

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:52-4; 24:2-6 et al; 26:8-40.1 et al (Fees - increases - charged by Department of Health).

LAWS OF: 1983

CHAPTER: 275

Bill No: A2188

Sponsor(s): Brown

Date Introduced: December 6, 1982

Committee: Assembly: Revenue, Finance and Appropriations

Senate: Institutions, Health and Welfare

Amended during passage: YES Amendments during passage denoted by asterisks

Date of Passage: Assembly: March 3, 1983

Senate: July 11, 1983

Date of Approval: July 18, 1983

Following statements are attached if available:

Sponsor statement: YES (Below)

Committee Statement: Assembly YES

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: NO

Following were printed:

Reports: NO

Hearings: NO

Sponsor's Statement:

P.L. 1982, c.49, which appropriated funds for the support of the State Government for the fiscal year ending June 30, 1983, authorized the Department of Health to increase fees for a variety of services. This bill will make those changes a part of the permanent law of this state, and will raise approximately \$800,000.00.

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CHAPTER ²⁷⁵ LAWS OF N. J. 19⁸³
APPROVED 7-18-83

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ASSEMBLY, No. 2188

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1982

By Assemblywoman BROWN

AN ACT concerning certain fees charged by the Department
of Health.

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

1 1. N. J. S. 2A:52-4 is amended to read as follows:

2 2A:52-4. Upon the receipt of either of the following documents:

3 a. A certified copy of a judgment permitting a change of name; or

4 b. A certification issued in connection with a naturalization pro-
5 ceeding authorized by Act of Congress that a change of name was
6 permitted by decree or order of a court vested with jurisdiction to
7 naturalize persons as citizens of the United States; together with a
8 request for correction of an existing record of the birth or marriage
9 of the individual, the State Registrar of Vital Statistics or local
10 registrar of vital statistics shall adjust the record or records to
11 show the new name and the date and manner by which obtained.
12 When the request and such copy or certification are received by a
13 local registrar, he shall forward them to the State Registrar after
14 having adjusted his local record.

15 In the event the name of any child or children shall be permitted
16 to be changed in the naturalization proceedings of the parent of
17 such child or children, the certification of the parents' naturaliza-
18 tion record or proceedings disclosing such change of name of such
19 child or children shall be sufficient authority for the State Registrar
20 of Vital Statistics or the local registrar, as the case may be, upon
21 request, to correct the birth certificate or marriage certificate of
22 such child or children in the same manner as provided for the cor-
23 rection of the parent's birth certificate or marriage certificate. The

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted June 30, 1983.

24 fee to be paid a local registrar or the State Registrar for each birth
 25 certificate or for each marriage certificate so corrected shall be
 26 ~~[\$1.00]~~ ~~[\$5.00]~~ ~~*\$2.00*~~. Any certified copy of a record changed
 27 as provided for in this chapter shall show the name at birth or
 28 marriage and the new name and date and manner by which ob-
 29 tained, but upon request shall show only the new name.

1 2. R. S. 24:2-6 is amended to read as follows:

2 24:2-6. No person shall obstruct or interfere with the State
 3 department or the local board, or any officer or employee thereof,
 4 in the performance of any duty imposed by this subtitle.

5 Any person who shall violate the provisions of this section shall
 6 be liable to a penalty of not more than:

7 a. ~~[\$100.00]~~ \$200.00 for each first offense.

8 b. ~~[\$300.00]~~ \$600.00 for each second and subsequent offense.

1 3. Section 8 of P. L. 1966, c. 262 (C. 24:5A-8) is amended to read
 2 as follows:

3 8. (a) The department shall execute and enforce the provisions
 3A of this act and in that enforcement is hereby vested with all powers
 4 relating to inspection, sampling, condemnation and embargoing of
 5 hazardous substances granted to it with respect to food and drugs
 6 under subtitle 1, Title 24 of the Revised Statutes.

7 (b) If any person shall violate directly or indirectly, through his
 8 officers or employees, any of the provisions of this act, or regula-
 9 tions promulgated thereunder, the commissioner may order the
 10 correction of the violation within such reasonable period of time as
 11 the commissioner may prescribe. Such order shall be complied
 12 within the time specified.

13 (c) Any person violating any of the provisions of this act or
 14 orders or regulations promulgated thereunder shall be liable to a
 15 penalty of not less than ~~[\$50.00]~~ \$100.00 nor more than ~~[\$500.00]~~
 16 \$1,000.00 and for the second and each succeeding violation, a
 17 penalty of not less than ~~[\$100.00]~~ \$200.00 nor more than ~~[\$1,000.00]~~
 18 \$2,000.00 to be collected in a civil action by summary proceeding
 19 under the Penalty Enforcement Law (N. J. S. ~~[A.]~~ 2A:58-1).
 20 Where the violation is of a continuing nature, each day during
 21 which it continues, after the date given by which the violation must
 22 be eliminated in the order by the commissioner, shall constitute an
 23 additional, separate and distinct offense, except during the time an
 24 appeal from said order may be taken or is pending.

