SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3404

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2023

The Senate Commerce Committee reports favorably Senate Bill No. 3404.

This bill provides for the licensure of packaged ice plants and packaged ice dealers.

Under the bill, the New Jersey Department of Health is required to establish standards governing the manufacturing, storage, and distribution of packaged ice, including standards addressing the processing, packaging, storage, and distribution methods necessary to prevent the contamination of packaged ice or its packaging materials and recall procedures for contaminated packaged ice.

Under the bill, packaged ice plants and packaged ice dealers who are also packaged ice plants are to conduct quarterly testing of packaged ice to determine the presence of certain contaminants. In addition, packaged ice which is manufactured, distributed, or sold within this State is to comply with the regulations concerning drinking water quality standards adopted by the Department of Environmental Protection pursuant to the "Safe Drinking Water Act."

The bill requires any person owning or operating a packaged ice plant located within, or conducting business within, this State or acting as a packaged ice dealer within this State is to hold a valid license issued by the Department of Health. Under the bill, the Department of Health is to:

- ensure that any applicant or licensee adhere to any standards established by the department pertaining to packaged ice plants or packaged ice distribution;
- inspect licensed packaged ice plants and packaged ice dealers to ensure compliance with standards established by the department; and
- disseminate informational material to instruct and assist applicants and licensees regarding best practices in the industry, as well as the types of activities that constitute a statutory or regulatory violation.

In the event that it is discovered that a contaminant which is present in packaged ice may present an imminent and substantial danger to the public health and safety, the Commissioner of Health may take any action deemed necessary to protect the public health and safety. The actions may include, but need not be limited to,

issuing any orders necessary to protect consumers of the packaged ice, and commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.

Any person who sells or manufactures or who has in that person's possession with intent to sell in this State any packaged ice in violation of this bill shall be liable to a civil administrative penalty of not more than $5,000 for the first offense, or more than $10,000 for the second offense, and up to $25,000 for the third and subsequent offense.

The bill defines "packaged ice plant" to mean any place, premises, or establishment where a person is engaged in the production, processing, or packaging of packaged ice for wholesale distribution or sale directly to the consumer and includes rooms and premises where machines, utensils, and packaging are washed, sanitized, or kept. In addition, the bill defines "packaged ice dealer" to mean a person engaged in the business of distributing packaged ice to retailers for sale to consumers.