distribution to consumers, which materials may
37 incorporate information pertaining to the nutritional value of fruits
38 and vegetables, the importance of incorporating fresh produce into
39 the diet, or any other topic that is relevant to the work of the
40 initiative; and

41 ¹[(9)] ³[(8)]¹ adopt] (7) take such other actions, including but
42 not limited to adopting³ rules and regulations ³[, within 180 days
43 following the effective date of this act, and]³ pursuant to the
44 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
45 seq.), ³[as may be necessary] that the secretary deems necessary or
46 appropriate³ to implement the provisions of this act.

- 1 ¹[5. a. Within 120 days after the effective date of this act, the
2 department shall develop a map that delineates the location of every
3 urban food desert community in the State.
- 4 b. The department shall delineate the boundaries of an urban food
5 desert community based on its evaluation of various combined factors,
6 which shall include, but need not be limited to:
- 7 (1) the physical proximity of the area to the nearest grocery store,
8 supermarket, or farmers' market;
- 9 (2) the availability and expense of public transportation to and
10 from the nearest grocery store, supermarket, or farmers' market, and
11 the number of automobile owners in the area;
- 12 (3) the average financial status of persons residing in the area;
- 13 (4) the number and density of liquor stores and convenience marts
14 in the area; and
- 15 (5) any other demographic, economic, or sociological factors that
16 may be relevant to the determination required by this section.
- 17 c. The department may consult with, and obtain assistance or
18 request data from, any other State agency, instrumentality, or entity, or
19 from any appropriate private or non-profit organization, in fulfilling its
20 duties under this section.
- 21 d. (1) The completed urban food desert map, which has been
22 developed by the department in accordance with subsection a. of this
23 section, shall be made available for review by the public through
24 posting on the department's Internet website.
- 25 (2) The department shall review, on an annual basis, the accuracy
26 of the urban food desert map developed pursuant to subsection a. of
27 this section, and shall make any necessary revisions thereto. Any
28 revised versions of the urban food desert map shall be made available
29 for review by the public through posting on the department's Internet
30 website.
- 31 (3) Hard copies of the department's urban food desert map, and
32 any revised version thereof, shall be made available to a governmental
33 entity, instrumentality, or agency, or to a member of the public, upon
34 request.]¹
- 35
- 36 ¹[6. a. The department shall utilize the urban food desert map
37 developed pursuant to section 5 of this act, and any revised versions
38 thereof:
- 39 (1) to designate, and reevaluate as necessary, in accordance with
40 the provisions of paragraph (3) of subsection b. of section 4 of this act,
41 appropriate street locations to be utilized as vendor supply areas in
42 each urban food desert community;
- 43 (2) to evaluate the efficacy of the initiative as a whole; and
- 44 (3) for any other purpose relevant to the initiative.
- 45 b. The department shall identify, on its Internet website, and for
46 each urban food desert community that is identified on the
47 department's urban food desert map, the vendor supply areas at which,

1 and the times during which, fresh mobile vendors will be accessible by
2 community residents.】¹

3
4 ³【5. a. Within 120 days after the effective date of this act, the
5 Secretary of Agriculture shall select a minimum of one city in each
6 of the three regions of the State, northern, central, and southern
7 New Jersey, in which to implement the Fresh Mobiles Initiative,
8 and shall designate, at the discretion of the secretary, the entire city
9 or certain areas within the city as an urban food desert community
10 and the vendor supply areas within the urban food desert
11 community. The secretary may select additional cities or
12 municipalities for inclusion in the initiative, at the secretary’s
13 discretion.

14 b. Per the selection and direction of the secretary pursuant to
15 subsection a. of this section, the department shall implement the
16 initiative. The department shall identify, on its Internet website, the
17 selected cities, and the vendor supply areas at which, and the times
18 during which, fresh mobile vendors will be accessible for
19 community residents.

20 c. Annually, the secretary shall evaluate the efficacy of the
21 ²【program】 initiative² and shall modify the ²【program】 initiative²
22 as deemed necessary to maximize its positive impact on the
23 residents of areas of the State that are determined by the secretary
24 to be urban food desert communities.】³

25
26 ¹【7.】³【6.¹ a. Using the standards and conditions, and the
27 licensing or permitting procedures developed by the department in
28 accordance with paragraph ¹【(2)】 (1)¹ of subsection b. of section 4
29 of this act, the department shall establish a network of fresh
30 mobile】

31 5. a. The department shall work with participating
32 municipalities to identify and recruit appropriate and qualified
33 persons to serve as³ vendors to provide fresh produce for sale to
34 residents in urban food desert communities ³【throughout the State】
35 in participating municipalities³.

36 b. In ³【establishing a network of fresh mobile vendors】
37 implementing subsection a. of this section³, the department ²【may
38 solicit or approve participation by】 shall use to the maximum extent
39 practicable² in-State ²【or out-of-State】² produce farmers,
40 collaborative farmers’ organizations, or private, non-profit, or
41 governmental entities that are engaged in fresh produce rescue
42 efforts, such as ²【the rescue efforts employed by】² the New Jersey
43 Agricultural Society in its “Farmers Against Hunger” program ²and
44 the New Jersey Federation of Food Banks, which is the network of
45 food banks which exist in New Jersey². The department shall

1 encourage the State's produce farmers ²and other entities² to
2 participate in the initiative as fresh mobile vendors.

3 The department shall make ³[every]³ reasonable ³[effort]
4 efforts³ to ensure, through the adoption of appropriate regulatory
5 requirements or otherwise, that a consistent, year-round supply of
6 reasonably priced fresh produce, sufficient to satisfy the fresh
7 produce needs of residents in ³[all] the³ urban food desert
8 communities in the ³[State] participating municipalities³, will be
9 made available by the ³[network of]³ fresh mobile vendors
10 recruited to participate in the pilot program³. ²In the event that in-
11 State produce farmers are unable to meet the needs of residents in
12 the designated communities, the secretary may ³[use] recruit³ out-
13 of-State produce farmers to meet those needs.²

14
15 ¹[8.] ³[7.] ¹6.³ a. Any person may participate as a consumer in
16 the Fresh Mobiles Initiative.

17 b. ¹[A person shall be entitled to obtain fresh produce vouchers
18 as a part of the Fresh Mobiles Initiative only if the person:

19 (1) is a resident of an urban food desert community, as
20 delineated by the department in accordance with section 5 of this
21 act; and

22 (2) has financial need, as determined by the department in
23 accordance with the provisions of subsection c. of this section.

24 c. A person shall be determined to have financial need for the
25 purposes of subsection b. of this section if the person establishes, in
26 accordance with procedures established by the department, that the
27 person:

28 (1) has a household income of not more than 185 percent of the
29 federal poverty income guidelines, which are published annually by
30 the United States Department of Health and Human Services;

31 (2) is currently receiving Social Security Income; or

32 (3) ¹[A person who] ¹is currently enrolled as a participant in:

33 ¹[(a)] (1)¹ the federal food stamp assistance program;

34 ¹[(b)] (2)¹ the Supplemental Nutrition Assistance Program;

35 ¹[(c)] (3)¹ the federal WIC program;

36 ¹[(d)] (4)¹ the New Jersey Supplementary Food Stamp
37 Program;

38 ¹[(e)] (5)¹ Work First New Jersey; or

39 ¹[(f)] (6)¹ any other federal or State level nutrition or income
40 assistance program now or hereafter established by law ¹may use, to
41 the extent such use is consistent with the requirements of the
42 programs, low-income food vouchers to purchase fruits and
43 vegetables from fresh mobile vendors¹.

44 ¹[d.] c.¹ The department ³[shall] may³ ¹[establish
45 procedures] adopt rules and regulations as necessary¹ to facilitate
46 ¹[timely departmental determinations of voucher entitlement under

1 this section, and to enable the efficient distribution of vouchers to
 2 persons who have been qualified under this section for receipt
 3 thereof. The department shall determine, on a case-by-case basis,
 4 and in accordance with rules and regulations adopted by the
 5 department, the appropriate number and value of vouchers to be
 6 issued to a person who has satisfied the conditions of this section.

7 e. The department shall establish procedures to enable and
 8 facilitate the redemption of fresh produce vouchers by vendors who
 9 have accepted the vouchers from qualified persons as full or partial
 10 payment for fresh produce sold in accordance with the provisions of
 11 this act.

12 f. Fresh produce vouchers issued by the department in
 13 accordance with this section shall be valid only for the purchase of
 14 produce from an authorized fresh mobile vendor] the acceptance of
 15 low-income food vouchers by fresh mobile vendors in accordance
 16 with subsection b. of this section and paragraph ³[(6)] (1)³ of
 17 subsection b. of section 4 of this act¹.

18
 19 ¹[9.] ³[8.] 7.³ a. ¹[For the purposes of advertising, promoting,
 20 and facilitating the Fresh Mobiles Initiative, the] The¹ Secretary of
 21 Agriculture is authorized to receive and ¹[utilize] expend¹, for the
 22 purposes specified in subsection b. of this section, any moneys that
 23 are obtained thereby through:

24 (1) appropriations or allocations of funds to the department for
 25 purposes consistent with this act ², except for moneys allocated for
 26 the State Food Purchase Program²;

27 (2) grant or loan awards made available to the department for
 28 purposes consistent with this act;

29 (3) direct contributions, gifts, legacies, bequests, or endowments
 30 for purposes consistent with this act; and

31 (4) any other source for purposes consistent with this act.

