

**ASSEMBLY, No. 2545**

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**STATE OF NEW JERSEY**

**213th LEGISLATURE**

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INTRODUCED MAY 5, 2008

**Sponsored by:**

**Assemblyman JOHN E. ROONEY**

**District 39 (Bergen)**

**Assemblyman DANIEL M. VAN PELT**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

“Plastic Carryout Bag and Film Plastic Recycling Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning plastic bags, and supplementing Title 13 of the  
2 Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. This act shall be known and may be cited as the “Plastic  
8 Carryout Bag and Film Plastic Recycling Act.”

9  
10 2. The Legislature finds and declares that:

11 a. It is the public policy of the State of New Jersey to reduce  
12 environmental pollution, to reduce the toxicity of waste materials in  
13 the solid waste stream directed to solid waste facilities, and to  
14 maximize the removal of plastic carryout bags and film plastic from  
15 the waste stream in order to recycle them;

16 b. Plastic carryout bags and film plastic do not biodegrade,  
17 which means that such bags and film plastic ultimately break down  
18 into smaller pieces that enter the ecosystem. These pieces of plastic  
19 cause illness, injury and death to animal and marine life by  
20 entangling them or contaminating their food supplies. The  
21 production of plastic bags and film plastic worldwide has  
22 significant environmental impacts each year, including the use of  
23 over 12 million barrels of oil, and the deaths of thousands of marine  
24 animals through ingestion and entanglement;

25 c. Each year, an estimated 500 billion to 1 trillion plastic bags  
26 are used worldwide, which is over one million bags per minute, and  
27 of which billions of bags end up as litter each year; and

28 d. Most plastic bags do not biodegrade which means that the  
29 bags break down into smaller and smaller toxic bits that  
30 contaminate soil and waterways and enter into the food web when  
31 animals accidentally ingest those materials.

32 The Legislature therefore determines that the State should  
33 require:

34 a. The owners or operators of supermarkets and retail  
35 establishments to establish an in-store recycling program that  
36 provides an opportunity for customers to purchase a reusable bag  
37 and to return clean plastic bags to that store for recycling;

38 b. Each plastic bag provided by a supermarket or retail  
39 establishment to include specified information printed or displayed  
40 on the bag, and the placement of a plastic bag collection bin in each  
41 store that is visible and easily accessible to the consumer; and

42 c. All plastic bags collected by supermarkets or retail  
43 establishments to be collected, transported, and recycled in a  
44 manner that does not conflict with county recycling plans.

45  
46 3. As used in this act:

47 “Chain of stores” means five or more stores located within this  
48 State that are engaged in the same general field of business and (1)

1 conduct business under the same business name; or (2) operate  
2 under a common ownership or management pursuant to a franchise  
3 agreement with the same franchisor.

4 "Consumer" means any person who purchases a product from a  
5 store that is placed in a plastic bag at the time of sale.

6 "Department" means the Department of Environmental  
7 Protection.

8 "Film plastic" means uncontaminated, non-rigid film plastic used  
9 for packaging products that is composed of plastic resins including,  
10 but are not limited to, newspaper bags, dry cleaning bags and  
11 shrink-wrap.

12 "Food service establishment" means (1) a restaurant, the  
13 principal activity of which consists of preparing for consumption  
14 within the restaurant a meal or food to be eaten on the premises; or  
15 (2) a restaurant with less than 10% in annual retail sales of meals or  
16 food prepared and ready to be eaten for consumption off the  
17 premises of the restaurant.

18 "Manufacturer" means any person that manufactures plastic bags  
19 that are sold or distributed within this State or that imports plastic  
20 bags into the United States for sale or distribution within this State.

21 "Owner or operator" means a person in control of, or having  
22 daily responsibility for, the daily operation of a store, which may  
23 include, but is not limited to, the owner of the store.

24 "Plastic bag" means a carryout bag that is composed primarily of  
25 thermoplastic synthetic polymeric material, which is provided by a  
26 store to a customer at the point of sale.

