

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4339

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2022

The Assembly Health Committee reports favorably Assembly Bill No. 4339, with committee amendments.

As amended, this bill regulates food and beverage delivery vehicle network companies.

Under the bill, the Department of Health (department) is to establish a food and beverage delivery vehicle network company license program and application process, which is to entitle the license holder to engage in digital sales in the State. An applicant seeking to obtain a food and beverage delivery vehicle network company license is to apply to the department in a form and manner determined by the department. The application is to include such information as the department deems relevant.

The bill defines “digital network” to mean any online-enabled technology application, service, website, or system offered or utilized by a food and beverage delivery vehicle network company that enables a digital sale to occur between a customer and a food and beverage delivery vehicle network company. “Digital network” is not to include any online-enabled technology application, service, website, or system offered or utilized by a third-party that enables a transaction to occur directly between a customer and a restaurant. “Digital sale” means a transaction in which a customer purchases food from a food and beverage delivery vehicle network company through a digital network, for which a food and beverage delivery vehicle is used to deliver food that was processed and prepared at a food commissary. “Food and beverage delivery vehicle” means a vehicle that is operated by a food and beverage delivery vehicle network company, which contains refrigerated storage, hot holding, or heating equipment for the purposes of transporting and delivering food prepared and processed at a food commissary to a customer at a predetermined location, does not accept payment or otherwise process sales transactions on the vehicle, and is stored at either at a food commissary or storage and supply center when not being used for delivery. “Food and beverage delivery vehicle network company” means a corporation, partnership, sole proprietorship, or any other legal entity that utilizes a digital network to conduct digital sales in the State. “Food commissary” means a facility that

is utilized by a food and beverage delivery vehicle network company where food is processed, prepared, stored, or packed for transport, delivery, and consumption. “Storage and supply center” means a facility that is operated by a food and beverage delivery vehicle network company that provides storage of a food delivery vehicle, or storage of food that was processed, prepared, stored, or packed at a food commissary.

The bill provides that the department may permit applicants to self-certify that, if approved for licensure, food will be stored, processed, prepared, and handled in sanitary conditions in all food and beverage delivery vehicles, food commissaries, and storage and supply centers operated by the applicant in a manner that is consistent with the applicable provisions of law. A food and beverage delivery vehicle network company license is to be valid for a term of two years from the date of issuance, unless suspended or revoked for cause, and may be renewed upon application to the department.

Under the bill, the department may inspect any of the food and beverage delivery vehicles, food commissaries, and storage and supply centers, operated by a licensed food and beverage delivery vehicle network company, if the department reasonably believes that the food and beverage delivery vehicle network company is storing, preparing, processing, or handling food in unsanitary conditions, selling unsafe food, or violating any provision of this bill. The department may partner with a municipal or county health department to conduct inspections and may charge a license holder a reasonable fee to cover all costs associated with conducting an inspection. If, upon inspection of a food and beverage delivery vehicle, food commissary, or storage and supply center, the department determines that the food and beverage delivery vehicle network company is storing, preparing, processing, or handling food in unsanitary conditions, selling unsafe food, or violating any provision of this bill, the department is to take appropriate corrective measures.

The bill provides that a food and beverage delivery vehicle network company is to maintain individual digital sale records for all sales conducted within the State for at least a two year period following the date of the digital sale. The department may inspect the digital sale records held by the food and beverage delivery vehicle network company for all sales conducted within the State if the department provides a written request for the records and a legitimate basis for the request. Any records inspected by the department are to: be deemed confidential, not be disclosed to a third party except with the prior written consent of the food and beverage delivery vehicle network company, and not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),

P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records.

COMMITTEE AMENDMENTS:

The committee amendments make a change to the definition of “digital network.”