

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF MARKETING AND DEVELOPMENT

General Provisions

Readoption with Amendments: N.J.A.C. 2:48

Proposed: July 1, 2024, at 56 N.J.R. 1139(a).

Adopted: September 25, 2024, by Joseph Atchison III, Director,
Division of Marketing and Development, the State Board of
Agriculture and Edward D. Wengryn, Secretary, Department of
Agriculture.

Filed: October 3, 2024, as R. 2024 d.107, **without change**.

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-7 and 20.

Effective Dates: October 3, 2024, Readoption;
November 4, 2024, Amendments.

Expiration Date: October 3, 2031.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23 (P.L. 1995, c. 65) require administrative agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. As related to this chapter, the rulemaking requirements are dictated by the New Jersey Milk Control Act, N.J.S.A. 4:12-1 et seq., and are not subject to any Federal requirements or standards. The marketing areas specified in the rules are the same as those set forth in the Federal Milk Order No. 1 (Northeast Marketing Area) and the rules readopted with amendments merely restate them for purposes of clarity. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 2:48.

Full text of the adopted amendments follows:

SUBCHAPTER 4. RESTRICTIONS ON THE USE OF COUPONS IN MILK PROMOTION

2:48-4.1 Coupons for milk restricted

(a) It shall be unlawful and a violation of these regulations for any licensee directly or indirectly through an entity associated in any way with the licensee to print or cause to be printed any "cents off," "Bonus Card Program," or "refund" coupon in any newspaper or other advertising media (including the milk container), which is redeemable either directly or indirectly through a third party by the consumer upon his or her purchase of any milk or fluid milk product unless prior written permission is granted by the Division of Marketing and Development to conduct such programs. All documentation concerning, but not limited to, "cents off," "Bonus Card Program," or "refund" promotions must be submitted 14 days prior to the program commencing to determine if the promotion will result in the sale of such products to be below variable cost as defined in the rules of the Division, specifically N.J.A.C. 2:52-7 and 2:53-6.

(b)-(c) (No change)

(b)

DIVISION OF PLANT INDUSTRY

Notice of Readoption

Sale and Distribution of Plants and Plant Materials

Readoption: N.J.A.C. 2:19

Authority: N.J.S.A. 4:1-11.1, 4:1-21.5, 4:7-1 et seq., and 4:7-5 et seq.

Authorized By: The State Board of Agriculture and Edward D. Wengryn, Secretary, Department of Agriculture.

Effective Date: October 3, 2024.

New Expiration Date: October 3, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:19 were scheduled to expire on March 1, 2025.

Authority to prevent the importation or distribution of diseased plant material is provided pursuant to N.J.S.A. 4:7-5 et seq. Virus-infected rose plants cause a serious economic loss to both the grower that sells them and the consumer who buys them. As the virus infection remains in the plant for its entire life, and spraying cannot destroy the virus, it is important that infected plants be controlled at the source before entering New Jersey.

N.J.A.C. 2:19-1 is reserved.

N.J.A.C. 2:19-2 declares that virus-infected rose plants are a nuisance, provides procedural requirements for movement of rose plants after official inspection, and certification to accompany plants being shipped.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These 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, the chapter is readopted and shall continue in effect for a seven-year period.

(c)

DIVISION OF PLANT INDUSTRY

Notice of Readoption

Quarantines

Readoption: N.J.A.C. 2:20

Authority: N.J.S.A. 4:1-11.1, 4:1-21.5, 4:6-20, and 4:7-1 et seq.

Authorized By: The State Board of Agriculture and Edward D.

Wengryn, Secretary, Department of Agriculture.

Effective Date: October 3, 2024.

New Expiration Date: October 3, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:20 were scheduled to expire on January 25, 2025.

The introduction of dangerously injurious insect pests or plant pathogens from another state or foreign country can constitute a serious threat to agriculture in New Jersey. Due to the globalization of world trade, the prospect of spreading highly injurious plant pest species to new areas has increased, and there is a need to quarantine certain pests to prevent their introduction into New Jersey. This chapter addresses the means by which the agricultural industry in New Jersey can be properly protected from highly injurious invasive pest threats.

N.J.A.C. 2:20-1 sets forth provisions regarding Golden Nematode, which has been determined a threat to New Jersey agriculture.

N.J.A.C. 2:20-2 sets forth provisions regarding white pine blister rust, protecting against the spread of white pine blister rust, as well as allowing for special permits and an annual inspection fee.

N.J.A.C. 2:20-3 sets forth provisions regarding Ceriferus (or Japanese) Wax Scale, which is a dangerously injurious non-native insect that constitutes a menace to trees and shrubs in New Jersey.

N.J.A.C. 2:20-4 sets forth provisions regarding Mediterranean fruit fly, which is a dangerously injurious non-native insect that constitutes a menace to fruits and vegetables in New Jersey.

N.J.A.C. 2:20-5 sets forth provisions regarding Africanized Honeybee, which presents a menace to the practice of apiculture in New Jersey.

N.J.A.C. 2:20-6 sets forth provisions regarding Khapra Beetle, which is a menace to food and grain stocks in New Jersey.