25 The commissioner is hereby authorized and empowered to com-
 26 promise and settle any claim for a penalty under this section in such
 27 amount in the discretion of the commissioner as may appear
 28 appropriate and equitable under all of the circumstances.

29 (d) Payment of a penalty for any violation of this act or regula-
30 tions promulgated thereunder either before or after the institution
31 of proceedings for the collection thereof shall be deemed equivalent
32 to a conviction of the violation for which such penalty was claimed.

1 4. Section 4 of P. L. 1961, c. 52 (C. 24:6B-4) is amended to read
2 as follows:

3 4. A fee shall accompany each registration statement. It shall
4 be ~~[\$100.00]~~ \$200.00 if the business has less than 2 locations in this
5 State, and ~~[\$250.00]~~ \$500.00 if the business has 2 or more locations
6 in this State; except that where the gross total annual business in
7 drugs of a registrant shall not exceed 3% of the gross total annual
8 volume of the business of the registrant, as certified by a certified
9 public accountant, the fee shall be ~~[\$25.00]~~ \$50.00 for each location
10 in this State.

1 5. Section 5 of P. L. 1961, c. 52 (C. 24:6B-5) is amended to read
2 as follows:

3 5. If any location of a registered business is to be changed, the
4 registrant shall give the department written notice prior to the
5 change of the address of such new location and the name and
6 address of the individual to be in charge thereof. A fee of ~~[\$10.00]~~
7 \$20.00 shall accompany such notification.

1 6. Section 12 of P. L. 1961, c. 52 (C. 24:6B-11) is amended to
2 read as follows:

3 12. (a) Any person who does not comply with an order of the com-
4 missioner within the time specified shall be liable for the first
5 offense for a penalty, to be established by the commissioner of not
6 less than ~~[\$100.00]~~ \$200.00 nor more than ~~[\$1,000.00]~~ \$2,000.00 and
7 for the second and each succeeding offense for a penalty of not less
8 than ~~[\$500.00]~~ \$1,000.00 nor more than ~~[\$5,000.00]~~ \$10,000.00. The
9 penalties herein provided shall be enforced by the department as
10 plaintiff in a summary proceeding in accordance with the penalty
11 enforcement law (N. J. S. 2A:58-1 et seq.).

12 (b) Any person, who engages or continues to engage in the manu-
13 facturing or wholesaling of drugs without having registered with
14 the department as required by this act is guilty of a misdemeanor.

1 7. Section 3 of P. L. 1951, c. 342 (C. 24:9-23) is amended to read
2 as follows:

3 3. The State department shall collect from each applicant for
4 each license granted under the provisions of this act for each
5 refrigerated warehouse or locker plant the following fees: for each
6 refrigerated warehouse or locker plant with gross refrigerated
7 space not in excess of one hundred thousand cubic feet, ~~[twenty-five~~
8 dollars (~~\$25.00]~~ \$50.00 for each refrigerated warehouse or locker

9 plant with gross refrigerated space in excess of one hundred thou-
 10 sand cubic feet but not in excess of one million cubic feet, ~~seventy-~~
 11 ~~five dollars (\$75.00)]~~ \$150.00; for each refrigerated warehouse or
 12 locker plant with gross refrigerated space in excess of one million
 13 cubic feet, ~~one hundred fifty dollars (\$150.00)]~~ \$300.00. If a locker
 14 plant is operated as part of a refrigerated warehouse and upon the
 15 same premises, no additional license shall be required.

16 Any license issued pursuant to this section may be suspended, or
 17 revoked, upon hearing, for any violation of this act or of any rule
 18 or regulation of the State department.

1 8. Section 5 of P. L. 1964, c. 62 (C. 24:10-57.5) is amended to read
 2 as follows:

3 5. The department shall collect from each applicant for a permit
 4 under the provisions of this act an annual fee in the following
 5 amounts:

6 (a) From each milk plant or bulk milk hauler receiving milk or
 7 fluid milk products from another milk plant or bulk milk hauler or
 8 collecting milk from one or more dairy farms but not more than
 9 25 dairy farms, the sum of ~~[\$25.00]~~ \$50.00.

10 (b) From each milk plant or bulk milk hauler collecting milk
 11 from more than 25 dairy farms, the sum of ~~[\$50.00]~~ \$100.00.

1 9. Section 10 of P. L. 1964, c. 120 (C. 24:10-73.10) is amended
 2 to read as follows:

3 10. Every person owning or operating a frozen dessert plant for
 4 the assembly, manufacturing, processing, freezing or converting in
 5 form of frozen desserts for sale or distribution within this State
 6 shall, before July 1 in each year, apply to the department for a
 7 license to sell or distribute such products within this State and
 8 register with the department such information as may be required
 9 by the department to enable it to carry out its responsibilities under
 10 this act.

