

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1978**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED SEPTEMBER 17, 2020

**Sponsored by:**

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**District 18 (Middlesex)**

**Assemblyman JAMES J. KENNEDY**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Assemblyman Conaway, Assemblywoman Vainieri Huttle, Assemblyman Calabrese, Assemblywomen Jasey, Carter, Downey, Assemblymen Caputo, Holley, Houghtaling, Mukherji, Danielsen, Assemblywoman Reynolds-Jackson, Assemblyman Zwicker, Assemblywomen McKnight, Chaparro, Lopez, Swain, Timberlake and Assemblyman Tully**

**SYNOPSIS**

Prohibits provision or sale of single-use plastic carryout bags, single-use paper carryout bags, and polystyrene foam food service products; limits provision of single-use plastic straws; appropriates moneys from Clean Communities Program Fund for public education.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Budget Committee on September 21, 2020, with amendments.

(Sponsorship Updated As Of: 9/24/2020)

1 AN ACT concerning single-use plastic carryout bags, single-use  
2 paper carryout bags, polystyrene foam food service products, and  
3 single-use plastic straws, supplementing Title 13 of the Revised  
4 Statutes, and amending P.L.2002, c.128.

5

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

8

9 1. (New section) The Legislature finds and declares that, since  
10 1950, global annual production of plastics has increased from two  
11 million tons to over 381 million tons; that approximately one third  
12 of all plastics produced are single-use plastics, which are plastics  
13 designed to be used only once and then thrown away; and that an  
14 estimated 100 billion single-use plastic carryout bags and 25 billion  
15 styrofoam plastic coffee cups are thrown away in the United States  
16 each year.

17 The Legislature further finds that, in 2017, only 8.4 percent of  
18 plastics in the United States were recycled; that most single-use  
19 plastics are disposed of in landfills, are incinerated, or become litter  
20 in waterways and oceans; that plastics released in the environment  
21 do not biodegrade, but instead break down into smaller pieces,  
22 known as microplastics, which accumulate in the natural  
23 environment and are eaten by fish and other marine life; and that  
24 microplastic pollution moves through natural food webs and  
25 accumulates in fish and shellfish tissues, which means microplastics  
26 and associated pollutants can move into the food chain.

27 The Legislature further finds that approximately eight million  
28 tons of plastic end up in the oceans annually; that, without action,  
29 scientists estimate that by 2050 the mass of plastic pollution in the  
30 ocean will exceed the mass of fish; that currently, there is a  
31 collection of litter in the North Pacific Ocean, known as the Great  
32 Pacific Garbage Patch, that is 7.7 million square miles and is  
33 composed primarily of plastics; that one study found plastics in the  
34 gut of every sea turtle examined and in 90 percent of seabirds  
35 examined; and that plastics have been known to cause death or  
36 reproductive failure in sea turtles, birds, and other organisms that  
37 ingest plastic.

38 The Legislature further finds that, as plastics break down through  
39 photodegradation, they release harmful chemicals such as bisphenol  
40 A (BPA) into the environment that have been linked to health  
41 problems in humans; that these chemicals enter the food chain when  
42 consumed by marine life; and that single-use plastic waste creates  
43 visual pollution, degrades water quality, and impacts the tourism,  
44 fishing, and shipping industries, all of which are major contributors  
45 to the New Jersey economy.

**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 September 21, 2020.

1 The Legislature therefore determines that it is no longer  
2 conscionable to permit the unfettered use and disposal of single-use  
3 plastics in the State; that New Jersey must do its part to minimize  
4 plastic pollution in the ocean, and to ensure that future generations  
5 have a clean and healthy environment to live, work, and recreate in;  
6 that banning or limiting the use of single-use plastic carryout bags,  
7 polystyrene foam food service products, and single-use plastic  
8 straws is a significant step in this effort, as these items are among  
9 the most significant sources of beach and ocean pollution; that New  
10 Jersey joins several other states and hundreds of municipalities  
11 across the country in banning or limiting the use of single-use  
12 plastics; and that such bans and limitations have drastically lowered  
13 consumer consumption of single-use plastics.

14 The Legislature further finds that single-use paper carryout bags  
15 use as much or more energy and resources to manufacture and  
16 transport than single-use plastic carryout bags and contribute to  
17 harmful air emissions. Consequently, the Legislature further  
18 determines that it is in the public interest to prohibit grocery stores  
19 from providing single-use paper carryout bags.

