

New Jersey State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 2. N.J. Stat. Ann. § 24:10-57.23
 3. N.J. Admin. Code § 8:21-10.20
 4. N.J. Admin. Code § 8:24-3.2
 - ii. Sale of Expired Foods
 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
 2. N.J. Stat. Ann. § 24:10-57.23
 3. N.J. Admin. Code § 8:21-10.20
 - b. Dairy
 - i. Date Labels
 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 2. N.J. Stat. Ann. § 24:10-57.23
 3. N.J. Admin. Code § 8:21-10.20
 - c. Shellfish
 - i. Date Labels
 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 2. N.J. Admin. Code § 8:24-3.2
 - d. Oleomargarine (“Margarine”)
 - i. Labeling
 1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
 2. N.J.A.C. 13:47K-1.2
 3. N.J.A.C. 13:47K-4.11
 - e. Baby Food
 - i. Sale of Expired

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1. These laws prohibit the sale of baby food past the “sell-by” or expiration date designated on the product.
 2. N.J.S.A. 56:8-2.27
- f. Infant Formula
- i. Sale of Expired
 1. These laws prohibit the sale of infant formula past its expiration date. They are intended to prevent babies from ingesting formula that is of inferior quality or nutritional value, as well as that which may pose health risks.
 2. N.J.S.A. 56:8-2.27
- II. Alcohol
- a. None
- III. Drugs
- a. Tobacco
 - i. Minimum Age Requirements
 1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
 2. NJ ST 2A:170-51.1
 3. NJ ST 2C:33-13.1
 - ii. Fire Safety Standards
 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 2. N.J. Stat. Ann. § 54:40A-54
 3. N.J. Stat. Ann. § 54:40A-55
 4. N.J. Stat. Ann. § 54:40A-56
 5. N.J. Stat. Ann. § 54:40A-57
 6. N.J. Stat. Ann. § 54:40A-58
 7. N.J. Stat. Ann. § 54:40A-59
- IV. Fishing
- a. None
- V. Wood and Lumber
- a. None
- VI. Home Goods and Products
- a. Furniture and Bedding
 - i. Label Laws
 1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that

manufacturers disclose the use of materials that consumers cannot see.

2. N.J. Stat. Ann. § 26:10-9
3. N.J. Stat. Ann. § 26:10-10
4. N.J. Stat. Ann. § 26:10-11
5. N.J. Stat. Ann. § 26:10-12
6. N.J. Stat. Ann. § 26:10-13
7. N.J. Stat. Ann. § 26:10-14
8. N.J. Stat. Ann. § 26:10-15
9. N.J. Stat. Ann. § 26:10-16

ii. Plant Fiber Materials

1. These laws regulate plant fiber materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
2. N.J. Stat. Ann. § 26:10-14 (felt)

iii. Sterilization and Sanitation Requirements

1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
2. N.J. Stat. Ann. § 26:10-7
3. N.J. Stat. Ann. § 26:10-8
4. N.J. Stat. Ann. § 26:10-10

iv. Prohibited Products

1. These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.
2. N.J. Stat. Ann. § 26:10-7
3. N.J. Stat. Ann. § 26:10-8

v. Storage and Facilities

1. These laws regulate the storage, transportation, or manufacture of bedding, mattresses, or other similar materials offered for sale.
2. N.J. Stat. Ann. § 26:10-20

VII. Live Animal Imports

a. Birds

i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the

poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. N.J.A.C. 2:3–1.1, N.J.A.C. 2:3–7.1 et seq.
3. N.J.A.C. 2:5–4.1

b. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
2. N.J.A.C. 2:3–1.2
3. N.J.A.C. 2:3–1.4
4. <http://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaseslist.pdf>

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
2. N.J.A.C. 2:2–2.1

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
2. N.J.A.C. 2:3–2.4 et seq.

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease.

Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. N.J.A.C. 2:3–1.2
3. N.J.A.C. 2:3–1.4
4. <http://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaseslist.pdf>

c. Cervids

i. Chronic Wasting Disease (“CWD”): Embargo

1. Like mad cow disease in cattle, chronic wasting disease in cervids is a degenerative neurologic disease caused by an infectious agent known as a prion (a malfunctioning protein in the brain and nervous system). It causes muscle loss, deterioration of the brain and, eventually, death. It is found in both wild and captive deer populations. These laws prohibit all cervid imports in order to curb the spread of chronic wasting disease and protect local deer populations.
2. N.J.A.C. 7:25–10.10
3. N.J.A.C. 2:3–8.6
4. Agency emergency order banning importation of white-tailed deer, black-tailed deer, mule deer, red deer, sika deer, reindeer, elk and moose still in force.

d. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
2. N.J.S.A. 4:6-15

e. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
2. N.J.A.C. 2:3–6.2

f. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
 2. N.J.A.C. 2:3–1.4
- g. Swine
- i. Pseudorabies
 1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
 2. N.J.A.C. 2:3–3.4
 - ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. N.J.A.C. 2:3–1.2
 3. N.J.A.C. 2:3–1.4
 4. <http://www.nj.gov/agriculture/divisions/ah/pdf/reportablediseaseslist.pdf>
- h. Exotic Meats
- i. Horsemeat Importation for Human Consumption
 1. The importation of horsemeat for sale for human consumption is illegal in some states. These laws criminalize or otherwise prohibit the importation or offering for sale of horsemeat for human consumption.
 2. N.J.S.A. 4:22-25.5
- VIII. Companion Animals
- a. Dogs and Cats
 - i. Lemon Laws
 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These

regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.

2. N.J.S.A. Rev. St. § 56:8-95(b)
3. N.J.S.A. Rev. St. § 56:8-95(c)
4. N.J.S.A. § 56:8-95(d)

IX. Products for Animals

a. Pet Food

i. Requirements of Manufacturers

1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
2. N.J. Stat. Ann. § 4:4-20.4

X. Dead Animals and Animal Parts

a. Dog and Cat Meat

i. Prohibition

1. These laws impose prohibit the sale of companion animals for human consumption or otherwise prohibit human consumption of dog and cat meat.
2. NJ ST 4:22-26

XI. Invasive Pests, Plants, and Disease

a. White Pines

i. White Pine Blister Rust

1. These regulations prohibit or restrict the importation of plant host species known to carry the pathogen that causes white pine blister rust. They are intended to restrict the spread of the disease that has caused the death of large numbers of white pines and other species of trees. (See also “Black Currant”).
2. N.J.A.C. 2:20–2.2

b. Black Currant

i. White Pine Blister Rust

1. Although black currants themselves are not a plant pest, the plant is the vector for white pine blister rust, which is deadly to pine trees. These laws make the possession, import, or transportation of black currants illegal or otherwise establish quarantines of these plants.
2. N.J.A.C. 2:20–2.2

c. Soybeans, Rice, and Grains

i. Khapra Beetle

1. These laws restrict the importation of products that may be carrying the khapra beetle, a destructive insect that destroys grains and other foods. They are intended to limit the spread of the invasive beetle and protect local crops from damage.
2. N.J.A.C. 2:20–6.1

XII. Procurement

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- a. Agricultural Goods
 - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 - ii. N.J.S.A. 52:32-1.4
 - iii. N.J.S.A. 52:32-45
- XIII. General Prohibitions
 - a. Toxins in Packaging
 - i. Materials Used to Package Agricultural Products
 - 1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
 - 2. N.J.S.A. 13:1E-99.44
- XIV. Miscellaneous
 - a. None