32 b. The secretary shall deposit all moneys received pursuant to
 33 subsection a. of this section in a special account to be known as the
 34 “New Jersey Fresh Mobiles Operation Fund.” The ¹[Secretary]
 35 secretary¹ may expend the moneys deposited in the fund, in
 36 addition to any interest accrued thereon, and any dividends and
 37 returns resulting from investment of the moneys in the fund, for any
 38 of the following purposes:

39 (1) ¹[providing financing for the fresh produce voucher
 40 program authorized pursuant to section 8 of this act;

41 (2)]¹ advertising and publicizing the initiative;

42 ¹[(3)] (2)¹ developing and distributing educational materials as
 43 part of the initiative;

44 ¹[(4)] (3)¹ providing financing for any studies that are
 45 reasonably necessary to ³[ensure] evaluate³ the ¹[continued

1 accuracy of the department's urban food desert map] efficacy of the
2 Fresh Mobiles Initiative¹ Pilot Program³ ;
3 ¹~~[(5)]~~ (4)¹ offsetting any costs incurred by the department ³or
4 participating municipalities³ in complying with the provisions of
5 this act; and
6 ¹~~[(6)]~~ (5)¹ providing financing for any other activity or
7 endeavor that is consistent with the purposes of this act, and that
8 will support, or facilitate the efficient and effective operation of, the
9 Fresh Mobiles Initiative ³Pilot Program³ .
10 ¹~~[10.]~~ ³~~[9.]~~ 8.³ This act shall take effect ³~~[immediately]~~ on
11 the first day of the sixth month following enactment, except that the
12 Secretary of Agriculture may take such anticipatory action as may
13 be necessary to implement the provisions of this act³ .
14
15
16 _____
17
18 The "New Jersey Fresh Mobiles Pilot Program Act."

ASSEMBLY, No. 3688

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 10, 2011

Sponsored by:

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Assemblywoman CELESTE M. RILEY

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Authorizes Department of Agriculture to implement mobile farmers' market and fresh produce voucher program for residents of urban "food desert" communities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/25/2011)

1 AN ACT concerning the provision of fresh produce to urban
2 communities, and supplementing Title 4 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. This act shall be known, and may be cited as, the “New
8 Jersey Fresh Mobiles Act.”

9

10 2. a. The Legislature finds and declares that there are certain
11 urban areas of the State, known as “food desert” communities, in
12 which residents are unable to obtain reasonable and adequate access
13 to nutritious foods and, in particular, to fresh fruits and vegetables;
14 that the inaccessibility of nutritious food in urban food desert
15 communities has been attributed, in large part, to the absence
16 therein of supermarkets, grocery stores, and farmers’ markets and
17 the prevalence therein of businesses like liquor stores and
18 convenience marts, which provide convenient and affordable access
19 only to pre-processed foods, generally high in empty calories,
20 sugar, unhealthy preservatives, and harmful fats, and low in
21 nutritional value; that low-income families are more likely than
22 others to live in urban food desert communities and to lack the
23 transportation or financial resources necessary to reach distant
24 wholesome markets; that, as is evidenced by the work of various
25 non-profit and private entities across the United States, the
26 accessibility to, desire for, and use of, fresh produce by residents of
27 urban food desert communities can be improved through the
28 provision of mobile farmers’ markets, which regularly travel to and
29 from these communities, and which provide fresh produce at
30 discounted prices to low-income residents situated therein; and that
31 the institution of a Statewide and State-regulated mobile farmers’
32 market and fresh produce voucher initiative is a reasonable means
33 by which to ensure that all similarly situated residents, and
34 particularly all similarly situated low-income residents of urban
35 food desert communities in the State, are provided with reasonable
36 access to nutritious, fresh, delicious, and reasonably priced produce,
37 and are afforded the opportunity thereby to make healthier eating
38 choices for themselves and for their families.

39 b. The Legislature therefore determines that it is both
40 reasonable and necessary to authorize the Department of
41 Agriculture to establish and regulate a Statewide mobile farmers’
42 market and fresh produce voucher initiative that will enable the
43 State to provide a consistent, and easily accessible, source of fresh
44 and affordable produce to low-income residents in urban food
45 desert communities throughout the State.

46

47 3. For the purposes of this act:

48 “Department” means the Department of Agriculture.

1 “Federal food stamp assistance program” means the federal food
2 stamp program authorized by Title XIII of the “Food and Agriculture
3 Act of 1977,” Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

4 “Federal WIC program” means the Special Supplemental Nutrition
5 Program for Women, Infants and Children, established pursuant to the
6 federal “Child Nutrition Act of 1966,” Pub.L.89-642 (42 U.S.C. s.1771
7 et seq.).

8 “Fresh mobile vendor” or “vendor” means a person who has been
9 qualified by the department, pursuant to paragraph (2) of subsection b.
10 of section 4 of this act, to provide fresh produce to residents of urban
11 food desert communities.

12 “Fresh Mobiles Initiative” or “Initiative” means the “New Jersey
13 Fresh Mobiles Initiative,” established and regulated by the department
14 pursuant to this act.

15 “Low-income resident” means a person who resides in an urban
16 food desert community, as delineated by the department pursuant to
17 section 5 of this act, and who satisfies the requirements of section 8 of
18 this act, pertaining to the establishment of financial need.

19 “Mobile venue” means a food truck or other vehicle, approved by
20 the department for use in the initiative pursuant to paragraph (4) of
21 subsection b. of section 4 of this act, which vehicle shall serve as a
22 base of operations from which a fresh mobile vendor may offer fresh
23 produce for sale to consumers in urban food desert communities.

24 “New Jersey Supplementary Food Stamp Program” means the State
25 level food stamp program, established pursuant to P.L.1998, c.32
26 (C.44:10-80 et seq.), which applies to non-citizens who were rendered
27 ineligible for federal food stamp program assistance by section 402 of
28 the federal “Personal Responsibility and Work Opportunity
29 Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C. s.1612 et seq.).

30 “Secretary” means the Secretary of Agriculture.

31 “Supplemental Nutrition Assistance Program” means the
32 supplemental nutrition assistance program, established pursuant to the
33 federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7 U.S.C.
34 2011 et seq.).

35 “Social Security Income” means income or benefits received
36 pursuant to Title XVI of the federal Social Security Act, as amended,
37 Pub.L.92-603 (42 U.S.C. s.1381 et seq.), or pursuant to P.L.1973,
38 c.256 (C.44:7-85 et seq.).

39 “Urban food desert,” “urban food desert community,” or
40 “community” means a physically contiguous urban area in the State,
41 the boundaries of which have been delineated by the department in
42 accordance with the provisions of section 5 of this act.

43 “Vendor supply area” means a specific street location in a food
44 desert community where qualified fresh mobile vendors may offer
45 their fresh produce for sale to consumers pursuant to paragraph (1) of
46 subsection a. of section 6 of this act.

47 “Work First New Jersey” means the Work First New Jersey
48 temporary public assistance program, established pursuant to

1 P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with authorization
2 received under the federal “Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C.
4 s.1612 et seq.).

5
6 4. a. In order to promote and facilitate improved access to fresh
7 produce by low-income residents of urban food deserts in the State, the
8 Department of Agriculture shall establish a Statewide mobile farmers’
9 market and fresh produce voucher program, to be known as the “New
10 Jersey Fresh Mobiles Initiative.”

11 b. As a part of the Fresh Mobiles Initiative, the department shall:

12 (1) develop, in accordance with the provisions of section 5 of this
13 act, a complete map identifying all urban food desert communities in
14 the State;

15 (2) establish standards, qualifications, and conditions for fresh
16 mobile vendors, as may be necessary to ensure both the freshness of
17 produce sold and the quality of customer service provided to
18 consumers under the initiative, and issue licenses or permits, as is
19 appropriate and necessary, to persons who are qualified under those
20 standards and in accordance with the provisions of this act to act as
21 fresh mobile vendors;

22 (3) designate one or more vendor supply areas to be utilized for
23 vendor sales in each urban food desert community, which designations
24 shall ensure a high level of accessibility to vendors by community
25 residents;

26 (4) authorize fresh mobile vendors to purchase or otherwise obtain,
27 and to utilize, mobile venues for purposes of the initiative, and
28 establish inspection and approval or permitting procedures through
29 which the department may ensure the sanitation and safety of mobile
30 venues utilized by vendors;

31 (5) establish, coordinate, and encourage partnerships between fresh
32 mobile vendors as is deemed necessary to better enable and ensure the
33 prompt or efficient delivery of fresh produce to urban food desert
34 communities and the provision of a year-round supply of low-cost,
35 fresh produce to all urban food desert communities in the State;

36 (6) establish and regulate a fresh produce voucher program, in
37 accordance with the provisions of section 8 of this act, to enable low-
38 income residents of urban food desert communities to obtain
39 discounted prices on produce offered for sale through fresh mobile
40 vendors;

41 (7) establish seasonal and other purchasing incentive programs to
42 be implemented as part of the initiative, which incentive programs
43 shall be designed to encourage consumer participation in the initiative
44 and increase consumer familiarity with regard to the various types of
45 produce offered by fresh mobile vendors;

46 (8) develop educational and informational materials for
47 distribution to consumers, which materials may incorporate
48 information pertaining to the nutritional value of fruits and vegetables,

1 the importance of incorporating fresh produce into the diet, or any
2 other topic that is relevant to the work of the initiative; and

3 (9) adopt rules and regulations, within 180 days following the
4 effective date of this act, and pursuant to the “Administrative
5 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as may be
6 necessary to implement the provisions of this act.