20 The Legislature further finds that the State's nascent hemp-  
21 growing industry, regulated through the New Jersey Department of  
22 Agriculture's Division of Plant Industry, would be a significant  
23 force in creating biodegradable raw materials that can be turned into  
24 hemp-based bio-packaging, which breaks down in approximately 90  
25 days versus the dozens of years it takes petroleum-based plastics to  
26 break down into microplastics in the ocean.

27

28 2. (New section) As used in P.L. , c. (C. ) (pending before  
29 the Legislature as this bill):

30 "Carryout bag" means a bag that is provided by a store or food  
31 service business to a customer for the purpose of transporting  
32 groceries, prepared foods, or retail goods. "Carryout bag" shall not  
33 include:

34 (1) a bag used solely to contain or wrap uncooked meat, fish, or  
35 poultry;

36 (2) a bag used solely to package loose items such as fruits,  
37 vegetables, nuts, coffee, grains, baked goods, candy, greeting cards,  
38 flowers, or small hardware items;

39 (3) a bag used solely to contain live animals, such as fish or insects  
40 sold in a pet store;

41 (4) a bag used solely to contain food sliced or prepared to order,  
42 including soup or hot food;

43 (5) a laundry, dry cleaning, or garment bag;

44 (6) a bag provided by a pharmacy to carry prescription drugs;

45 (7) a newspaper bag; and

46 (8) any similar bag, as determined by the department pursuant to  
47 rule, regulation, or guidance.

48 "Department" means the Department of Environmental Protection.

1 “Food service business” means a business that sells or provides  
2 food for consumption on or off the premises, and includes, but is not  
3 limited to, any restaurant, café, delicatessen, coffee shop, convenience  
4 store, grocery store, vending truck or cart, food truck, movie theater, or  
5 business or institutional cafeteria, including those operated by or on  
6 behalf of any governmental entity.

7 “Grocery store” means a self-service retail establishment that  
8 occupies at least 2,500 square feet and that sells household foodstuffs  
9 for off-site consumption, including, but not limited to, fresh produce,  
10 meat, poultry, fish, deli products, dairy products, canned foods, dry  
11 foods, beverages, baked foods, or prepared foods. <sup>1</sup>“Grocery store”  
12 shall not include an establishment that handles only prepackaged food  
13 that does not require time or temperature controls for food safety.<sup>1</sup>

14 “Hemp product” means a finished product with a delta-9  
15 tetrahydrocannabinol concentration of not more than 0.3 percent that is  
16 derived from or made by processing a hemp plant or plant part and  
17 prepared in a form available for commercial sale.

18 “Person” means any individual, corporation, company, association,  
19 society, firm, partnership, joint stock company, or governmental  
20 entity.

21 “Plastic” means a synthetic material made from linking monomers  
22 through a chemical reaction to create an organic polymer chain that  
23 can be molded or extruded at high heat into various solid forms  
24 retaining their defined shapes during the life cycle and after disposal.

25 “Polystyrene foam” means blown polystyrene and expanded and  
26 extruded foams that are thermoplastic petrochemical materials  
27 utilizing a styrene monomer and processed by a number of techniques,  
28 including, but not limited to, fusion of polymer spheres (expandable  
29 bead polystyrene), injection molding, foam molding, and extrusion-  
30 blow molding (extruded foam polystyrene).

31 “Polystyrene foam food service product” means a product made, in  
32 whole or in part, of polystyrene foam that is used for selling or  
33 providing a food or beverage, and includes, but is not limited to, a food  
34 container, plate, hot or cold beverage cup, meat or vegetable tray,  
35 cutlery, or egg carton.

36 “Reusable carryout bag” means a carryout bag that: (1) is made of  
37 polypropylene, PET nonwoven fabric, nylon, cloth, hemp product, or  
38 other machine washable fabric; (2) has stitched handles; and (3) is  
39 designed and manufactured for multiple reuse.

40 “Single-use paper carryout bag” means a carryout bag made of  
41 paper that is not a reusable carryout bag.

42 “Single-use plastic carryout bag” means a carryout bag made of  
43 plastic that is not a reusable carryout bag.

44 “Store” means any grocery store, convenience store, liquor store,  
45 pharmacy, drug store, or other retail establishment.

1       3. (New section) a. Beginning 18 months after the effective  
2 date of P.L. , c. (C. ) (pending before the Legislature as this  
3 bill):

4       (1) no store or food service business shall provide or sell a  
5 single-use plastic carryout bag to a customer; and

6       (2) no grocery store shall provide or sell a single-use paper  
7 carryout bag to a customer.