N.J.A.C. 2:20-7 sets forth provisions for postentry quarantine, which restricts the growth and movement of plants imported to the United States for the purpose of determining whether the plants are infected with plant pests not discernible by port-of-entry inspection.

N.J.A.C. 2:20-8 sets forth provisions of quarantine for Asian Longhorn Beetle, including restrictions on movement of infested plant material, regulated articles, the quarantine areas, right of access, notification, and conditions of movement.

N.J.A.C. 2:20-9 sets forth provisions regarding non-native phytophagous snails, including regulated materials, prohibition on the raising, maintaining, holding, and movement of such snails, and the treatment or disposal of infested materials.

N.J.A.C. 2:20-10 sets forth provisions regarding Spotted Lanternfly, including regulated articles, the quarantine area, right of access, notification, restrictions on movement and conditions of movement, and recordkeeping.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These 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, the chapter is readopted and shall continue in effect for a seven-year period.

BANKING

(a)

DEPARTMENT OF BANKING AND INSURANCE DIVISION OF BANKING

Notice of Readoption Advertising

Readoption: N.J.A.C. 3:2

Authority: N.J.S.A. 17:1-15.e and 17:16H-1.1 et seq.

Authorized By: Justin Zimmerman, Acting Commissioner,
Department of Banking and Insurance.

Effective Date: October 7, 2024.

New Expiration Date: October 7, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 3:2 were scheduled to expire on November 6, 2024. The rules govern advertising by financial institutions subject to supervision, regulation, or licensing by the Department of Banking and Insurance (Department).

N.J.A.C. 3:2-1.1 sets forth the authority, scope, and enforcement of the chapter. N.J.A.C. 3:2-1.2 sets forth definitions and key terms used in the chapter. N.J.A.C. 3:2-1.3 provides the required disclosures in the advertising of maximum interest rates and yield on time and savings deposits, as well as advertisement of loan products.

N.J.A.C. 3:2-1.4 sets forth the prohibition of advertising that is misleading, deceptive, inaccurate, false, or that negatively affects public confidence in a financial institution or financial institutions in general in accordance with N.J.S.A. 17:16H-1 et seq. (Act). It also provides conduct that is deemed deceptive or misleading.

N.J.A.C. 3:2-1.5 provides the procedures for notifications of financial institutions by the Commissioner of Banking and Insurance (Commissioner) by way of an order to show cause regarding possible violations of the Act or the chapter. N.J.A.C. 3:2-1.6 sets forth a financial institution's right to request an administrative hearing in response to the Commissioner's issuance of an order to show cause. N.J.A.C. 3:2-1.7 sets forth penalties for continued violations of the Act or the chapter. N.J.A.C. 3:2-1.8 is reserved. N.J.A.C. 3:2-1.9 sets forth that the procedures to be

followed shall conform to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.

The Department has reviewed these rules and has determined that 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, these rules are hereby readopted and shall continue in effect for a seven-year period.

COMMUNITY AFFAIRS

(b)

OFFICE OF THE COMMISSIONER

Notice of Readoption Standards of Conduct

Readoption: N.J.A.C. 5:1

Authority: N.J.S.A. 52:27D-3.

Authorized By: Jacquelyn A. Suárez, Commissioner, Department of
Community Affairs.

Effective Date: October 9, 2024.

New Expiration Date: October 9, 2031.

Take notice that, pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 5:1 were scheduled to expire on April 18, 2025. The readopted rules are intended to implement N.J.S.A. 52:27D-3, which requires the Commissioner of the Department of Community Affairs (Department) to administer the work of the Department, organize the work of the Department into divisions, offices, and bureaus as the Commissioner shall determine is necessary for efficient and effective operation, and adopt, issue, and promulgate rules and regulations in the name of the Department.

N.J.A.C. 5:1 consists of seven subchapters that establish the standard of conduct for employees of the Department. Subchapter 1 sets forth the applicability of the rules. Subchapter 2 sets forth definitions. Subchapter 3 establishes the penalties for violations of the standards of conduct. Subchapter 4 is reserved. Subchapter 5 establishes the code of fair practices. Subchapter 6 addresses conflicts of interests and mandates compliance with the Uniform Ethics Code. Subchapter 7 discusses limitations on political activities.

The Department has reviewed the rules and has determined that they should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to P.L. 2011, c. 45, these rules are readopted and shall continue in effect for a seven-year period.

(c)

OFFICE OF THE COMMISSIONER

Notice of Readoption Organizational Rules

Readoption: N.J.A.C. 5:2

Authority: N.J.S.A. 52:27D-3.

Authorized by: Jacquelyn A. Suárez, Commissioner, Department of
Community Affairs.

Effective Date: October 9, 2024.

New Expiration Date: October 9, 2031.

Take notice that, pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 5:2 were scheduled to expire on April 19, 2025. The readopted rules are intended to implement N.J.S.A. 52:27D-3, which requires the Commissioner of the Department of Community Affairs (Department) to administer the work of the Department, organize the work of the Department into divisions, offices, and bureaus as the Commissioner shall determine is necessary for