New Expiration Date: June 30, 2029.
Effective Date: June 30, 2022.
Authorized By: Joseph Atchison III, Director, Division of Marketing and Development.

**Dairy Licensing Fees and Penalties**

Notice of Readoption

DIVISION OF MARKETING AND DEVELOPMENT

**Notice of Readoption**

**Dairy Licensing Fees and Penalties**

**Readoption: N.J.A.C. 2:56**


Authorized By: Joseph Atchison III, Director, Division of Marketing and Development, the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: June 30, 2022.
New Expiration Date: June 30, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:56 were scheduled to expire on October 28, 2022. The rules set the annual licensing fees and penalties for milk dealers, processors, and stores, thereby ensuring funding for the administration of the Dairy Program to ensure that the dairy industry and consumers continue to receive the benefit of an effective milk control regulation and ensure a stable, competitive milk marketing system. As such, the rules primarily affect New Jersey dairy farmers, milk dealers, processors, retail stores, schools, and consumers.

The rules set forth the annual license fee for dairy dealers, processors, and stores. Annual license fees are set for those milk dealers who buy milk or cream from New Jersey producers for shipment, sale, resale, or manufacture; for other milk dealers who sell, distribute, or purchase milk from producers or other milk dealers and sell or distribute that milk to consumers; and for stores, depending upon the volume sold by each store per week. Yearly licensing fees assessed pursuant to this program were amended in January 2019 by a minimum of $5.00 and a maximum of $20.00, based upon sales volume. Sales fees were also increased from $0.02 per hundredweight to $0.05 per hundredweight.

The rules also set forth the penalties for violations that can be assessed against milk processors, milk dealers, and retail stores. Penalties are set forth for dealers who are unlicensed and who buy milk or cream from New Jersey producers for shipment, sale, resale, or manufacture and for any violation of the provisions at N.J.S.A. 4:12A-1 et seq., or the orders, rules, and regulation of the Director.

For the first violation of the Milk Control Act, a penalty of up to $100.00 may be assessed. Each subsequent violation may result in a penalty not to exceed $400.00. However, violations accompanied by deception or interference with the Department shall result in a fine of $1,000.

Pursuant to the Milk Case Recovery Act, penalties are issued based upon the quantity of crates illegally possessed. Illegal possession of nine milk crates may be fined up to $200.00. Illegal possession of more than nine milk crates shall be fined between $200.00 and $1,000.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.