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ASSEMBLY, No. 2065

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

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and O'Scanlon**

SYNOPSIS

Amends applicability of law prohibiting sale and distribution of plastic and paper carryout bags to food banks and food pantries; appropriates \$600,000.

CURRENT VERSION OF TEXT

As amended by the Senate on March 24, 2022.

(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning ¹**[the provision of]** certain single-use and
2 reusable¹ carryout bags ¹**[by certain food distribution**
3 **organizations and government entities]**¹ ³**[and]** ³ **,** amending
4 P.L.2020, c.117 ³, and making an appropriation³ .
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 ²**[** ¹1. Section 2 of P.L.2020, c.117 (C.13:1E-99.127) is
10 amended to read as follows:

11 2. As used in P.L.2020, c.117 (C.13:1E-99.126 et al.):

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

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

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

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

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

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

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

27 (7) a newspaper bag; and

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

30 "Department" means the Department of Environmental
31 Protection.

32 "Food service business" means a business that sells or provides
33 food for consumption on or off the premises, and includes, but is
34 not limited to, any restaurant, café, delicatessen, coffee shop,
35 convenience store, grocery store, vending truck or cart, food truck,
36 movie theater, or business or institutional cafeteria, including those
37 operated by or on behalf of any governmental entity.

38 "Grocery store" means a self-service retail establishment that
39 occupies at least 2,500 square feet and that sells household
40 foodstuffs for off-site consumption, including, but not limited to,
41 fresh produce, meat, poultry, fish, deli products, dairy products,
42 canned foods, dry foods, beverages, baked foods, or prepared foods.
43 "Grocery store" shall not include an establishment that handles only

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:

¹Assembly AEN committee amendments adopted February 7, 2022.

²Assembly ASL committee amendments adopted March 17, 2022.

³Senate floor amendments adopted March 24, 2022.

1 prepackaged food that does not require time or temperature controls
2 for food safety.

3 "Hemp product" means a finished product with a delta-9
4 tetrahydrocannabinol concentration of not more than 0.3 percent
5 that is derived from or made by processing a hemp plant or plant
6 part and prepared in a form available for commercial sale.

7 "Person" means any individual, corporation, company,
8 association, society, firm, partnership, joint stock company, or
9 governmental entity.

10 "Plastic" means a synthetic material made from linking
11 monomers through a chemical reaction to create an organic polymer
12 chain that can be molded or extruded at high heat into various solid
13 forms retaining their defined shapes during the life cycle and after
14 disposal.

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

21 "Polystyrene foam food service product" means a product made,
22 in whole or in part, of polystyrene foam that is used for selling or
23 providing a food or beverage, and includes, but is not limited to, a
24 food container, plate, hot or cold beverage cup, meat or vegetable
25 tray, cutlery, or egg carton.

26 "Reusable carryout bag" means a carryout bag that: (1) is made
27 of polypropylene, PET nonwoven fabric, nylon, cloth, hemp
28 product, or other machine washable fabric; (2) has stitched handles;
29 and (3) is designed and manufactured for multiple reuse.
30 "Reusable carryout bag" shall also include a carryout bag that: (1)
31 is made from low density polyethylene with a minimum area
32 density of 120 grams per square meter; (2) is composed of at least
33 80 percent post-consumer-recycled content; (3) has stitched
34 handles; (4) is capable of carrying 22 pounds over a distance of 175
35 feet for a minimum of 125 uses; and (5) is capable of being recycled
36 into a new product without further chemical modification or
37 treatment.

38 "Single-use paper carryout bag" means a carryout bag made of
39 paper that is not a reusable carryout bag.

40 "Single-use plastic carryout bag" means a carryout bag made of
41 plastic that is not a reusable carryout bag.

42 "Store" means any grocery store, convenience store, liquor store,
43 pharmacy, drug store, or other retail establishment.¹

44 (cf: P.L.2020, c.117, s.2)²

45

46 ¹**[1.]** ²**[2.1]** 1.2 Section 3 of P.L.2020, c.117 (C.13:1E-99.128)
47 is amended to read as follows:

1 3. a. Beginning 18 months after the effective date of P.L.2020,
2 c.117 (C.13:1E-99.126 et al.):

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

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

7 b. A municipality or county shall not adopt any rule,
8 regulation, code, or ordinance concerning the regulation or
9 prohibition of single-use plastic carryout bags or single-use paper
10 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
11 99.126 et al.).

12 c. Beginning 18 months after the effective date of P.L.2020,
13 c.117 (C.13:1E-99.126 et al.), this section shall supersede and
14 preempt any municipal or county rule, regulation, code, or
15 ordinance concerning the regulation or prohibition of single-use
16 plastic carryout bags or single-use paper carryout bags that was
17 enacted prior to the effective date of P.L.2020, c.117 (C.13:1E-
18 99.126 et al.).

19 d. ²[The] Notwithstanding the² provisions of subsection a. of
20 this section ²[shall not apply to a] to the contrary, beginning 24
21 months after the effective date of P.L.2020, c.117 (C.13:1E-99.126
22 et al.), no² food bank or ²[a]² food pantry ²shall provide a single-
23 use plastic carryout bag ³[or single-use paper carryout bag]³ to a
24 customer² .

25 As used in this subsection:

26 "Food bank" means the same as the term is defined in section 2
27 of P.L.1982, c.178 (C.24:4A-2).

28 "Food pantry" means a nonprofit organization or government
29 entity that distributes food to individuals in need of assistance,
30 including, but not limited to, a soup kitchen, homeless shelter, or
31 religious organization.

32 (cf: P.L.2020, c.117, s.3)

33

34 ²2. Section 8 of P.L.2020, c.117 (C.13:1E-99.133) is amended
35 to read as follows:

36 8. No later than six months after the effective date of P.L.2020,
37 c.117 (C.13:1E-99.126 et al.):

38 a. the Department of State, in consultation with the Department
39 of Environmental Protection, shall establish a program to assist
40 businesses in complying with the provisions of P.L.2020, c.117
41 (C.13:1E-99.126 et al.), including, but not limited to, developing
42 and publishing on its Internet website guidance on compliance with
43 the act, and establishing an online clearinghouse of vendors who
44 provide environmentally sound alternatives to single-use plastic
45 carryout bags, single-use paper carryout bags, polystyrene foam
46 food service products, and single-use plastic straws; and

1 b. the organization under contract with the Department of
2 Environmental Protection pursuant to section 6 of P.L.2002, c.128
3 (C.13:1E-218) shall, in cooperation with local governments and the
4 business community, develop and implement a Statewide public
5 information and education program concerning the provisions of
6 P.L.2020, c.117 (C.13:1E-99.126 et al.). The program shall include,
7 but need not be limited to, educational programs, public service
8 announcements, and the distribution of free reusable carryout bags
9 throughout the State. The program established pursuant to this
10 subsection shall include the distribution of 500,000 free reusable
11 carryout bags proportionally distributed to the State's food banks,
12 as defined pursuant to section 2 of P.L.1982, c.178 (C.24:4A-2),
13 based on the population served by each food bank.²
14 (cf: P.L.2020, c.117, s.8)

15
16 ³3. There is appropriated from the General Fund to the
17 Department of Environmental Protection the sum of \$600,000 to
18 fund the distribution of free reusable carryout bags to food banks
19 pursuant to subsection b. of section 8 of P.L.2020, c.117 (C.13:1E-
20 99.133).³

21
22 ¹~~[2.]~~ ³~~[3.1]~~ ⁴~~4.~~³ This act shall take effect immediately.