

**SENATE, No. 2776**

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

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INTRODUCED JUNE 25, 2018

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Prohibits use of plastic carryout bags, expanded polystyrene, and single-use plastic straws.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning plastic carryout bags, expanded polystyrene  
2 food service products, and plastic straws, and supplementing  
3 Title 13 of the Revised Statutes.

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

7  
8 1. As used in this act:

9 "Carryout bag" means a bag provided by a store or food service  
10 business to a customer at the point of sale for the purpose of  
11 transporting groceries or retail goods.

12 "Department" means the Department of Environmental  
13 Protection.

14 "Expanded polystyrene" means blown polystyrene and expanded  
15 and extruded foams that are thermoplastic petrochemical materials  
16 utilizing a styrene monomer and processed by a number of  
17 techniques, including, but not limited to, fusion of polymer spheres  
18 (expandable bead polystyrene), injection molding, foam molding,  
19 and extrusion-blow molding (extruded foam polystyrene).

20 "Expanded polystyrene food service product" means a product  
21 made, in whole or in part, of expanded polystyrene that is used for  
22 selling or providing a food or beverage, and includes, but is not  
23 limited to, a food container, plate, hot or cold beverage cup, meat or  
24 vegetable tray, or egg carton. "Expanded polystyrene food service  
25 product" shall not include a product used to package raw, uncooked,  
26 or butchered meat, fish, poultry, or seafood for off-premises  
27 consumption.

28 "Food service business" means a business that sells or provides  
29 food for consumption on or off the premises, and includes, but is  
30 not limited to, any restaurant, café, delicatessen, coffee shop,  
31 supermarket or grocery store, vending truck or cart, food truck,  
32 movie theater, or business or institutional cafeteria, including those  
33 operated by or on behalf of the State.

34 "Store" means any grocery store, supermarket, convenience  
35 store, liquor store, pharmacy, drug store, or other retail  
36 establishment that has over 1,000 square feet of retail space and that  
37 provides carryout bags to its customers as a result of the sale of a  
38 product.

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40 2. a. No store or food service business shall provide a plastic  
41 carryout bag to a customer.

42 b. No person shall sell or offer for sale in the State any  
43 expanded polystyrene food service product.

44 c. No food service business shall sell or provide any food in an  
45 expanded polystyrene food service product.

46 d. No food service business shall sell or provide single-use  
47 plastic straws to customers.

1       3. a. A person who violates any provision of this act shall be  
2 subject to a penalty of up to \$5,000 for each offense, to be collected  
3 in a civil action by a summary proceeding under the "Penalty  
4 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),  
5 or in any case before a court of competent jurisdiction wherein  
6 injunctive relief has been requested. The Superior Court shall have  
7 jurisdiction to enforce the provisions of the "Penalty Enforcement  
8 Law of 1999" in connection with this act. If the violation is of a  
9 continuing nature, each day during which it continues constitutes an  
10 additional, separate, and distinct offense.

11       b. The department may institute a civil action for injunctive  
12 relief to enforce this act and to prohibit and prevent a violation of  
13 this act, and the court may proceed in the action in a summary  
14 manner.

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16       4. The department shall adopt, pursuant to the "Administrative  
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules  
18 and regulations as may be necessary to effectuate the purposes of  
19 this act.

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21       5. Section 2 of this act shall take effect one year after the date  
22 of enactment of this act, and the remainder of this act shall take  
23 effect immediately.

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#### STATEMENT

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28       This bill would prohibit stores and food service businesses from  
29 providing plastic carryout bags to their customers. The bill would  
30 also prohibit any person from selling or offering for sale in the State  
31 any expanded polystyrene (commonly referred to as "Styrofoam")  
32 food service product and prohibit any food service business from  
33 selling or providing any food in an expanded polystyrene food  
34 service product. Further, the bill would prohibit any food service  
35 business from selling or providing single-use plastic straws to  
36 customers. The prohibitions in the bill would take effect one year  
37 after the date of enactment of the bill into law.

38       A person who violates any provision of the bill would be subject  
39 to a penalty of up to \$5,000 for each offense, and each day during  
40 which the violation continues would constitute a separate offense.