11 At the same time application for a license and registration is
 12 filed the applicant shall pay to the department an annual license
 13 fee as follows: for each manufacturer of frozen desserts producing
 14 or distributing annually within this State not in excess of 10,000
 15 gallons of those products ~~[\$10.00]~~ \$20.00; in excess of gallons and
 16 not in excess of 25,000 gallons of those products, ~~[\$20.00]~~ \$40.00 in
 17 excess of 25,000 gallons and not in excess of 50,000 gallons of those
 18 products, ~~[\$50.00]~~ \$100.00; in excess of 50,000 gallons and not in
 19 excess of 100,000 gallons of those products, ~~[\$100.00]~~ \$200.00; in
 20 excess of 100,000 gallons of those products, ~~[\$200.00]~~ \$400.00.

1 10. R. S. 24:12-5 is amended to read as follows:

2 24:12-5. No person engaged in the business of bottling water
 3 for drinking purposes or of bottling any nonalcoholic drink within
 4 this State shall sell or deliver any such water or nonalcoholic drink
 5 without first obtaining a license from the State department authoriz-
 6 ing him to engage in the business of bottling water for drinking
 7 purposes or of bottling any nonalcoholic drink. A fee of ~~[\$25.00]~~
 8 \$50.00 shall be charged for any license so issued.

1 11. Section 2 of P. L. 1971, c. 158 (C. 24:15-14) is amended
 2 to read as follows:

3 2. Where no other fee is provided by law or regulation, the com-
 4 missioner may in accordance with a fee schedule adopted by him as
 5 a rule or regulation establish and charge reasonable fees for any
 6 service performed in the licensing and inspection of any premises
 7 coming within the provisions of this chapter. The fees charged as
 8 provided for by this section shall be no more than ~~[\$250.00]~~ \$500.00
 9 based on criteria set forth in the rule or regulation.

1 12. R. S. 24:17-1 is amended to read as follows:

2 24:17-1. (a) Any person who shall violate any provision of this
 3 subtitle, or any rule or regulation of the State department made
 4 pursuant thereto, or who shall refuse to comply with any lawful
 5 order or direction of the department, shall be liable to the follow-
 6 ing penalties, unless otherwise specifically provided:

7 (1) For each first offense a penalty of ~~[\$50.00]~~ \$100.00;

8 (2) For each second offense a penalty of ~~[\$100.00]~~ \$200.00;

9 (3) For each third and every subsequent offense a penalty of
 10 ~~[\$200.00]~~ \$400.00.

11 (b) Any person who shall remove or dispose of any depressant
 12 or stimulant drug as defined pursuant to law in violation of section
 13 24:4-12 of this Title is guilty of a misdemeanor.

1 13. R. S. 26:8-40.1 is amended to read as follows:

2 26:8-40.1. When any person born in New Jersey who has been
 3 adopted pursuant to provisions of the laws of any state or country,
 4 and which adoption has been certified to the State Registrar as
 5 required by paragraph B of section 15 of P. L. 1953, ~~[chapter]~~ c.
 6 264 (C. 9:3-31) or there is submitted a certification or a certified
 7 copy of the decree or judgment of the court in such adoption pro-
 8 ceedings, the State Registrar shall establish, in lieu of the original
 9 birth record, a certificate of birth showing (a) the name of the
 10 adopted person as changed by the decree of adoption, if changed,
 11 (b) the date and place of birth, (c) the names of the adopting
 12 parents or parent including the maiden name of the female adopting
 13 parent if such name is given in the certification or certified copy

14 of the decree or judgment of the court, and (d) the date of filing.
15 In any instance where the child has been adopted by the spouse of
16 the natural parent the name of such parent shall also be entered
17 on the new certificate of birth. Such certificate shall be of the same
18 general type as is used in making a birth certificate for a person
19 who has not been adopted. Upon application by an adopting parent
20 or parents of any person born in the United States and adopted
21 pursuant to the laws of this State, the court before which the adop-
22 tion proceedings have been conducted, may, for good cause shown,
23 direct and order that the place of birth shall be the residence of
24 the adopting parent or parents at the time of said adoption; pro-
25 vided however, that the adopting parent or parents were residents
26 of this State at the time of said adoption.

27 Upon receipt of such application, certification or certified copy
28 of the decree or judgment of a court in an adoption proceeding, the
29 State Registrar shall make a new certificate of birth containing the
30 information referred to in the preceding paragraph. The fee for
31 such service shall be ~~[\$3.00]~~ *~~[\$10.00]~~* *\$6.00* which includes the
32 issuance of a certified copy of the new certificate.