27 "Reusable bag" means: (1) a bag made of cloth or other machine  
28 washable fabric that has handles; or (2) a durable plastic bag with  
29 handles that is at least 2.25 mils thick and is specifically designed  
30 and manufactured for multiple reuse.

31 "Store" means a retail or wholesale establishment, other than a  
32 food service establishment, that sells products and provides plastic  
33 bags to consumers in which to place these products and (1) has over  
34 5,000 square feet of retail or wholesale space; or (2) is one of a  
35 chain of stores.

36

37 4. a. The owner or operator of a store shall establish an in-store  
38 recycling program pursuant to this act that provides an opportunity  
39 for a customer of the store to purchase a reusable bag and return to  
40 the store clean plastic bags.

41 b. The owner or operator of a retail establishment that does not  
42 have over 5,000 square feet of retail or wholesale space, and that  
43 provides plastic bags to customers at the point of sale, may adopt an  
44 in-store recycling program pursuant to this act.

45

46 5. An in-store recycling program provided by the owner or  
47 operator of a store shall include the following:

1       a. A plastic bag provided by the store shall have printed or  
2 displayed on the bag, in a manner visible to a consumer, the words  
3 "PLEASE REUSE OR RETURN THIS PLASTIC BAG TO A  
4 PARTICIPATING STORE FOR RECYCLING" using letters at  
5 least one-half inch in height, or a similar message encouraging the  
6 reuse or recycling of plastic bags that is not less than one inch in  
7 height and uses letters at least one-quarter inch in height.

8       The owner or operator of a store shall be allowed to use its  
9 existing stock of plastic bags for six months following the effective  
10 date of this act, and may apply to the department for a waiver,  
11 based on economic hardship, to extend this temporary exemption  
12 for an additional six month period.

13       b. A plastic bag and film plastic collection bin shall be placed at  
14 each store and shall be visible, easily accessible to the consumer,  
15 and clearly marked that the collection bin is available for the  
16 purpose of collecting and recycling plastic bags and film plastic.

17       c. All plastic bags and film plastic collected by the store that are  
18 uncontaminated by foreign material shall not be disposed of as solid  
19 waste.

20       d. All plastic bags and film plastic collected by the store shall be  
21 collected, transported, and recycled in a manner that does not  
22 conflict with the relevant county's district recycling plan adopted  
23 pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13).  
24

25       6. a. The owner or operator of the store shall maintain records  
26 describing the collection, transport, and recycling of plastic bags  
27 and film plastic collected for a minimum of three years and shall  
28 make the records available to the department or the relevant district  
29 recycling coordinator, upon request, to demonstrate compliance  
30 with the provisions of this act.

31       b. The owner or operator of the store shall make reusable bags  
32 available to customers within the store, which may be purchased  
33 and used in lieu of using a plastic bag or paper bag. The provisions  
34 of this subsection shall not be applicable to a retail establishment  
35 specified pursuant to subsection b. of section 4 of this act.  
36

37       7. a. Each manufacturer shall make arrangements with the  
38 owner or operator of a store, upon the owner or operator's request,  
39 for the collection, transport, and recycling of all plastic bags and  
40 film plastic collected consistent with the provisions of subsection d.  
41 of section 5 of this act. These arrangements may include contracts  
42 or other agreements with third parties.

43       b. Each manufacturer shall develop educational materials to  
44 encourage the reducing, reusing, and recycling of plastic bags and  
45 shall make those materials available to stores required to comply  
46 with the provisions of this act.



1 store to have specified information printed or displayed on the bag,  
2 and requires the placement of a plastic bag collection bin in each  
3 store that is visible and easily accessible to the consumer. All  
4 plastic bags collected by the store must be collected, transported,  
5 and recycled in a manner that does not conflict with the relevant  
6 county district recycling plan.

7 The bill requires every manufacturer of plastic bags to develop  
8 educational materials to encourage the reducing, reusing, and  
9 recycling of plastic bags and to make the materials available to  
10 stores.