

CHAPTER 24

**RETAIL FOOD ESTABLISHMENTS AND
FOOD AND BEVERAGE VENDING
MACHINES CHAPTER XII**

Authority

N.J.S.A. 26:1A-7.

Source and Effective Date

R.2004 d.64, effective February 17, 2004.
See: 35 N.J.R. 1482(a), 36 N.J.R. 961(b).

Chapter Expiration Date

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, expires on February 17, 2005.

Chapter Historical Note

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, also known as Chapter XII of the State Sanitary Code, was adopted as R.1972 d.117, effective July 6, 1972. See: 3 N.J.R. 203(a), 4 N.J.R. 158(b).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was repealed and a new Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1983 d.98, effective April 4, 1983, operative June 1, 1983. See: 14 N.J.R. 509(a), 15 N.J.R. 544(b).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expired April 4, 1988.

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1988 d.204, effective May 2, 1988. See: 20 N.J.R. 365(a), 20 N.J.R. 982(a). Subchapter 14, Community Residence and Bed and Breakfast Retail Food Establishments, originally codified as Subchapter 13, was adopted as R.1991 d.357, effective July 15, 1991, operative November 1, 1991. See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Pursuant to Executive Order No. 66(1978), Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was readopted as R.1993 d.201, effective April 14, 1993. See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b). Subchapter 8, Temporary and Mobile Retail Food Establishments and Agricultural Markets, was repealed, new Subchapters 8 and 9 were adopted, and former Subchapters 9 through 13 were recodified as Subchapters 10 through 14, by R.1993 d.345, effective July 6, 1993. See: 25 N.J.R. 662(a), 25 N.J.R. 2872(a).

Pursuant to Executive Order No. 66(1978), Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1998 d.211, effective April 7, 1998. See: 30 N.J.R. 302(a), 30 N.J.R. 1602(a). Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expired on October 4, 2003.

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as new rules by R.2004 d.64, effective February 17, 2004. See: Source and Effective Date.

Cross References

Child care centers physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Personal care homes, facility to be in compliance with Sanitary Code, see N.J.A.C. 8:36-15.1.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

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SUBCHAPTER 1. GENERAL PROVISIONS

8:24-1.1 Violations; declaration of nuisances

Retail food establishments in violation of this chapter are hereby declared to be nuisances, hazardous to health.

Case Notes

The appropriate municipal or county board of health or local health agency has the responsibility to institute judicial proceedings to close food service and preparation areas of county facilities and jails. Atty. Gen.F.O.1977, No. 16.

The department of health or the appropriate local board or health agency may sue to recover monetary penalties for violations of the state sanitary code. Atty.Gen.F.O.1977, No. 16.

8:24-1.2 Separability

If any provision or applications of any provision of this chapter is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

8:24-1.3 Definitions

For the purpose of this chapter, the following words, phrases, names and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Adulteration” means the definition in N.J.S.A. 24:5-8.

“Agricultural market” means any fixed or mobile retail food establishment which is engaged in the sale of raw agricultural products; but may include as a minor portion of the operation the sale of factory-sealed or pre-packaged food products that do not normally require refrigeration.