7

8 5. a. Within 120 days after the effective date of this act, the
9 department shall develop a map that delineates the location of every
10 urban food desert community in the State.

11 b. The department shall delineate the boundaries of an urban food
12 desert community based on its evaluation of various combined factors,
13 which shall include, but need not be limited to:

14 (1) the physical proximity of the area to the nearest grocery store,
15 supermarket, or farmers’ market;

16 (2) the availability and expense of public transportation to and
17 from the nearest grocery store, supermarket, or farmers’ market, and
18 the number of automobile owners in the area;

19 (3) the average financial status of persons residing in the area;

20 (4) the number and density of liquor stores and convenience marts
21 in the area; and

22 (5) any other demographic, economic, or sociological factors that
23 may be relevant to the determination required by this section.

24 c. The department may consult with, and obtain assistance or
25 request data from, any other State agency, instrumentality, or entity, or
26 from any appropriate private or non-profit organization, in fulfilling its
27 duties under this section.

28 d. (1) The completed urban food desert map, which has been
29 developed by the department in accordance with subsection a. of this
30 section, shall be made available for review by the public through
31 posting on the department’s Internet website.

32 (2) The department shall review, on an annual basis, the accuracy
33 of the urban food desert map developed pursuant to subsection a. of
34 this section, and shall make any necessary revisions thereto. Any
35 revised versions of the urban food desert map shall be made available
36 for review by the public through posting on the department’s Internet
37 website.

38 (3) Hard copies of the department’s urban food desert map, and
39 any revised version thereof, shall be made available to a governmental
40 entity, instrumentality, or agency, or to a member of the public, upon
41 request.

42

43 6. a. The department shall utilize the urban food desert map
44 developed pursuant to section 5 of this act, and any revised versions
45 thereof:

46 (1) to designate, and reevaluate as necessary, in accordance with
47 the provisions of paragraph (3) of subsection b. of section 4 of this act,

1 appropriate street locations to be utilized as vendor supply areas in
2 each urban food desert community;

3 (2) to evaluate the efficacy of the initiative as a whole; and

4 (3) for any other purpose relevant to the initiative.

5 b. The department shall identify, on its Internet website, and for
6 each urban food desert community that is identified on the
7 department's urban food desert map, the vendor supply areas at which,
8 and the times during which, fresh mobile vendors will be accessible by
9 community residents.

10

11 7. a. Using the standards and conditions, and the licensing or
12 permitting procedures developed by the department in accordance with
13 paragraph (2) of subsection b. of section 4 of this act, the department
14 shall establish a network of fresh mobile vendors to provide fresh
15 produce for sale to residents in urban food desert communities
16 throughout the State.

17 b. In establishing a network of fresh mobile vendors, the
18 department may solicit or approve participation by in-State or out-of-
19 State produce farmers, collaborative farmers' organizations, or private,
20 non-profit, or governmental entities that are engaged in fresh produce
21 rescue efforts, such as the rescue efforts employed by the New Jersey
22 Agricultural Society in its "Farmers Against Hunger" program. The
23 department shall encourage the State's produce farmers to participate
24 in the initiative as fresh mobile vendors.

25 The department shall make every reasonable effort to ensure,
26 through the adoption of appropriate regulatory requirements or
27 otherwise, that a consistent, year-round supply of reasonably priced
28 fresh produce, sufficient to satisfy the fresh produce needs of residents
29 in all urban food desert communities in the State, will be made
30 available by the network of fresh mobile vendors.

31

32 8. a. Any person may participate as a consumer in the Fresh
33 Mobiles Initiative.

34 b. A person shall be entitled to obtain fresh produce vouchers as a
35 part of the Fresh Mobiles Initiative only if the person:

36 (1) is a resident of an urban food desert community, as delineated
37 by the department in accordance with section 5 of this act; and

38 (2) has financial need, as determined by the department in
39 accordance with the provisions of subsection c. of this section.

40 c. A person shall be determined to have financial need for the
41 purposes of subsection b. of this section if the person establishes, in
42 accordance with procedures established by the department, that the
43 person:

44 (1) has a household income of not more than 185 percent of the
45 federal poverty income guidelines, which are published annually by
46 the United States Department of Health and Human Services;

47 (2) is currently receiving Social Security Income; or

48 (3) is currently enrolled as a participant in:

- 1 (a) the federal food stamp assistance program;
 - 2 (b) the Supplemental Nutrition Assistance Program;
 - 3 (c) the federal WIC program;
 - 4 (d) the New Jersey Supplementary Food Stamp Program;
 - 5 (e) Work First New Jersey; or
 - 6 (f) any other federal or State level nutrition or income assistance
7 program now or hereafter established by law.
- 8 d. The department shall establish procedures to facilitate timely
9 departmental determinations of voucher entitlement under this section,
10 and to enable the efficient distribution of vouchers to persons who
11 have been qualified under this section for receipt thereof. The
12 department shall determine, on a case-by-case basis, and in accordance
13 with rules and regulations adopted by the department, the appropriate
14 number and value of vouchers to be issued to a person who has
15 satisfied the conditions of this section.
- 16 e. The department shall establish procedures to enable and
17 facilitate the redemption of fresh produce vouchers by vendors who
18 have accepted the vouchers from qualified persons as full or partial
19 payment for fresh produce sold in accordance with the provisions of
20 this act.
- 21 f. Fresh produce vouchers issued by the department in
22 accordance with this section shall be valid only for the purchase of
23 produce from an authorized fresh mobile vendor.
24
- 25 9. a. For the purposes of advertising, promoting, and facilitating
26 the Fresh Mobiles Initiative, the Secretary of Agriculture is authorized
27 to receive and utilize, for the purposes specified in subsection b. of this
28 section, any moneys that are obtained thereby through:
- 29 (1) appropriations or allocations of funds to the department for
30 purposes consistent with this act;
 - 31 (2) grant or loan awards made available to the department for
32 purposes consistent with this act;
 - 33 (3) direct contributions, gifts, legacies, bequests, or endowments
34 for purposes consistent with this act; and
 - 35 (4) any other source for purposes consistent with this act.
- 36 b. The secretary shall deposit all moneys received pursuant to
37 subsection a. of this section in a special account to be known as the
38 “New Jersey Fresh Mobiles Operation Fund.” The Secretary may
39 expend the moneys deposited in the fund, in addition to any interest
40 accrued thereon, and any dividends and returns resulting from
41 investment of the moneys in the fund, for any of the following
42 purposes:
- 43 (1) providing financing for the fresh produce voucher program
44 authorized pursuant to section 8 of this act;
 - 45 (2) advertising and publicizing the initiative;
 - 46 (3) developing and distributing educational materials as part of the
47 initiative;

1 (4) providing financing for any studies that are reasonably
2 necessary to ensure the continued accuracy of the department's urban
3 food desert map;

4 (5) offsetting any costs incurred by the department in complying
5 with the provisions of this act; and

6 (6) providing financing for any other activity or endeavor that is
7 consistent with the purposes of this act, and that will support, or
8 facilitate the efficient and effective operation of, the Fresh Mobiles
9 Initiative.

10
11 10. This act shall take effect immediately.

12
13
14 STATEMENT

15
16 This bill would authorize the Department of Agriculture to establish
17 a Statewide mobile farmers' market and fresh produce voucher
18 program, to be known as the "New Jersey Fresh Mobiles Initiative."
19 The program would be designed to provide improved access to fresh
20 produce by residents, and particularly, low-income residents, of so-
21 called urban "food desert" communities in the State.

22 A "food desert" is understood, in common agricultural parlance, to
23 refer to a community wherein residents have little or no access to fresh
24 produce or other nutritious foods, due to an absence in the community
25 of supermarkets, grocery stores, and farmers' markets, and a
26 prevalence therein of liquor stores and convenience marts that
27 specialize in the sale of pre-processed foods, generally high in empty
28 calories, sugar, unhealthy preservatives, and harmful fats, and low in
29 nutritional value. Because supermarkets, grocery stores, and farmers'
30 markets in New Jersey are predominantly situated in suburban or rural
31 areas of the State, and liquor stores and convenience marts are densely
32 centralized in low-income urban areas, where residents often lack the
33 finances or necessary transportation to reach distant wholesome
34 markets, the existence and effect of urban "food deserts" in the State is
35 of legitimate and serious concern, particularly for the State's low-
36 income residents.