8       b. A municipality or county shall not adopt any rule,  
9 regulation, code, or ordinance concerning the regulation or  
10 prohibition of single-use plastic carryout bags or single-use paper  
11 carryout bags after the effective date of P.L. , c. (C. )  
12 (pending before the Legislature as this bill).

13       c. Beginning 18 months after the effective date of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill), this  
15 section shall supersede and preempt any municipal or county rule,  
16 regulation, code, or ordinance concerning the regulation or  
17 prohibition of single-use plastic carryout bags or single-use paper  
18 carryout bags that was enacted prior to the effective date of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill).

20

21       4. (New section) a. Beginning 18 months after the effective  
22 date of P.L. , c. (C. ) (pending before the Legislature as this  
23 bill), no person shall sell or offer for sale in the State any  
24 polystyrene foam food service product.

25       b. Beginning 18 months after the effective date of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill), no food  
27 service business shall provide or sell any food in a polystyrene  
28 foam food service product.

29       c. The following products shall be exempt from the provisions  
30 of subsections a. and b. of this section for a period of two years  
31 beginning 18 months after the effective date of P.L. ,  
32 c. (C. ) (pending before the Legislature as this bill):

33       (1) disposable, long-handled polystyrene foam soda spoons  
34 when required and used for thick drinks;

35       (2) portion cups of two ounces or less, if used for hot foods or  
36 foods requiring lids;

37       (3) meat and fish trays for raw or butchered meat, including  
38 poultry, or fish that is sold from a refrigerator or similar retail  
39 appliance;

40       (4) any food product pre-packaged by the manufacturer with a  
41 polystyrene foam food service product; and

42       (5) any other polystyrene foam food service product as  
43 determined necessary by the department.

44       d. The department may extend any exemption provided for in  
45 subsection c. of this section for additional periods not to exceed one  
46 year upon a written determination that there is no cost-effective and  
47 readily available alternative for the item. An exemption shall

1 expire after one year unless the department extends the exemption  
2 pursuant to this subsection.

3 e. The department may, upon written application by a person or  
4 food service business, waive the provisions of subsection a. or b. of  
5 this section for the person or food service business for a period not  
6 to exceed one year, if:

7 (1) there is no feasible and commercially available alternative  
8 for a specific polystyrene foam food service product; or

9 (2) the person or food service business has less than \$500,000 in  
10 gross annual income and there is no reasonably affordable,  
11 commercially-available alternative to the polystyrene foam food  
12 service product.

13 The department shall prescribe the form and manner of the  
14 application for a waiver pursuant to this subsection. The  
15 department may, upon written application, extend any waiver  
16 granted pursuant to this section for additional periods not to exceed  
17 one year.

18 f. A municipality or county shall not adopt any rule,  
19 regulation, code, or ordinance concerning the regulation or  
20 prohibition of polystyrene foam food service products after the  
21 effective date of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill).

23 g. Beginning 18 months after the effective date of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill), this  
25 section shall supersede and preempt any municipal or county rule,  
26 regulation, code, or ordinance concerning the regulation or  
27 prohibition of polystyrene foam food service products that was  
28 enacted prior to the effective date of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill).

30  
31 5. (New section) a. Beginning one year after the effective date  
32 of P.L. , c. (C. ) (pending before the Legislature as this  
33 bill), a food service business shall only provide a single-use plastic  
34 straw to a customer upon the request of the customer.

35 b. A food service business shall maintain an adequate supply of  
36 single-use plastic straws to provide at the request of customers  
37 pursuant to subsection a. of this section.

38 c. Nothing in this section shall be construed to prohibit a store  
39 from selling packages of single-use plastic straws to customers, or  
40 from providing or selling a beverage pre-packaged by the  
41 manufacturer with a single-use plastic straw, including, but not  
42 limited to, a juice box.

43 d. Notwithstanding the provisions of subsection c. of section 6  
44 of P.L. , c. (C. ) (pending before the Legislature as this  
45 bill), the Department of Health shall enforce the provisions of this  
46 section. The Department of Health may adopt, pursuant to the  
47 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et

1 seq.), any rules and regulations necessary to effectuate the  
2 provisions of this section.

3 e. No later than four years after the effective date of P.L. ,  
4 c. (C. ) (pending before the Legislature as this bill), the  
5 Department of Health shall prepare and submit to the Plastics  
6 Advisory Council a written report evaluating the compliance of  
7 food service businesses with the requirements of this section.

