

[First Reprint]

**ASSEMBLY, No. 3267**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 12, 2018

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

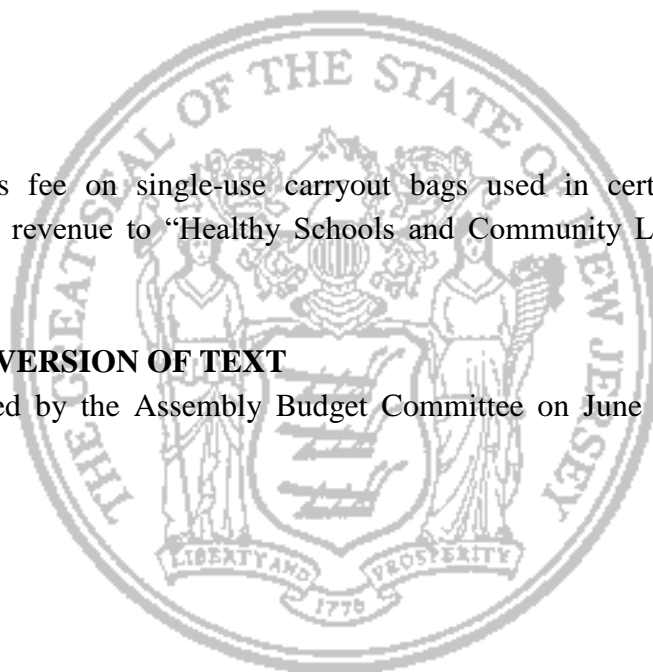
**Assemblymen Conaway, Kennedy and Assemblywoman Jasey**

**SYNOPSIS**

Establishes fee on single-use carryout bags used in certain stores and dedicates fee revenue to “Healthy Schools and Community Lead Abatement Fund.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Budget Committee on June 18, 2018, with amendments.



**(Sponsorship Updated As Of: 6/22/2018)**

1 AN ACT concerning the use of single-use carryout bags in stores  
2 and supplementing Titles 13 and 54 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. Beginning <sup>1</sup>**[June 1, 2019]** October 1, 2018<sup>1</sup>, each  
8 operator shall impose a \$0.05 fee on the customer for each single-  
9 use carryout bag that is provided as a carryout bag to the customer,  
10 except that the operator shall not charge the fee on any customer  
11 who <sup>1</sup>**[**:

12 (1) is 65 years of age or older; or

13 (2)<sup>1</sup> is enrolled as a participant in the Supplemental Nutrition  
14 Assistance Program, established pursuant to the federal “Food and  
15 Nutrition Act of 2008” (7 U.S.C. s.2011 et seq.), the Special  
16 Supplemental Nutrition Program for Women, Infants and Children,  
17 established pursuant to the federal “Child Nutrition Act of 1966”  
18 (42 U.S.C. s.1771 et seq.), or the Work First New Jersey program,  
19 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

20 b. Each operator shall indicate the total number of single-use  
21 carryout bags provided to a customer, and the total fee charged  
22 pursuant to subsection a. of this section, on the sales or other receipt  
23 given to the customer.

24 c. Each operator shall retain \$0.01 of the fee collected pursuant  
25 to subsection a. of this section, and remit the remaining \$0.04 to the  
26 director in a manner prescribed by the director. Each operator shall  
27 be personally liable for the fees imposed, collected, or required to  
28 be collected. Any operator shall have the same right in respect to  
29 collecting the fee from a customer as if the fee were a part of the  
30 sales price of the product sold and payable at the same time.

31 d. The director may use up to one percent of the revenues  
32 collected pursuant to subsection c. of this section to defray the costs  
33 of administration and collection of the fees. The director shall  
34 deposit the remainder of the revenues into the “Healthy Schools and  
35 Community Lead Abatement Fund” established pursuant to section  
36 3 of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill).

38 e. The fee imposed pursuant to this section shall be governed  
39 by the provisions of the State Uniform Tax Procedure Law,  
40 R.S.54:48-1 et seq.

41 f. The director shall adopt, pursuant to the “Administrative  
42 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
43 regulations necessary for the implementation of this act.

44 g. This section shall supersede and preempt municipal and

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ABU committee amendments adopted June 18, 2018.

1 county rules, regulations, codes, and ordinances concerning the  
2 regulation or prohibition of carryout bags or fees charged therefor<sup>1</sup>,  
3 except that this section shall not supersede or preempt any  
4 municipal or county rule, regulation, code, or ordinance  
5 establishing a prohibition on single-use carryout bags adopted prior  
6 to the date of enactment of P.L. , c. (C. ) (pending before  
7 the Legislature as this bill)<sup>1</sup>.