37 The bill would require the Department of Agriculture to take certain
38 specific actions pertaining to the establishment and regulation of the
39 State's Fresh Mobiles Initiative. However, the department would have
40 discretion to determine, and to adopt rules and regulations pertaining
41 to, the appropriate intricacies of and procedures to be utilized in
42 implementing the program.

43 In accordance with the bill's provisions, the department would be
44 required to:

45 (1) develop, annually review for accuracy, and make available for
46 public review, a map that identifies the location and boundaries of
47 every urban food desert community in the State;

1 (2) establish standards, qualifications, and conditions for fresh
2 mobile vendors, as may be necessary to ensure both the freshness of
3 produce sold and the quality of customer service provided to
4 consumers under the initiative, and issue licenses or permits, as is
5 appropriate and necessary, to persons who are qualified under those
6 standards and in accordance with the provisions of this bill to act as
7 fresh mobile vendors;

8 (3) designate one or more vendor supply areas to be utilized for
9 vendor sales in each urban food desert community, which designations
10 must ensure a high level of accessibility to vendors by community
11 residents;

12 (4) authorize fresh mobile vendors to purchase or otherwise obtain,
13 and to utilize, food trucks or other mobile venues for purposes of the
14 initiative, and establish inspection and approval or permitting
15 procedures through which the department may ensure the sanitation
16 and safety of mobile venues utilized by vendors;

17 (5) develop educational and informational materials on nutrition
18 for distribution to consumers, and establish seasonal and other
19 purchasing incentives to encourage consumer participation in the
20 incentive and increase consumer familiarity with regard to the various
21 types of produce offered for sale by fresh mobile vendors; and

22 (6) establish and regulate a fresh produce voucher program
23 through which discounted price vouchers may be issued to low-income
24 residents of urban food desert communities for the purchase thereby of
25 fresh fruits and vegetables from authorized fresh mobile vendors.

26 The bill would entitle a resident of an urban food desert community
27 to the receipt of fresh produce vouchers under the department's fresh
28 produce voucher program, but only if the resident establishes his or her
29 financial need in accordance with the bill's provisions. A person
30 would be understood to be suffering from financial need sufficient for
31 the issuance of fresh produce vouchers if the person establishes, to the
32 department's satisfaction, that the person:

33 (1) has a household income of not more than 185 percent of the
34 federal poverty income guidelines;

35 (2) is currently receiving Social Security income; or

36 (3) is currently enrolled as a participant in the federal food stamp
37 assistance program; the Supplemental Nutrition Assistance Program;
38 the federal WIC program; the New Jersey Supplementary Food Stamp
39 Program; Work First New Jersey; or any other federal or State level
40 nutrition or income assistance program now or hereafter established by
41 law.

42 The Secretary of Agriculture would additionally be authorized
43 under the bill to establish and maintain a fund, to be known as the
44 "New Jersey Fresh Mobiles Operation Fund," and to receive and
45 deposit into the fund any moneys received by the department for
46 purposes consistent with the bill's provisions. The secretary would be
47 authorized to expend the moneys contained in the fund, including any
48 accrued interest or investment dividends or returns, for the purposes of

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1 (1) providing financing for the fresh produce voucher program; (2)
2 advertising and promoting the initiative; (3) developing and
3 distributing educational materials as part of the initiative; (4) providing
4 financing for studies that are reasonably necessary to ensure the
5 continued accuracy of the department's urban food desert map; (5)
6 offsetting the costs incurred by the department in establishing,
7 regulating, and facilitating the success of the initiative; and (6)
8 providing financing for any other activity or endeavor undertaken by
9 the department, which is consistent with the provisions of the bill, and
10 which would support or facilitate the efficient and effective operation
11 of the initiative, as determined by the secretary.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3688

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2011

The Assembly Agriculture and Natural Resources Committee reports favorably, with committee amendments, Assembly Bill No. 3688.

This bill, as amended, would authorize the Department of Agriculture to establish a Statewide mobile farmers' market program, to be known as the "New Jersey Fresh Mobiles Initiative." The initiative would be designed to provide improved access to fresh produce by residents of urban "food desert" communities in the State – i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers' markets.

The bill, as amended, would require the Department of Agriculture to: 1) establish qualification standards for, and issue licenses or permits to, fresh mobile vendors and fresh mobile venues (i.e., food trucks); 2) designate vendor supply areas in the State's urban food desert communities; and 3) develop nutrition-related educational materials and purchasing incentives for use in the initiative.

The bill, as amended, directs the Secretary of Agriculture to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the Secretary of Agriculture is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary's discretion. The bill, as amended, requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill, as amended, requires the secretary to evaluate annually the efficacy of the program and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities.

As amended, the bill requires the Department of Agriculture to direct fresh mobile vendors to accept government-issued food vouchers from any State or federal nutrition or income assistance program as payment for fruits and vegetables that are purchased from the vendors.

The Secretary of Agriculture would be authorized under the bill, as amended, to establish and maintain a fund, which would be known as the “New Jersey Fresh Mobiles Operation Fund,” and to receive and deposit into the fund any moneys received by the department for the bill’s purposes. Under the bill as amended, the secretary would be authorized to expend the moneys contained in the fund in order to: 1) advertise the initiative, 2) develop and distribute educational materials associated with the initiative, 3) offset the department’s costs in administering the initiative, and 4) finance any necessary studies or other activity that is consistent with the purposes of the initiative.

COMMITTEE AMENDMENTS

The committee amendments:

- 1) delete the provisions establishing a fresh produce voucher program;
- 2) delete the provisions requiring the creation of an urban food desert communities map;
- 3) direct the Secretary of Agriculture to select at least one city each in northern, central, and southern New Jersey and implement the Fresh Mobiles Initiative in those cities;
- 4) add the definition of “low-income food voucher”; and
- 5) provide for low-income food vouchers to be accepted by fresh mobile vendors as payment for produce sold thereby.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3688

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2011

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 3688 (1R) with committee amendments.

This bill, as amended, would authorize the Department of Agriculture (“department”) to establish a Statewide mobile farmers’ market program, to be known as the “New Jersey Fresh Mobiles Initiative.” The initiative would be designed to provide improved access to fresh produce by residents of urban “food desert” communities in the State – i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers’ markets.

The amended bill would require the department to: 1) establish qualification standards for, and issue licenses or permits to, fresh mobile vendors and fresh mobile venues (i.e., food trucks); 2) designate vendor supply areas in the State’s urban food desert communities; and 3) develop nutrition-related educational materials and purchasing incentives for use in the initiative.

The amended bill directs the Secretary of Agriculture (“secretary”) to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and directs the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the secretary is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary’s discretion. The bill requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill requires the secretary to evaluate annually the efficacy of the initiative and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities.

The amended bill provides that government-issued food vouchers from any State or federal nutrition or income assistance program may

be used as payment for fruits and vegetables that are purchased from the vendors.

The secretary would be authorized under the amended bill to establish and maintain a fund, which would be known as the “New Jersey Fresh Mobiles Operation Fund,” and to receive and deposit into the fund any moneys received by the department for the bill’s purposes. Under the bill, the secretary would be authorized to expend the moneys contained in the fund in order to: 1) advertise the initiative; 2) develop and distribute educational materials associated with the initiative; 3) offset the department’s costs in administering the initiative; and 4) finance any necessary studies or other activity that is consistent with the purposes of the initiative.

The committee amendments:

1) make corrections to citations and to the designation of the initiative;

2) require the department, in establishing a network of food mobile vendors, to use, to the maximum extent practicable, in-State produce farmers, collaborative farmers’ organizations, or private, non-profit, or governmental entities engaged in fresh produce rescue efforts;

3) add the New Jersey Federation of Food Banks as another example of a governmental entity engaged in fresh produce rescue efforts; and

4) exclude funds allocated for the State Food Purchase Program from those that may be used to implement the bill.

As amended and reported by the committee, Assembly Bill No. 3688 (1R) is identical to Senate Bill No. 2728, which was also amended and reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3688

STATE OF NEW JERSEY

DATED: AUGUST 25, 2011

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3688 (2R).

This bill would authorize the Department of Agriculture to establish a Statewide mobile farmers' market program, to be known as the "New Jersey Fresh Mobiles Initiative." The initiative would be designed to provide improved access to fresh produce by residents of urban "food desert" communities in the State--i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers' markets.

Specifically, the bill would require the department to: 1) establish qualification standards for, and issue licenses or permits to, fresh mobile vendors and fresh mobile venues (or food trucks); 2) designate vendor supply areas in the State's urban food desert communities; and 3) develop nutrition-related educational materials and purchasing incentives for use in the initiative.

The bill also directs the Secretary of Agriculture to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and directs the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the secretary is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary's discretion. The bill requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill requires the secretary to evaluate annually the efficacy of the initiative and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities.

The bill further provides that government-issued food vouchers from any State or federal nutrition or income assistance program may be used as payment for fruits and vegetables that are purchased from the vendors.

