

[First Reprint]

SENATE, No. 2600

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 21, 2018

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

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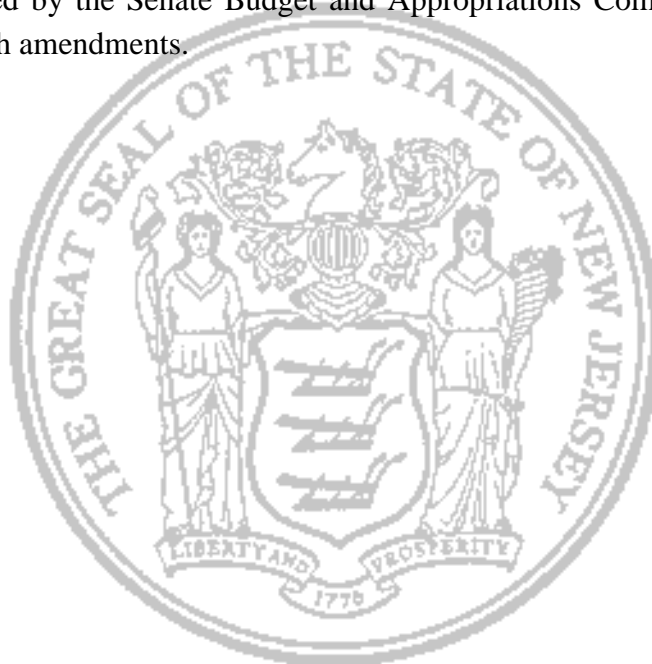
District 37 (Bergen)

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 Senate Budget and Appropriations 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 ¹~~June 1, 2017~~ October 1, 2018¹, 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 ¹**is**:

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

13 (2)¹ 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
 45 county rules, regulations, codes, and ordinances concerning the

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:

¹Senate SBA committee amendments adopted June 18, 2018.

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

7 h. As used in this section:

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

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

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

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

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

24 “Single-use carryout bag” means any carryout bag that is not a
25 reusable carryout bag ¹, except that “single-use carryout bag” shall
26 not include any non-handled bag intended to separate and prevent
27 an item from damaging or contaminating another item¹ .

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

32
33 2. a. Within 90 days after the effective date of this act, the
34 Department of Environmental Protection shall establish a public
35 information program which addresses the effects of single-use
36 carryout bags on the environment, and encourages consumers to use
37 reusable carryout bags for retail shopping. The public information
38 program shall include information on the fee charged for single-use
39 carryout bags pursuant to section 1 of P.L. , c. (C.)
40 (pending before the Legislature as this bill).

41 b. For the purposes of this section:

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

44 “Chain” means a business with 10 or more locations in the State
45 or nationally and doing business under the same trade name or
46 under common ownership or control, or as franchised outlets of a
47 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 ¹, 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 item¹.

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 bill);

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

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

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

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

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

42

43 4. This act shall take effect immediately.