8 f. A municipality or county shall not adopt any rule,  
9 regulation, code, or ordinance concerning the regulation or  
10 prohibition of single-use plastic straws after the effective date of  
11 P.L. , c. (C. ) (pending before the Legislature as this bill).

12 g. Beginning one year after the effective date of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill), this  
14 section shall supersede and preempt any municipal or county rule,  
15 regulation, code, or ordinance concerning the regulation or  
16 prohibition of single-use plastic straws that was enacted prior to the  
17 effective date of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill).

19

20 6. (New section) a. Any person or entity that violates a  
21 provision of P.L. , c. (C. ) (pending before the Legislature  
22 as this bill), or any rule or regulation adopted pursuant thereto, shall  
23 be subject to a warning for a first offense, up to \$1,000 for a second  
24 offense, and up to \$5,000 for a third or subsequent offense, to be  
25 collected in a civil action by a summary proceeding under the  
26 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
27 et seq.), or in any case before a court of competent jurisdiction  
28 wherein injunctive relief has been requested. If the violation is of a  
29 continuing nature, each day during which it continues shall  
30 constitute an additional, separate, and distinct offense. The  
31 Superior Court and the municipal court shall have jurisdiction to  
32 enforce the provisions of the "Penalty Enforcement Law of 1999" in  
33 connection with P.L. , c. (C. ) (pending before the  
34 Legislature as this bill).

35 b. Any penalty collected pursuant to this section shall be  
36 remitted to the State Treasurer for deposit in the Clean  
37 Communities Program Fund established pursuant to section 5 of  
38 P.L.2002, c.128 (C.13:1E-217), except that a municipality or entity  
39 certified pursuant to the "County Environmental Health Act,"  
40 P.L.1977, c.443 (C.26:3a2-21 et seq.) may retain 30 percent of any  
41 penalty it collects pursuant to subsection a. of this section.

42 c. The Department of Environmental Protection, a  
43 municipality, and any entity certified pursuant to the "County  
44 Environmental Health Act," P.L.1977, c.443 (C.26:3a2-21 et seq.)  
45 shall have the authority to enforce the provisions of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill). Those  
47 entities may institute a civil action for injunctive relief to enforce  
48 P.L. , c. (C. ) (pending before the Legislature as this bill)

1 and to prohibit and prevent a violation thereof, and the court may  
2 proceed in the action in a summary manner.

3

4 7. (New section) a. There is established in the Department of  
5 Environmental Protection the Plastics Advisory Council. The  
6 council shall monitor the implementation of P.L. , c. (C. )  
7 (pending before the Legislature as this bill), and evaluate its  
8 effectiveness in reducing single-use plastics and plastic waste in the  
9 State.

10 b. The council shall consist of 16 members as follows:

11 (1) the Commissioner of Environmental Protection, who shall  
12 serve ex officio, or the commissioner's designee;

13 (2) the Commissioner of Health, who shall serve ex officio, or  
14 the commissioner's designee;

15 (3) the Secretary of Agriculture, who shall serve ex officio, or  
16 the secretary's designee; and

17 (4) the following members appointed by the Governor:

18 (a) two members of the academic community with expertise on  
19 the issues of single-use plastics and plastic waste;

20 (b) four members representing the environmental community;

21 (c) four members representing stores and food service  
22 businesses in the State;

23 (d) one member representing the polystyrene foam industry;

24 (e) one member representing the recycling industry; and

25 (f) one member representing local governments.

26 c. All appointments to the council shall be made no later than  
27 90 days after the effective date of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill). The term of office of each  
29 public member shall be three years. Each member shall serve until  
30 a successor has been appointed and qualified, and vacancies shall be  
31 filled in the same manner as the original appointments for the  
32 remainder of the unexpired term. A member is eligible for  
33 reappointment to the council. The members of the council shall  
34 serve without compensation, but shall be eligible for necessary and  
35 reasonable expenses incurred in the performance of their official  
36 duties within the limits of funds appropriated or otherwise made  
37 available for the council's purposes.

38 d. The council shall organize as soon as practicable following  
39 the appointment of its members and shall select a chairperson and a  
40 vice-chairperson from among its members, as well as a secretary  
41 who need not be a member of the council. A majority of the  
42 membership of the council shall constitute a quorum for the  
43 transaction of council business. The council may meet and hold  
44 hearings at the place or places it designates.