The secretary would be authorized under the bill to establish and maintain a fund, which would be known as the “New Jersey Fresh Mobiles Operation Fund,” and to receive and deposit into the fund any moneys received by the department for the bill’s purposes. Under the bill, the secretary would be authorized to expend the moneys contained in the fund in order to: 1) advertise the initiative; 2) develop and distribute educational materials associated with the initiative; 3) offset the department’s costs in administering the initiative; and 4) finance any necessary studies or other activity that is consistent with the purposes of the initiative.

As considered by the committee, Assembly Bill No. 3688 (2R) is identical to Senate Bill No. 2728 (1R), as also considered by the committee.

FISCAL IMPACT:

The Department of Agriculture would incur certain expenses to operate the “New Jersey Fresh Mobiles Initiative.” Based upon information provided informally by the department, these costs might be about \$380,000 per year, with two-thirds of the funds going for staff and the remainder for advertising and publications costs. The department would expect a very small offsetting increase in fees associated with the program. To the extent that the department implemented the provisions of the bill that permit financial incentives for the program, the annual costs would be greater. One incentive scenario would entail an annual cost of \$1,000,000.

The bill does not identify a specific funding source for the program.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3688

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: SEPTEMBER 20, 2011

SUMMARY

- Synopsis:** Authorizes Department of Agriculture to implement mobile fresh produce markets for residents of urban “food desert” communities.
- Type of Impact:** Net State cost increase with some revenue offset.
- Agencies Affected:** Department of Agriculture.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The bill requires the Department of Agriculture to design, develop, and implement a Statewide mobile farmers’ market program, and adopt rules and regulations necessary to administer and regulate the program.
- The Department of Agriculture is required to establish standards, qualifications, and conditions for fresh mobile vendors, and issue licenses or permits to persons qualified under those standards.
- The bill requires the Department of Agriculture to develop educational and informational materials for distribution to consumers, and evaluate the efficacy of the program on an annual basis.
- The Office of Legislative Services (OLS) cannot estimate the fiscal impact of this bill due to a lack of sufficient data. However, the OLS estimates the Department of Agriculture would incur some additional labor and material costs to establish, implement, administer, and regulate the program as required by the bill.

BILL DESCRIPTION

Assembly Bill No. 3688 (2R) of 2011 authorizes the Department of Agriculture to establish and regulate a Statewide mobile farmers' market program, to be known as the "New Jersey Fresh Mobiles Initiative." The initiative would be designed to provide improved access to fresh produce by residents of urban "food desert" communities in the State – i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers' markets.

The bill directs the Secretary of Agriculture to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the secretary is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary's discretion. The bill requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill requires the secretary to evaluate annually the efficacy of the program and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities. The secretary is authorized to establish and maintain a special account, which would be known as the "New Jersey Fresh Mobiles Operation Fund," to receive and expend any moneys that are obtained through appropriations, grants, loan awards, direct contributions, gifts, legacies, bequests, endowments, or any other source for purposes consistent with this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to informal information provided by the Department of Agriculture, the total estimated cost to implement and administer the mobile fresh produce markets is \$1.38 million. This amount includes \$1 million that the department proposes as a monetary incentive to those participating vendors that meet the standards of the program, as well as \$367,000 in costs which include \$260,000 for staff, \$75,000 for advertising, \$40,000 for the production and printing of educational materials, and \$5,000 for data processing. Revenue of approximately \$13,000 generated from fees from the issuance of licenses to approximately 50 vendors at \$250 each to offset part of the cost to the program. The monetary incentive is based on mileage reimbursement for 50 vendors at an estimated cost of \$375,000, and a reimbursement of up to 50 percent of the product cost for 50 vendors estimated at \$625,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS cannot estimate the fiscal impact of this bill due to a lack of sufficient data. However, the OLS estimates the Department of Agriculture would incur some additional labor and material costs on an on-going basis to establish, implement, administer, and regulate the Statewide mobile farmers' market program as required by the bill.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY BILL No. 3688
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3688 (Second Reprint) with my recommendations for reconsideration.

The bill requires the Department of Agriculture to establish and regulate a Statewide mobile farmers' market program, to be known as the "New Jersey Fresh Mobiles Initiative." This program would be designed to provide access to fresh produce for residents of "urban food desert" communities in the State, where residents have limited access to fresh produce and nutritious food because of an absence of supermarkets and grocery stores. Individuals living in these areas often lack the financial resources or transportation means by which to reach marketplaces selling fresh produce.

The bill directs the Secretary of Agriculture to designate a minimum of one city in each of the regions of the State (north, central, and south) as an urban food desert community, and establish a network of fresh mobile vendors, who will accept various methods of payment, including low-income vouchers, and will distribute nutritious and fresh produce to these areas so as to promote healthy diets to residents. While the sponsors' efforts to ameliorate the paucity of healthy food within certain urban areas in the State are laudable, the cost of implementing the program outlined in the bill would be approximately \$1.38 million and the bill does not identify a viable means by which to finance its objectives. As I have advised the Legislature time and again, funding for programs must be negotiated as part

of the budget process and not added on throughout the year in an unplanned and unfocused manner.

I am supportive of providing greater access to fresh produce and nutritious food, especially in urban areas, but believe the more prudent approach would be to evaluate the potential success of this type of program in volunteering municipalities. Such an approach acknowledges the urgency associated with providing fresh produce and healthy food choices in food desert communities, while allowing the marketplace to determine the viability of such a program. Accordingly, I recommend the bill be amended to allow the Department of Agriculture to establish a New Jersey Fresh Mobiles Pilot Program, allowing for selected municipalities to voluntarily participate in the Program to assess its potential efficacy. The Pilot Program will serve to inform the decision as to whether the Program should be extended Statewide, and the costs associated with such an expansion. My recommendations would require the Department of Agriculture to report its findings and recommendations on the Pilot Program to the Governor and the Legislature no later than one year after the Program is fully implemented.

Accordingly, I herewith return Assembly Bill No. 3688 (Second Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 8:</u>	After "Jersey Fresh Mobiles" insert "Pilot Program"
<u>Page 2, Section 2, Line 31:</u>	Delete "Statewide and State-regulated"
<u>Page 2, Section 2, Line 33:</u>	Delete "all similarly situated"
<u>Page 2, Section 2, Line 42:</u>	Delete "establish and regulate a Statewide" and insert "develop and assist in the implementation of a

	pilot program to establish a"
<u>Page 2, Section 2, Line 43:</u>	Delete "enable the"
<u>Page 3, Section 2, Line 1:</u>	Delete "State to"
<u>Page 3, Section 2, Line 3:</u>	Delete "throughout the State" and insert "in municipalities selected to participate in the pilot program"
<u>Page 3, Section 3, Line 15:</u>	Delete "by the department"
<u>Page 3, Section 3, Line 19:</u>	After "Fresh Mobiles Initiative" insert "Pilot Program"
<u>Page 3, Section 3, Line 19:</u>	Delete "and regulated by the" and insert "developed"
<u>Page 3, Section 3, Line 20:</u>	Delete "department"
<u>Page 3, Section 3, Line 35:</u>	Delete ", approved"
<u>Page 3, Section 3, Lines 36-37:</u>	Delete in their entirety
<u>Page 3, Section 3, Line 38:</u>	Delete "shall serve" and insert "serving"
<u>Page 3, Section 3, Line 40:</u>	After "desert communities" insert "through participation in the Fresh Mobiles Initiative Pilot Program"
<u>Page 3, Section 3, Line 47:</u>	After ")." insert " "Participating municipality" means a municipality, or physically contiguous urban area in the State, which qualifies as an urban food desert selected by the Secretary of Agriculture to participate in the Fresh Mobiles Initiative Pilot Program established pursuant to this act."
<u>Page 4, Section 3, Line 11:</u>	Delete "city,"
<u>Page 4, Section 3, Line 12:</u>	Delete "which"
<u>Page 4, Section 3, Lines 13-14:</u>	Delete in their entirety
<u>Page 4, Section 3, Line 15:</u>	Delete "pursuant to section 5 of this act" and insert "in which residents have limited access to nutritious

- foods, such as fresh fruits and vegetables, through supermarkets, grocery stores, and farmers' markets"
- Page 4, Section 3, Line 16-17: Delete "food desert community" and insert "participating municipality"
- Page 4, Section 3, Line 18: After "sale to consumers" insert "as part of the pilot program authorized"
- Page 4, Section 3, Line 19: Delete "section 5 of"
- Page 4, Section 4, Lines 29-30: Delete "in the State"
- Page 4, Section 4, Line 30: Delete "establish a Statewide" and insert "develop and assist in the implementation of a"
- Page 4, Section 4, Line 31: Before "program" insert "pilot"
- Page 4, Section 4, Line 32: After "Fresh Mobiles Initiative."" insert "The pilot program shall operate in one or more municipalities, selected by the Secretary of Agriculture, in which residents have limited access to nutritious foods through supermarkets, grocery stores, and farmers' markets, which agree to participate in the program. The department shall identify, on its Internet website, the municipalities selected for participation, and the vendor supply areas at which, and the times during which, fresh mobile vendors will be accessible for community residents. The pilot program shall operate for a period of at least one year. No later than one year after the pilot program is established and becomes effective, the department shall submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a written report containing information on the implementation of the

pilot program, including a recommendation on the feasibility and desirability of implementing the initiative on a Statewide basis."