8 h. As used in this section:

9 “Carryout bag” means a bag provided by a store at the point of  
10 sale for customers to carry their goods out of the store.

11 “Chain” means a business with 10 or more locations in the State  
12 or nationally and doing business under the same trade name or  
13 under common ownership or control, or as franchised outlets of a  
14 parent business.

15 “Director” means the Director of the Division of Taxation in the  
16 Department of the Treasury.

17 “Operator” means a person in control of, or having responsibility  
18 for, the daily operation of a store, which may include, but need not  
19 be limited to, the owner of the store.

20 “Reusable carryout bag” means a bag made of cloth or other  
21 machine washable fabric that has handles, a non-woven  
22 polypropylene bag that has handles, or a durable plastic bag that has  
23 handles and is at least 2.25 mils thick, and which is specifically  
24 designed and manufactured for multiple reuse.

25 “Single-use carryout bag” means any carryout bag that is not a  
26 reusable carryout bag<sup>1</sup>, except that “single-use carryout bag” shall  
27 not include any non-handled bag intended to separate and prevent  
28 an item from damaging or contaminating another item<sup>1</sup>.

29 “Store” means a drug store, supermarket, or retail establishment  
30 that has over 2,000 square feet of retail space or is part of a chain,  
31 and that provides carryout bags to its customers as a result of the  
32 sale of a product.

33  
34 2. a. Within 90 days after the effective date of this act, the  
35 Department of Environmental Protection shall establish a public  
36 information program which addresses the effects of single-use  
37 carryout bags on the environment, and encourages consumers to use  
38 reusable carryout bags for retail shopping. The public information  
39 program shall include information on the fee charged for single-use  
40 carryout bags pursuant to section 1 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill).

42 b. For the purposes of this section:

43 “Carryout bag” means a bag provided by a store at the point of  
44 sale for customers to carry their goods out of the store.

45 “Chain” means a business with 10 or more locations in the State  
46 or nationally and doing business under the same trade name or  
47 under common ownership or control, or as franchised outlets of a  
48 parent business.

1       “Reusable carryout bag” means a bag made of cloth or other  
2 machine washable fabric that has handles, a non-woven  
3 polypropylene bag that has handles, or a durable plastic bag that has  
4 handles and is at least 2.25 mils thick, and which is specifically  
5 designed and manufactured for multiple reuse.

6       “Single-use carryout bag” means any carryout bag that is not a  
7 reusable carryout bag <sup>1</sup>, except that “single-use carryout bag” shall  
8 not include any non-handled bag intended to separate and prevent  
9 an item from damaging or contaminating another item<sup>1</sup>.

10       “Store” means a drug store, supermarket, or retail establishment  
11 that has over 2,000 square feet of retail space or is part of a chain,  
12 and that provides carryout bags to its customers as a result of the  
13 sale of a product.

14

15       3. a. There is established in the Department of Environmental  
16 Protection a nonlapsing fund to be known as the “Healthy Schools  
17 and Community Lead Abatement Fund.”

18       b. The fund shall be credited with:

19       (1) the fees collected by the director pursuant to section 1 of  
20 P.L.       , c.       (C.       ) (pending before the Legislature as this  
21 bill);

22       (2) all interest or other investment income earned and received  
23 on investment of the moneys in the fund; and

24       (3) any other monies that may be made available, or  
25 appropriated, to the department for the purposes of the fund.

26       c. Moneys in the fund shall be used by the Department of  
27 Environmental Protection, in consultation with the Department of  
28 Education, the Department of Community Affairs, and the  
29 Department of Health, solely for lead abatement in schools and  
30 communities, including: removal and replacement of water  
31 fountains, plumbing, and pipes that contain lead; stripping lead  
32 paint from schools and residential dwellings; and other lead  
33 abatement programs, as established by the department in  
34 consultation with the Department of Education, the Department of  
35 Community Affairs, and the Department of Health.

36       d. The department shall develop guidelines to prioritize the  
37 disbursement of monies from the fund and shall post these  
38 guidelines on its Internet website.

39       e. The department shall submit annually to the Governor and,  
40 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
41 Legislature a report detailing the lead abatement activities  
42 undertaken and the funds disbursed pursuant to this section.

43

44       4. This act shall take effect immediately.