ASSEMBLY COMMERCE, ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5093

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2025

The Assembly Commerce, Economic Development and Agriculture Committee reports favorably, and with committee amendments, Assembly Bill No. 5093.

As amended by the committee, this bill would establish purchase preference requirements that are to be satisfied in association with the procurement of local and regional foods for school meal program purposes.

The Local Food for Schools (LFS) Cooperative Agreement Program is a federal program, operated by the Agricultural Management Service in the United States Department of Agriculture, which enables the federal government to enter into cooperative agreements, with individual states, to provide such states with federal financial assistance to facilitate their procurement of local and regional foods, from small businesses, from local and regional farmers and food producers, and from socially disadvantaged farmers and food producers, and their distribution of such local and regional foods, to students at participating schools, as part of the National School Lunch Program and federal School Breakfast Program. Under the existing provisions of federal law, local and regional foods which are procured, for students, under the LFS program must either be procured from in-State farmers and food producers or from farmers and food producers (whether in-State or out-of-State) who are located within 400 miles of the destination school.

This bill would establish complimentary, State-level geographic purchase preference requirements to ensure that the food procurement activities being undertaken by school food authorities, by food service management companies (FSMCs), and by other contracted third-party food service providers, pursuant to the LFS program and other similar State and federal laws and programs, are focused on the procurement of foods and food products from a more localized area and, primarily, from in-State farmers and food producers.

Specifically, the bill would provide that, whenever a school food authority, or a FSMC or other third-party food service vendor, receives federal or State-level funding under the LFS program, or under any

other similar federal or State program designed to encourage or facilitate the procurement of local or regional foods for students at participating schools, the school food authority, FSMC, or other third-party vendor will be required, to the greatest extent practicable, to: 1) give geographic preference to the procurement, for such purposes, of foods and food products which are grown or otherwise produced within State borders or a 100-mile radius of the destination school; and 2) among those foods and food products which are grown or produced within State borders or 100 miles of the destination school, give geographic preference to the procurement of foods and food products that have been grown or otherwise produced by in-State farmers and food producers within State borders or that 100-mile radius.

The bill would require any school food service contract, which is executed between a school food authority and a FSMC or other third-party vendor, to contain provisions setting forth, and requiring ongoing compliance with, the bill's geographic preference requirements, and it would further require each school food authority, FSMC, and other third-party meals service vendor to maintain and regularly submit, to the Department of Agriculture, appropriate records and other documentation demonstrating ongoing compliance with the bill's geographic preference requirements.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) give preference to the procurement of foods and food products which are grown or otherwise produced within State borders or a 100-mile radius of the destination school, instead of only a 100-mile radius as originally provided by the bill;

(2) give the highest preference to the procurement of foods and food products that have been grown or otherwise produced by in-State farmers and food producers within State borders or a 100-mile radius, instead of only a 100-mile radius as originally provided by the bill; and

(3) require the Secretary of Agriculture, instead of the Commissioner of Environmental Protection, to adopt rules and regulations to implement the provisions of the bill.