Page 4, Section 4, Line 33:

After "Fresh Mobiles Initiative" insert "Pilot Program"

Page 4, Section 4, Line 34:

After "shall" insert "be authorized to"

Page 4, Section 4, Line 38:

Delete "standards,"

Page 4, Section 4, Line 38:

After "qualifications" delete ", and conditions"

Page 4, Section 4, Line 39:

Delete ", as may be necessary to ensure both the freshness of" and insert "and assist the participating municipalities in identifying and recruiting appropriate qualified persons"

Page 4, Section 4, Lines 40-42:

Delete in their entirety

Page 4, Section 4, Line 43:

Delete "standards and in accordance with the provisions of this act"

Page 4, Section 4, Line 44:

After "fresh mobile vendors" insert "in the pilot program to be operated in the participating municipality, provided that the vendors agree to accept any low-income food vouchers as payment at the mobile venues established under the pilot program as a condition of participation in the program"

Page 4, Section 4, Line 45:

Delete "designate" and insert "assist the participating municipalities in designating"

Page 4, Section 4, Line 46:

Delete "in each urban food desert"

Page 5, Section 4, Line 1:

Delete "community"

Page 5, Section 4, Lines 3-8:

Delete in their entirety

Page 5, Section 4, Line 9:

Delete "(4) establish," and insert "(3)"

<u>Page 5, Section 4, Line 9:</u>	After "coordinate" delete ","
<u>Page 5, Section 4, Line 10:</u>	After "between" insert "the participating municipalities and such"
<u>Page 5, Section 4, Line 10:</u>	Delete "is"
<u>Page 5, Section 4, Line 13-14:</u>	Delete "to all urban food desert communities in the State" and insert "through the pilot program"
<u>Page 5, Section 4, Lines 20-21:</u>	Delete in their entirety
<u>Page 5, Section 4, Line 22:</u>	Delete "incentive programs shall be designed" and insert "(4) take appropriate actions"
<u>Page 5, Section 4, Lines 26-27:</u>	Delete in their entirety
<u>Page 5, Section 4, Line 28:</u>	Delete "vendor supply areas, and" and insert "(5) take appropriate actions to"
<u>Page 5, Section 4, Line 31:</u>	Delete "(7)" and insert "(6)"
<u>Page 5, Section 4, Line 37:</u>	Delete "(8) adopt" and insert "(7) take such other actions, including but not limited to adopting"
<u>Page 5, Section 4, Lines 37-38:</u>	Delete ", within 180 days following the effective date of this act, and"
<u>Page 5, Section 4, Line 40:</u>	Delete "as may be necessary" and insert "that the secretary deems necessary or appropriate"
<u>Page 6, Section 5, Lines 45-48:</u>	Delete in their entirety
<u>Page 7, Section 5, Lines 1-17:</u>	Delete in their entirety
<u>Page 7, Section 6, Lines 19-22:</u>	Delete in their entirety and insert "5.a. The Department shall work with participating municipalities to identify and recruit appropriate and qualified persons to serve as"
<u>Page 7, Section 6, Line 24:</u>	Delete "throughout the State" and insert "in

	participating municipalities"
<u>Page 7, Section 6, Line 25:</u>	Delete "establishing a network of fresh mobile vendors" and insert "implementing subsection a. of this section"
<u>Page 7, Section 6, Line 36:</u>	Delete "every"
<u>Page 7, Section 6, Line 36:</u>	Delete "effort" and insert "efforts"
<u>Page 7, Section 6, Line 40:</u>	Delete "all" and insert "the"
<u>Page 7, Section 6, Line 40:</u>	Delete "State" and insert "participating municipalities"
<u>Page 7, Section 6, Line 41:</u>	Delete "network of"
<u>Page 7, Section 6, Line 41:</u>	After "fresh mobile vendors" insert "recruited to participate in the pilot program"
<u>Page 7, Section 6, Line 43:</u>	Delete "use" and insert "recruit"
<u>Page 7, Section 7, Line 46:</u>	Delete " <u>7</u> " and insert "6"
<u>Page 8, Section 7, Line 28:</u>	Delete "shall" and insert "may"
<u>Page 9, Section 7, Line 1:</u>	Delete " <u>(6)</u> " and insert "(1)"
<u>Page 9, Section 8, Line 4:</u>	Delete " <u>8</u> " and insert "7"
<u>Page 9, Section 8, Line 30:</u>	Delete "ensure" and insert "evaluate"
<u>Page 9, Section 8, Line 32:</u>	After " <u>Initiative</u> " insert "Pilot Program"
<u>Page 9, Section 8, Line 33:</u>	After "by the department" insert "or participating municipalities"
<u>Page 9, Section 8, Line 38:</u>	After "Fresh Mobiles Initiative" insert "Pilot Program"
<u>Page 9, Section 9, Line 40:</u>	Delete " <u>9</u> " and insert "8"
<u>Page 9, Section 9, Line 40:</u>	Delete "immediately" and insert "on the first day of the sixth month following enactment, except that the Secretary of Agriculture

may take such
anticipatory action as
may be necessary to
implement the provisions
of this act."

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Kevin M. O'Dowd

Deputy Chief Counsel to the Governor

SENATE, No. 2728

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED FEBRUARY 22, 2011

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Authorizes Department of Agriculture to implement mobile fresh produce markets for residents of urban “food desert” communities.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the provision of fresh produce to urban
2 communities, and supplementing Title 4 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. This act shall be known, and may be cited as, the “New
8 Jersey Fresh Mobiles Act.”

9

10 2. a. The Legislature finds and declares that there are certain
11 urban areas of the State, known as “food desert” communities, in
12 which residents are unable to obtain reasonable and adequate access
13 to nutritious foods and, in particular, to fresh fruits and vegetables;
14 that the inaccessibility of nutritious food in urban food desert
15 communities has been attributed, in large part, to the absence
16 therein of supermarkets, grocery stores, and farmers’ markets and
17 the prevalence therein of businesses like liquor stores and
18 convenience marts, which provide convenient and affordable access
19 only to pre-processed foods, generally high in empty calories,
20 sugar, unhealthy preservatives, and harmful fats, and low in
21 nutritional value; that low-income families are more likely than
22 others to live in urban food desert communities and to lack the
23 transportation or financial resources necessary to reach distant
24 wholesome markets; that, as is evidenced by the work of various
25 non-profit and private entities across the United States, the
26 accessibility to, desire for, and use of, fresh produce by residents of
27 urban food desert communities can be improved through the
28 provision of mobile farmers’ markets, which regularly travel to and
29 from these communities, and which provide fresh produce to
30 residents situated therein; and that the institution of a Statewide and
31 State-regulated mobile farmers’ market initiative is a reasonable
32 means by which to ensure that all similarly situated residents of
33 urban food desert communities in the State are provided with
34 reasonable access to nutritious, fresh, and delicious produce, and
35 are afforded the opportunity thereby to make healthier eating
36 choices for themselves and for their families.

37 b. The Legislature therefore determines that it is both
38 reasonable and necessary to authorize the Department of
39 Agriculture to establish and regulate a Statewide mobile farmers’
40 market initiative that will enable the State to provide a consistent,
41 and easily accessible, source of fresh produce to residents in urban
42 food desert communities throughout the State.

43

44 3. For the purposes of this act:

45 “Department” means the Department of Agriculture.

46 “Federal food stamp assistance program” means the federal food
47 stamp program authorized by Title XIII of the “Food and
48 Agriculture Act of 1977,” Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

1 “Federal WIC program” means the Special Supplemental
2 Nutrition Program for Women, Infants and Children, established
3 pursuant to the federal “Child Nutrition Act of 1966,” Pub.L.89-642
4 (42 U.S.C. s.1771 et seq.).

5 “Fresh mobile vendor” or “vendor” means a person who has been
6 qualified by the department, pursuant to paragraph (1) of subsection
7 b. of section 4 of this act, to provide fresh produce to residents of
8 urban food desert communities.

9 “Fresh Mobiles Initiative” or “Initiative” means the “New Jersey
10 Fresh Mobiles Initiative,” established and regulated by the
11 department pursuant to this act.

12 “Low-income food voucher” means any type of food voucher,
13 coupon, stamp, certificate, written authorization, or benefits card,
14 which has been issued to a person by a government entity in
15 accordance with the provisions of the federal food stamp assistance
16 program, the Supplemental Nutrition Assistance Program, the
17 federal WIC program, the New Jersey Supplementary Food Stamp
18 Program, the Work First New Jersey program, or any other federal
19 or State level nutrition or income assistance program now or
20 hereafter established by law.

21 “Mobile venue” means a food truck or other vehicle, approved
22 by the department for use in the initiative pursuant to paragraph (3)
23 of subsection b. of section 4 of this act, which vehicle shall serve as
24 a base of operations from which a fresh mobile vendor may offer
25 fresh produce for sale to consumers in urban food desert
26 communities.

