

LEGISLATIVE HISTORY CHECKLIST

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Synopsis: Prohibits the sale of baby food and certain non-prescription drugs by itinerant vendors.

Bill Number: S1573 Sca (1R)

P.L. 1997 c. 295

Identical to: A3135
Substituted for: A3135
Combined with:
Last Session Bill Number:

See Above Bill(s) for Additional History

NJSA: 56:8-1 et seq.

Sponsor(s): Kyrillos, Joseph M. / Adler, John H. + 6

Date Introduced: 10/3/1996

Committee Reference:

Statement: Public Hearing:

Senate:

Commerce

Yes

No

Sponsor Statement: Yes

Fiscal Note: No

Dates Of Passage:

Assembly:

12/18/1997 (76-1-0)

Senate:

12/1/1997 (34-0)

Amended During Passage: Yes

Governor's Action:

Veto: No

Date of Veto:

Date of Approval: 1/8/1998

Message on Signing: Yes

Additional Information:

P.L. 1997, CHAPTER 295, *approved January 8, 1998*
Senate, No. 1573 (*First Reprint*)

1 AN ACT concerning certain itinerant vendors and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. It shall be an unlawful practice for an itinerant vendor to sell or
8 offer to sell any of the following items:

9 a. Food manufactured and packaged for sale for consumption by
10 a minor under the age of two years; ¹[or]¹

11 b. Any non-prescription drug subject to expiration dating
12 requirements issued by the federal Food and Drug Administration ¹; or
13 c. Any cosmetic as defined in subsection h. of R.S. 24:1-1¹.

14 For purposes of this section, "itinerant vendor" means any merchant
15 other than a merchant with an established retail store, who transports
16 merchandise to a building, vacant lot or other location where it is sold
17 or offered for sale, including a location where a fee is charged for the
18 privilege of offering or displaying merchandise for sale or where a fee
19 is charged to prospective buyers for admission to the area where
20 merchandise is offered or displayed for sale, but shall not include
21 persons who: sell by sample, catalog or brochure for future delivery;
22 make sale presentations pursuant to a prior invitation issued by the
23 owner or legal occupant; or are an authorized manufacturer's
24 representative or authorized distributor.

25
26 2. This act shall take effect on the 90th day following enactment.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined [thus] is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted May 8, 1997.

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator KYRILLOS

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14 other than a merchant with an established retail store, who transports
15 merchandise to a building, vacant lot or other location where it is sold
16 or offered for sale, including a location where a fee is charged for the
17 privilege of offering or displaying merchandise for sale or where a fee
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22 owner or legal occupant; or are an authorized manufacturer's
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28 STATEMENT

29
30 This bill prohibits the sale of food products, intended for
31 consumption by infants, and non-prescription drugs, subject to federal
32 expiration dating requirements, at flea markets or other venues utilized
33 by itinerant vendors. The bill supplements the "consumer fraud act"
34 and the penalties and sanctions pursuant to that act apply to the
35 provisions of this bill, including the penalties of up to \$7,500 for the
36 first offense and up to \$15,000 for the second and subsequent
37 offenses.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1573

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1573.

This bill, as amended by the committee, prohibits the sale of food products intended for consumption by infants, non-prescription drugs subject to federal expiration dating requirements, and cosmetics at flea markets or other venues utilized by itinerant vendors. The bill supplements the "consumer fraud act" and the penalties and sanctions pursuant to that act apply to the provisions of this bill, including the penalties of up to \$7,500 for the first offense and up to \$15,000 for the second and subsequent offenses.

Itinerant vendor does not include merchants with established retail stores; persons who sell by sample, catalog or brochure for future delivery; persons who make sale presentations pursuant to a prior invitation issued by the owner or a legal occupant; or persons who are authorized manufacturer's representatives or authorized distributors.

S1573

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 - 3 Prohibits the sale of baby food and certain non-prescription drugs by
 - 4 itinerant vendors.

S-1248, sponsored by Senator Raymond Zane (D-Salem/Cumberland/Gloucester) and Assembly Members Ken LeFevre and Francis Blee (R-Atlantic), exempts tangible personal property used primarily on farms from "Sales and Use Tax Act." The bill exempts from sales tax personal property used by farmers for use and consumption in the production of agricultural and horticultural commodities. The bill clarifies and changes current law so that personal property used primarily for farming but occasionally for incidental private use will be exempted as appropriate.

S-1563, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Robert W. Singer (R-Burlington/Monmouth/Ocean) and Assembly Members David W. Wolfe (R-Monmouth and Ocean) and James W. Holzapfel (R-Monmouth/Ocean), authorizes county clerks and surrogates to display the Great Seal of the State of New Jersey on motor vehicle license plants.

S-1573, sponsored by Senators Joseph M. Kyrillos (R-Middlesex/Monmouth) and John H. Adler (D-Camden) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth) and Louis A. Romano (D-Hudson), prohibits the sale of food products intended for consumption by infants, non-prescription drugs subject to federal expiration dating requirements, and cosmetics at flea markets or other venues utilized by itinerant vendors. The bill supplements the Consumer Fraud Act and mandates that the penalties and sanctions of that act apply to the provisions of this bill, including the penalties of up to \$7,500 for the first offense and up to \$15,000 for the second and subsequent offenses.

S-2051, sponsored by Senators Louis Bassano (R-Essex/Union) and Winona Lipman (D-Essex/Union) and Assembly Members Charlotte Vandervalk (R-Bergen) and Francis Blee (R-Atlantic), authorizes PACE and Pre-PACE programs to contract with the Department of Health and Senior Services. PACE programs provide comprehensive health and social services to the elderly. The bill will allow for the establishment of limited purpose managed care organizations for operation of PACE or Pre-PACE programs. Currently, because of a gap in federal law, PACE programs are unable to operate in New Jersey. This law will address this problem until the subsequent passage of federal law.

S-2274, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Leonard T. Connors, Jr. (R-Atlantic/Burlington/Ocean) and Assembly Members Steve Corodemus (R-Monmouth) and John C. Gibson (R-Cape May/Atlantic/Cumberland), appropriates \$3.8 million from the 1996 Dredging and Containment Facility Fund established pursuant to the Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration and Delaware Bay Area Economic Bond Act of 1996 for various navigation dredging projects in Atlantic, Ocean, Monmouth and Cape May Counties.

SENATE COMMERCE COMMITTEE

ADOPTED

MAY 8 1997

AMENDMENTS

to

SENATE, No. 1573

(Sponsored By Senator KYRILLOS)

REPLACE SECTION 1 TO READ:

1. It shall be an unlawful practice for an itinerant vendor to sell or offer to sell any of the following items:

- a. Food manufactured and packaged for sale for consumption by a minor under the age of two years; '[or]'
- b. Any non-prescription drug subject to expiration dating requirements issued by the federal Food and Drug Administration ¹or
- c. Any cosmetic as defined in subsection h. of R.S. 24:1-1.

For purposes of this section, "itinerant vendor" means any merchant other than a merchant with an established retail store, who transports merchandise to a building, vacant lot or other location where it is sold or offered for sale, including a location where a fee is charged for the privilege of offering or displaying merchandise for sale or where a fee is charged to prospective buyers for admission to the area where merchandise is offered or displayed for sale, but shall not include persons who: sell by sample, catalog or brochure for future delivery; make sale presentations pursuant to a prior invitation issued by the owner or legal occupant; or are an authorized manufacturer's representative or authorized distributor.

[First Reprint]
SENATE, No. 1573

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senators KYRILLOS, ADLER, Ciesla, Cafiero, Zane and
Bennett

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