33 The State Registrar may file such a new certificate for any
34 foundling, for any child born in any state or country, and for any
35 child for whom an original birth report cannot be located, who
36 has been adopted in New Jersey; provided, that there is attached
37 to the decree or judgment of the court in such adoption proceeding
38 or is submitted to the State Registrar a certified copy of the orig-
39 inal birth record or acceptable evidence of birth. In the case of a
40 foundling, the date and place of birth may be decided by the adopt-
41 ing parent or parents if not decided by the court before which the
42 adoption proceedings were conducted. Such certificate for any
43 child who is not a citizen of the United States shall bear the nota-
44 tion "by adoption," which shall also be shown upon any copy of
45 the certificate issued; such notation may be removed at any sub-
46 sequent date upon submission of acceptable proof that the child
47 has become a citizen of the United States.

48 When a new certificate of birth is made the State Registrar shall
49 notify the local registrar of vital statistics of the place in which
50 the birth occurred who shall enter the new certificate in his local
51 record and place his copy of the original record under seal.

52 The State Registrar shall cause to be placed under seal the
53 original certificate of birth and all papers pertaining to the new
54 certificate of birth. Such seal shall not be broken except by order
55 of a court of competent jurisdiction. Thereafter whenever a cer-

56 tificate of birth of such person is issued, it shall be made from the
 57 new certificate of birth except when an order of a court of com-
 58 petent jurisdiction shall require the issuance of a copy of the
 59 original certificate of birth.

1 14. R. S. 26:8-56 is amended to read as follows:

2 26:8-56. The local registrar shall be paid ~~[\$0.50]~~ \$1.00 for each
 3 birth or death certificate properly executed, registered, recorded,
 4 and promptly returned to the State Registrar. A local registrar
 5 shall not receive such fee if compensated by a fixed salary as pro-
 6 vided in section 26:8-59 of this Title.

1 15. R. S. 26:8-60 is amended to read as follows:

2 26:8-60. Each local registrar shall be entitled to receive from
 3 the proper disbursing officer of the municipality or county the sum
 4 of ~~[\$0.50]~~ \$1.00 for each marriage certificate properly transmitted
 5 to the State registrar.

6 In any registration district, the body appointing local registrars
 7 may, in lieu of fees, provide that officers performing the above
 8 service shall receive a fixed compensation to be determined by such
 9 body.

1 16. R. S. 26:8-61 is amended to read as follows:

2 26:8-61. The person procuring the cancellation of a marriage
 3 record pursuant to sections 26:8-45 and 26:8-46 of this Title shall
 4 first pay to the State Registrar the sum of ~~[\$1.00]~~ *~~[\$5.00]~~*
 5 *\$2.00* and the State Registrar shall pay the same over to the
 6 State Treasurer. Such fee may be included in the taxable costs in
 7 the annulment suit.

1 17. R. S. 26:8-64 is amended to read as follows:

2 26:8-64. a. For any search of the files and records of births,
 3 deaths, or marriages when the correct year only is supplied by the
 4 applicant, whether or not a certification or a certified copy is made,
 5 the State registrar shall be entitled to a minimum fee of ~~[\$2.00]~~
 6 *~~[\$5.00]~~* *\$4.00*, plus a fee of ~~[\$0.50]~~ \$1.00 for each additional
 7 year searched, said fee to be paid by the applicant, except as pro-
 8 vided by section 26:8-63 of the Revised Statutes. *Each additional*
 8A *copy is \$2.00.*

9 b. For all searches of the New Jersey State census records, ex-
 10 cept as otherwise provided herein, the State registrar shall be
 11 entitled to a fee of ~~[\$1.00]~~ \$2.00 for each address searched in any
 12 census year.

13 c. Conduct without fee upon request for administrative use by
 14 any city, state, or federal agency, a search for any New Jersey
 15 State census entry.

1 18. This act shall take effect immediately.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2188

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 1983

P. L. 1982, c. 49, which appropriated funds for the support of the State Government for the fiscal year ending June 30, 1983, authorized the Department of Health to increase fees for a variety of services. This bill will make those changes a part of the permanent law of this State, and will raise approximately \$800,000.00.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2188

with Senate committee amendment

STATE OF NEW JERSEY

DATED: JUNE 30, 1983

As amended by committee, this bill amends various Department of Health statutes concerning the fees for certain licenses and filings and the amount of certain penalties for violations of food and drug statutes. In all cases, the bill doubles the amount of the fees and penalties.

The State appropriations act for FY 1983 (P. L. 1982, c. 49) authorized the Department of Health to increase various fees and penalties and this bill amends the specific statutes in Titles 2A, 24 and 26 which specify the fees and penalties.

Committee amendments lower the fee increase in certain cases so that no fee is raised more than 100%.

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