27 “New Jersey Supplementary Food Stamp Program” means the
28 State level food stamp program, established pursuant to P.L.1998,
29 c.32 (C.44:10-79 et seq.), which applies to non-citizens who were
30 rendered ineligible for federal food stamp program assistance by
31 section 402 of the federal “Personal Responsibility and Work
32 Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C.
33 s.1612).

34 “Secretary” means the Secretary of Agriculture.

35 “Supplemental Nutrition Assistance Program” means the
36 supplemental nutrition assistance program, established pursuant to
37 the federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7
38 U.S.C. 2011 et seq.).

39 “Urban food desert,” “urban food desert community,” or
40 “community” means a city, municipality, or physically contiguous
41 urban area in the State, which is selected and designated as such by
42 the Secretary of Agriculture pursuant to section 5 of this act.

43 “Vendor supply area” means a specific street location in a food
44 desert community where qualified fresh mobile vendors may offer
45 their fresh produce for sale to consumers pursuant to section 5 of
46 this act.

47 “Work First New Jersey” means the Work First New Jersey
48 temporary public assistance program, established pursuant to

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1 P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with
2 authorization received under Title IV of the federal "Personal
3 Responsibility and Work Opportunity Reconciliation Act of 1996,"
4 Pub.L.104-193 (8 U.S.C. s.1601 et seq.).
5

6 4. a. In order to promote and facilitate improved access to
7 fresh produce by low-income residents of urban food deserts in the
8 State, the Department of Agriculture shall establish a Statewide
9 mobile farmers' market program, to be known as the "New Jersey
10 Fresh Mobiles Initiative."

11 b. As a part of the Fresh Mobiles Initiative, the department
12 shall:

13 (1) establish standards, qualifications, and conditions for fresh
14 mobile vendors, as may be necessary to ensure both the freshness of
15 produce sold and the quality of customer service provided to
16 consumers under the initiative, and issue licenses or permits, as is
17 appropriate and necessary, to persons who are qualified under those
18 standards and in accordance with the provisions of this act to act as
19 fresh mobile vendors;

20 (2) designate one or more vendor supply areas to be used for
21 vendor sales in each urban food desert community, which
22 designations shall ensure a high level of accessibility to vendors by
23 community residents;

24 (3) authorize fresh mobile vendors to purchase or otherwise
25 obtain, and to use, mobile venues for purposes of the initiative, and
26 establish inspection and approval or permitting procedures through
27 which the department may ensure the sanitation and safety of
28 mobile venues used by vendors;

29 (4) establish, coordinate, and encourage partnerships between
30 fresh mobile vendors as is deemed necessary to better enable and
31 ensure the prompt or efficient delivery of fresh produce to urban
32 food desert communities and the provision of a year-round supply
33 of fresh produce to all urban food desert communities in the State;

34 (5) establish seasonal and other purchasing incentive programs
35 to be implemented as part of the initiative, which incentive
36 programs shall be designed to encourage consumer participation in
37 the initiative and increase consumer familiarity with regard to the
38 various types of produce offered by fresh mobile vendors;

39 (6) direct the fresh mobile vendors to accept any low-income
40 food vouchers as payment at the established mobile venues and
41 vendor supply areas, and encourage, at the discretion of the
42 individual fresh mobile vendor, the acceptance of any method of
43 payment, including, but not limited to, cash, credit, or check;

44 (7) develop educational and informational materials for
45 distribution to consumers, which materials may incorporate
46 information pertaining to the nutritional value of fruits and
47 vegetables, the importance of incorporating fresh produce into the

1 diet, or any other topic that is relevant to the work of the initiative;
2 and

3 (8) adopt rules and regulations, within 180 days following the
4 effective date of this act, and pursuant to the “Administrative
5 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as may be
6 necessary to implement the provisions of this act.
7

8 5. a. Within 120 days after the effective date of this act, the
9 Secretary of Agriculture shall select a minimum of one city in each
10 of the three regions of the State, northern, central, and southern
11 New Jersey, in which to implement the Fresh Mobiles Initiative,
12 and shall designate, at the discretion of the secretary, the entire city
13 or certain areas within the city as an urban food desert community
14 and the vendor supply areas within the urban food desert
15 community. The secretary may select additional cities or
16 municipalities for inclusion in the initiative, at the secretary’s
17 discretion.

18 b. Per the selection and direction of the secretary pursuant to
19 subsection a. of this section, the department shall implement the
20 initiative. The department shall identify, on its Internet website, the
21 selected cities, and the vendor supply areas at which, and the times
22 during which, fresh mobile vendors will be accessible for
23 community residents.

24 c. Annually, the secretary shall evaluate the efficacy of the
25 initiative and shall modify the initiative as deemed necessary to
26 maximize its positive impact on the residents of areas of the State
27 that are determined by the secretary to be urban food desert
28 communities.
29

30 6. a. Using the standards and conditions, and the licensing or
31 permitting procedures developed by the department in accordance
32 with paragraph (1) of subsection b. of section 4 of this act, the
33 department shall establish a network of fresh mobile vendors to
34 provide fresh produce for sale to residents in urban food desert
35 communities throughout the State.

36 b. In establishing a network of fresh mobile vendors, the
37 department may solicit or approve participation by in-State or out-
38 of-State produce farmers, collaborative farmers’ organizations, or
39 private, non-profit, or governmental entities that are engaged in
40 fresh produce rescue efforts, such as the rescue efforts employed by
41 the New Jersey Agricultural Society in its “Farmers Against
42 Hunger” program. The department shall encourage the State’s
43 produce farmers to participate in the initiative as fresh mobile
44 vendors.

45 The department shall make every reasonable effort to ensure,
46 through the adoption of appropriate regulatory requirements or
47 otherwise, that a consistent, year-round supply of reasonably priced
48 fresh produce, sufficient to satisfy the fresh produce needs of

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1 residents in all urban food desert communities in the State, will be
2 made available by the network of fresh mobile vendors.

3

4 7. a. Any person may participate as a consumer in the Fresh
5 Mobiles Initiative.

6 b. A person who is currently enrolled as a participant in:

7 (1) the federal food stamp assistance program;

8 (2) the Supplemental Nutrition Assistance Program;

9 (3) the federal WIC program;

10 (4) the New Jersey Supplementary Food Stamp Program;

11 (5) Work First New Jersey; or

12 (6) any other federal or State level nutrition or income
13 assistance program now or hereafter established by law may use, to
14 the extent such use is consistent with the requirements of the
15 programs, low-income food vouchers to purchase fruits and
16 vegetables from fresh mobile vendors.

17 c. The department shall adopt rules and regulations as
18 necessary to facilitate the acceptance of low-income food vouchers
19 by fresh mobile vendors in accordance with subsection b. of this
20 section and paragraph (6) of subsection b. of section 4 of this act.

21

22 8. a. The Secretary of Agriculture is authorized to receive and
23 expend, for the purposes specified in subsection b. of this section,
24 any moneys that are obtained thereby through:

25 (1) appropriations or allocations of funds to the department for
26 purposes consistent with this act;

27 (2) grant or loan awards made available to the department for
28 purposes consistent with this act;

29 (3) direct contributions, gifts, legacies, bequests, or endowments
30 for purposes consistent with this act; and

31 (4) any other source for purposes consistent with this act.

32 b. The secretary shall deposit all moneys received pursuant to
33 subsection a. of this section in a special account to be known as the
34 "New Jersey Fresh Mobiles Operation Fund." The secretary may
35 expend the moneys deposited in the fund, in addition to any interest
36 accrued thereon, and any dividends and returns resulting from
37 investment of the moneys in the fund, for any of the following
38 purposes:

39 (1) advertising and publicizing the initiative;

40 (2) developing and distributing educational materials as part of
41 the initiative;

42 (3) providing financing for any studies that are reasonably
43 necessary to ensure the efficacy of the Fresh Mobiles Initiative;

44 (4) offsetting any costs incurred by the department in complying
45 with the provisions of this act; and

46 (5) providing financing for any other activity or endeavor that is
47 consistent with the purposes of this act, and that will support, or

1 facilitate the efficient and effective operation of, the Fresh Mobiles
2 Initiative.

3

4 9. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would authorize the Department of Agriculture to
10 establish a Statewide mobile farmers' market program, to be known
11 as the "New Jersey Fresh Mobiles Initiative." The initiative would
12 be designed to provide improved access to fresh produce by
13 residents of urban "food desert" communities in the State – i.e.,
14 communities wherein residents have little or no access to fresh
15 produce or other nutritious foods, due to an absence of
16 supermarkets, grocery stores, and farmers' markets.

17 The bill would require the Department of Agriculture to: 1)
18 establish qualification standards for, and issue licenses or permits
19 to, fresh mobile vendors and fresh mobile venues (i.e., food trucks);
20 2) designate vendor supply areas in the State's urban food desert
21 communities; and 3) develop nutrition-related educational materials
22 and purchasing incentives for use in the initiative.