45 e. No later than one year after the effective date of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill), and each  
47 year thereafter, the council shall prepare and submit a written report  
48 to the Governor, the Legislature pursuant to section 2 of



1 P.L.1991, c.164 (C.52:14-19.1), and the respective chairpersons of  
2 the Senate Environment and Energy Committee and the Assembly  
3 Environment and Solid Waste Committee, or their successors,  
4 evaluating the implementation and effectiveness of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), and  
6 making any recommendations for legislative or administrative  
7 action to improve the implementation or effectiveness of P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill).

9 f. (1) The council shall also study the environmental and  
10 public health impacts of single-use plastics and micro-plastics;  
11 healthy and environmentally-friendly alternatives to single-use  
12 plastics; strategies and policies to increase the recyclability of  
13 plastics and reduce the amount of plastic entering the environment;  
14 the technological feasibility of increasing recycled content of  
15 consumer plastics and expanding the types of plastics that may be  
16 manufactured from recycled material; and ways to enhance the  
17 development and expansion of markets of post-consumer recycled  
18 plastic, including State and local purchasing and procurement  
19 practices.

20 (2) No later than two years after the effective date of P.L. ,  
21 c. (C. ) (pending before the Legislature as this bill), the  
22 council shall submit a written report to the Governor, the  
23 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
24 and the respective chairpersons of the Senate Environment and  
25 Energy Committee and the Assembly Environment and Solid Waste  
26 Committee, or their successors. The written report shall summarize  
27 the analysis conducted pursuant to paragraph (1) of this subsection  
28 and recommend ways to reduce the use of plastics and the amount  
29 of plastic entering the environment, and increase the rate of  
30 recycling of plastics.

31

32 8. (New section) No later than six months after the effective  
33 date of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill):

35 a. the Department of State, in consultation with the Department  
36 of Environmental Protection, shall establish a program to assist  
37 businesses in complying with the provisions of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill),  
39 including, but not limited to, developing and publishing on its  
40 Internet website guidance on compliance with the act, and  
41 establishing an online clearinghouse of vendors who provide  
42 environmentally sound alternatives to single-use plastic carryout  
43 bags, single-use paper carryout bags, polystyrene foam food service  
44 products, and single-use plastic straws; and

45 b. the organization under contract with the Department of  
46 Environmental Protection pursuant to section 6 of P.L.2002, c.128  
47 (C.13:1E-218) shall, in cooperation with local governments and the  
48 business community, develop and implement a Statewide public

1 information and education program concerning the provisions of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill).  
3 The program shall include, but need not be limited to, educational  
4 programs, public service announcements, and the distribution of  
5 free reusable carryout bags throughout the State.

6  
7 9. (New section) The department shall adopt, pursuant to the  
8 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
9 seq.), any rules and regulations necessary to effectuate the  
10 provisions of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill).

12  
13 10. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to  
14 read as follows:

15 5. The Clean Communities Program Fund is established as a  
16 nonlapsing, revolving fund in the Department of the Treasury. The  
17 Clean Communities Program Fund shall be administered by the  
18 Department of Environmental Protection and credited, in addition to  
19 any appropriations made thereto, with all user fees imposed  
20 pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) or penalties  
21 imposed pursuant to section 10 of P.L.2002, c.128 (C.13:1E-222),  
22 and any sums received as voluntary contributions from private  
23 sources. Interest received on moneys in the Clean Communities  
24 Program Fund shall be credited to the fund. Unless otherwise  
25 expressly provided by the specific appropriation thereof by the  
26 Legislature, which shall take the form of a discrete legislative  
27 appropriations act and shall not be included within the annual  
28 appropriations act, all available moneys in the Clean Communities  
29 Program Fund shall be appropriated annually solely for the  
30 following purposes and no others:

31 a. 10 **[%]** percent of the estimated annual balance of the Clean  
32 Communities Program Fund shall be used for a State program of  
33 litter pickup and removal and of enforcement of litter-related laws  
34 and ordinances in State owned places and areas that are accessible  
35 to the public. Moneys in the fund may also be used by the State to  
36 abate graffiti;

37 b. 50 **[%]** percent of the estimated annual balance of the Clean  
38 Communities Program Fund shall be distributed as State aid to  
39 eligible municipalities with total housing units of 200 or more for  
40 programs of litter pickup and removal, including establishing an  
41 "Adopt-A-Highway" program, of public education and information  
42 relating to litter abatement and of enforcement of litter-related laws  
43 and ordinances. The amount of State aid due each municipality  
44 shall be solely calculated based on the proportion which the housing  
45 units of a qualifying municipality bear to the total housing units in  
46 the State. Total housing units shall be determined using the most  
47 recent federal decennial population estimates for New Jersey and its  
48 municipalities, filed in the office of the Secretary of State. Moneys