23 The bill directs the Secretary of Agriculture to select a minimum
24 of one city in each of the three regions of the State, northern,
25 central, and southern New Jersey, and the department to implement
26 the Fresh Mobiles Initiative in those cities. Furthermore, the
27 Secretary of Agriculture is directed to designate the entire city or
28 certain areas within the city as an urban food desert community, and
29 additional cities or municipalities for inclusion in the initiative, at
30 the secretary's discretion. The bill requires the department to
31 identify, on its Internet website, the selected cities, and the vendor
32 supply areas at which, and the times during which, fresh mobile
33 vendors would be accessible to community residents. The bill
34 requires the secretary to evaluate annually the efficacy of the
35 program and make modifications as necessary to maximize its
36 positive impact on the residents of areas of the State that are
37 determined to be urban food desert communities.

38 The bill requires the Department of Agriculture to direct fresh
39 mobile vendors to accept government-issued food vouchers from
40 any State or federal nutrition or income assistance program as
41 payment for fruits and vegetables that are purchased from the
42 vendors.

43 The Secretary of Agriculture would be authorized under the bill
44 to establish and maintain a fund, which would be known as the
45 "New Jersey Fresh Mobiles Operation Fund," and to receive and
46 deposit into the fund any moneys received by the department for the
47 bill's purposes. Under the bill, the secretary would be authorized to
48 expend the moneys contained in the fund in order to: 1) advertise

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8

- 1 the initiative; 2) develop and distribute educational materials
- 2 associated with the initiative; 3) offset the department's costs in
- 3 administering the initiative; and 4) finance any necessary studies or
- 4 other activity that is consistent with the purposes of the initiative.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2728

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2011

The Senate Economic Growth Committee reports favorably Senate Bill No. 2728 with committee amendments.

This bill, as amended, would authorize the Department of Agriculture (“department”) to establish a Statewide mobile farmers’ market program, to be known as the “New Jersey Fresh Mobiles Initiative.” The initiative would be designed to provide improved access to fresh produce by residents of urban “food desert” communities in the State – i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers’ markets.

The amended bill would require the department to: 1) establish qualification standards for, and issue licenses or permits to, fresh mobile vendors and fresh mobile venues (i.e., food trucks); 2) designate vendor supply areas in the State’s urban food desert communities; and 3) develop nutrition-related educational materials and purchasing incentives for use in the initiative.

The amended bill directs the Secretary of Agriculture (“secretary”) to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and directs the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the secretary is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary’s discretion. The bill requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill requires the secretary to evaluate annually the efficacy of the initiative and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities.

The amended bill provides that government-issued food vouchers from any State or federal nutrition or income assistance program may be used as payment for fruits and vegetables that are purchased from the vendors.

The secretary would be authorized under the amended bill to establish and maintain a fund, which would be known as the “New Jersey Fresh Mobiles Operation Fund,” and to receive and deposit into the fund any moneys received by the department for the bill’s purposes. Under the bill, the secretary would be authorized to expend the moneys contained in the fund in order to: 1) advertise the initiative; 2) develop and distribute educational materials associated with the initiative; 3) offset the department’s costs in administering the initiative; and 4) finance any necessary studies or other activity that is consistent with the purposes of the initiative.

The committee amendments:

1) require the department, in establishing a network of food mobile vendors, to use, to the maximum extent practicable, in-State produce farmers, collaborative farmers’ organizations, or private, non-profit, or governmental entities engaged in fresh produce rescue efforts;

2) add the New Jersey Federation of Food Banks as another example of a governmental entity engaged in fresh produce rescue efforts; and

3) exclude funds allocated for the State Food Purchase Program from those that may be used to implement the bill.

As amended and reported by the committee, Senate Bill No. 2728 is identical to Assembly Bill No. 3688 (1R), which was also amended and reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2728

STATE OF NEW JERSEY

DATED: AUGUST 25, 2011

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2728 (1R).

This bill would authorize the Department of Agriculture to establish a Statewide mobile farmers' market program, to be known as the "New Jersey Fresh Mobiles Initiative." The initiative would be designed to provide improved access to fresh produce by residents of urban "food desert" communities in the State--i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers' markets.

Specifically, the bill would require the department to: 1) establish qualification standards for, and issue licenses or permits to, fresh mobile vendors and fresh mobile venues (or food trucks); 2) designate vendor supply areas in the State's urban food desert communities; and 3) develop nutrition-related educational materials and purchasing incentives for use in the initiative.

The bill also directs the Secretary of Agriculture to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and directs the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the secretary is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary's discretion. The bill requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill requires the secretary to evaluate annually the efficacy of the initiative and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities.

The bill further provides that government-issued food vouchers from any State or federal nutrition or income assistance program may be used as payment for fruits and vegetables that are purchased from the vendors.

The secretary would be authorized under the bill to establish and maintain a fund, which would be known as the “New Jersey Fresh Mobiles Operation Fund,” and to receive and deposit into the fund any moneys received by the department for the bill’s purposes. Under the bill, the secretary would be authorized to expend the moneys contained in the fund in order to: 1) advertise the initiative; 2) develop and distribute educational materials associated with the initiative; 3) offset the department’s costs in administering the initiative; and 4) finance any necessary studies or other activity that is consistent with the purposes of the initiative.

As considered by the committee, Senate Bill No. 2728 (1R) is identical to Assembly Bill No. 3688 (2R), as also considered by the committee.

FISCAL IMPACT:

The Department of Agriculture would incur certain expenses to operate the “New Jersey Fresh Mobiles Initiative.” Based upon information provided informally by the department, these costs might be about \$380,000 per year, with two-thirds of the funds going for staff and the remainder for advertising and publications costs. The department would expect a very small offsetting increase in fees associated with the program. To the extent that the department implemented the provisions of the bill that permit financial incentives for the program, the annual costs would be greater. One incentive scenario would entail an annual cost of \$1,000,000.

The bill does not identify a specific funding source for the program.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2728

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: SEPTEMBER 20, 2011

SUMMARY

- Synopsis:** Authorizes Department of Agriculture to implement mobile fresh produce markets for residents of urban “food desert” communities.
- Type of Impact:** Net State cost increase with some revenue offset.
- Agencies Affected:** Department of Agriculture.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The bill requires the Department of Agriculture to design, develop, and implement a Statewide mobile farmers’ market program, and adopt rules and regulations necessary to administer and regulate the program.
- The Department of Agriculture is required to establish standards, qualifications, and conditions for fresh mobile vendors, and issue licenses or permits to persons qualified under those standards.
- The bill requires the Department of Agriculture to develop educational and informational materials for distribution to consumers, and evaluate the efficacy of the program on an annual basis.
- The Office of Legislative Services (OLS) cannot estimate the fiscal impact of this bill due to a lack of sufficient data. However, the OLS estimates the Department of Agriculture would incur some additional labor and material costs to establish, implement, administer, and regulate the program as required by the bill.

BILL DESCRIPTION

Senate Bill No. 2728 (1R) of 2011 authorizes the Department of Agriculture to establish and regulate a Statewide mobile farmers' market program, to be known as the "New Jersey Fresh Mobiles Initiative." The initiative would be designed to provide improved access to fresh produce by residents of urban "food desert" communities in the State – i.e., communities wherein residents have little or no access to fresh produce or other nutritious foods, due to an absence of supermarkets, grocery stores, and farmers' markets.

The bill directs the Secretary of Agriculture to select a minimum of one city in each of the three regions of the State, northern, central, and southern New Jersey, and the department to implement the Fresh Mobiles Initiative in those cities. Furthermore, the secretary is directed to designate the entire city or certain areas within the city as an urban food desert community, and additional cities or municipalities for inclusion in the initiative, at the secretary's discretion. The bill requires the department to identify, on its Internet website, the selected cities, and the vendor supply areas at which, and the times during which, fresh mobile vendors would be accessible to community residents. The bill requires the secretary to evaluate annually the efficacy of the program and make modifications as necessary to maximize its positive impact on the residents of areas of the State that are determined to be urban food desert communities. The secretary is authorized to establish and maintain a special account, which would be known as the "New Jersey Fresh Mobiles Operation Fund," to receive and expend any moneys that are obtained through appropriations, grants, loan awards, direct contributions, gifts, legacies, bequests, endowments, or any other source for purposes consistent with this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to informal information provided by the Department of Agriculture, the total estimated cost to implement and administer the mobile fresh produce markets is \$1.38 million. This amount includes \$1 million that the department proposes as a monetary incentive to those participating vendors that meet the standards of the program, as well as \$367,000 in costs which include \$260,000 for staff, \$75,000 for advertising, \$40,000 for the production and printing of educational materials, and \$5,000 for data processing. Revenue of approximately \$13,000 generated from fees from the issuance of licenses to approximately 50 vendors at \$250 each to offset part of the cost to the program. The monetary incentive is based on mileage reimbursement for 50 vendors at an estimated cost of \$375,000, and a reimbursement of up to 50 percent of the product cost for 50 vendors estimated at \$625,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS cannot estimate the fiscal impact of this bill due to a lack of sufficient data. However, the OLS estimates the Department of Agriculture would incur some additional labor and material costs on an on-going basis to establish, implement, administer, and regulate the Statewide mobile farmers' market program as required by the bill.

S2728 [1R]

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Section: Environment, Agriculture, Energy and Natural Resources

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*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).