1 in the fund may also be used by an eligible municipality to abate  
2 graffiti;

3 c. 30 **[%]** percent of the estimated annual balance of the Clean  
4 Communities Program Fund shall be distributed as State aid to  
5 eligible municipalities with total housing units of 200 or more for  
6 programs of litter pickup and removal, including establishing an  
7 "Adopt-A-Highway" program, of public education and information  
8 relating to litter abatement and of enforcement of litter-related laws  
9 and ordinances. The amount of State aid due each municipality  
10 shall be solely calculated based on the proportion which the  
11 municipal road mileage of a qualifying municipality bears to the  
12 total municipal road mileage within the State. For the purposes of  
13 this subsection, "municipal road mileage" means that road mileage  
14 under the jurisdiction of municipalities, as determined by the  
15 Department of Transportation. Moneys in the fund may also be  
16 used by an eligible municipality to abate graffiti;

17 d. 10 **[%]** percent of the estimated annual balance of the Clean  
18 Communities Program Fund shall be distributed as State aid to  
19 eligible counties for programs of litter pickup and removal,  
20 including establishing an "Adopt-A-Highway" program, of public  
21 education and information relating to litter abatement and of  
22 enforcement of litter-related laws and ordinances. The amount of  
23 State aid due each county shall be solely calculated based on the  
24 proportion which the county road mileage of an eligible county  
25 bears to the total county road mileage within the State. For the  
26 purposes of this subsection, "county road mileage" means that road  
27 mileage under the jurisdiction of counties, as determined by the  
28 Department of Transportation. Moneys in the fund may also be  
29 used by an eligible county to abate graffiti;

30 e. No eligible municipality shall receive less than \$4,000 in  
31 State aid as apportioned pursuant to subsections b. and c. of this  
32 section. A municipality or county may use up to **[%]** five percent  
33 of its State aid for administrative expenses;

34 f. Prior to the distribution of funds pursuant to subsections a.  
35 through d. of this section **[.]** :

36 (1) \$375,000 of the estimated annual balance of the Clean  
37 Communities Program Fund shall be annually appropriated to the  
38 department and made available on July 1 of every year to the  
39 organization under contract with the department pursuant to section  
40 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public  
41 information and education program concerning antilittering  
42 activities and other aspects of responsible solid waste handling  
43 behavior, of which up to \$75,000 shall be used exclusively to  
44 finance an annual Statewide television, radio, newspaper and other  
45 media advertising campaign to promote antilittering and responsible  
46 solid waste handling behavior.

47 (2) in each of the first three years after the effective date of  
48 P.L. , c. (C. ) (pending before the Legislature as this bill),

1 \$500,000 of the estimated annual balance of the Clean Communities  
2 Program Fund shall be appropriated to the department and made  
3 available on July 1 of each year to the organization under contract  
4 with the department pursuant to section 6 of P.L.2002, c.128  
5 (C.13:1E-218) for the Statewide public information and education  
6 program developed pursuant to subsection b. of section of section 8  
7 of P.L. , c. (C. ) (pending before the Legislature as this bill).

8 The organization under contract with the department pursuant to  
9 section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the  
10 date on which the contract period concludes, submit a report to the  
11 Governor and the Legislature concerning its activities during the  
12 contract period and any recommendations concerning improving the  
13 program. Every eligible municipality and county shall cooperate  
14 with the organization under contract with the department pursuant  
15 to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing  
16 information concerning its program of litter pickup and removal.

17 No later than May 31, 2008, 25 **【%】** percent of the estimated  
18 annual balance of the Clean Communities Program Fund shall be  
19 appropriated to the State Recycling Fund established pursuant to  
20 section 5 of P.L.1981, c.278 (C.13:1E-96). These moneys shall be  
21 used by the Department of Environmental Protection for direct  
22 recycling grants to counties and municipalities, up to a maximum  
23 appropriation of \$4,000,000.

24 g. As used in this section, "graffiti" means any inscription  
25 drawn, painted or otherwise made on a bridge, building, public  
26 transportation vehicle, rock, wall, sidewalk, street or other exposed  
27 surface on public property.

28 The department may carry forward any unexpended balances in  
29 the Clean Communities Program Fund as of June 30 of each year.  
30 (cf: P.L.2007, c.311, s.15)

31

32 11. This act shall take effect immediately.