

[Third Reprint]

SENATE, No. 864

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 14, 2020

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

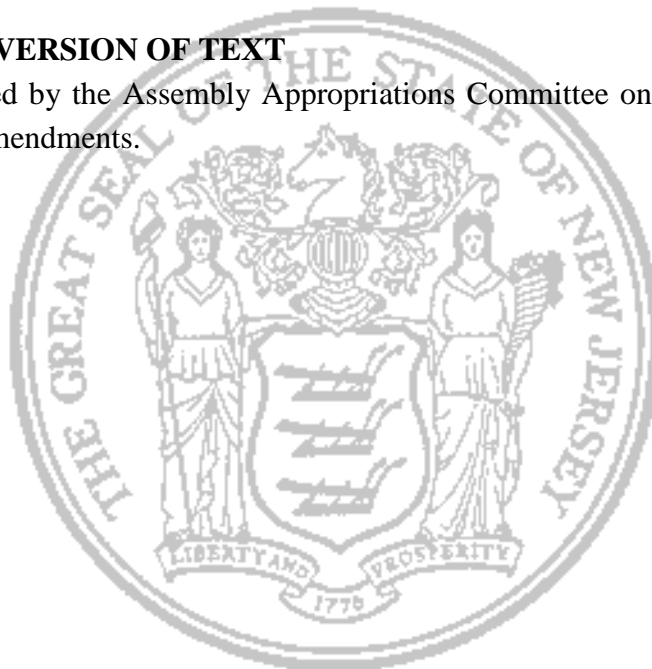
Senators Gill and Lagana

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 Appropriations Committee on September 17, 2020, with amendments.



(Sponsorship Updated As Of: 3/5/2020)

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 of
12 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 in
20 waterways and oceans; that plastics released in the environment do not
21 biodegrade, but instead break down into smaller pieces, known as
22 microplastics, which accumulate in the natural environment and are
23 eaten by fish and other marine life; and that microplastic pollution
24 moves through natural food webs and accumulates in fish and shellfish
25 tissues, which means microplastics and associated pollutants can move
26 into the food chain.

27 The Legislature further finds that approximately eight million tons
28 of plastic end up in the oceans annually; that, without action, scientists
29 estimate that by 2050 the mass of plastic pollution in the ocean will
30 exceed the mass of fish; that currently, there is a collection of litter in
31 the North ³**【Atlantic】** Pacific³ Ocean, known as the Great Pacific
32 Garbage Patch, that is 7.7 million square miles and is composed
33 primarily of plastics; that one study found plastics in the gut of every
34 sea turtle examined and in 90 percent of seabirds examined; and that
35 plastics have been known to cause death or reproductive failure in sea
36 turtles, birds, and other organisms that ingest plastic.

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

¹Senate SEN committee amendments adopted January 30, 2020.

²Senate floor amendments adopted February 10, 2020.

³Assembly AAP committee amendments adopted September 17, 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 straws
8 is a significant step in this effort, as these items are among the most
9 significant sources of beach and ocean pollution; that New Jersey joins
10 several other states and hundreds of municipalities across the country
11 in banning or limiting the use of single-use plastics; and that such bans
12 and limitations have drastically lowered consumer consumption of
13 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 ³The 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 force

23 in creating biodegradable raw materials that can be turned into hemp-

24 based bio-packaging, which breaks down in approximately 90 days

25 versus the dozens of years it takes petroleum-based plastics to break

26 down into microplastics in the ocean.³

27

28 2. (New section) As used in P.L. , c. (C.) (pending
29 before 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[4,500] 2,500² square feet and that ²[primarily]²
9 sells ²[a full-line of]² household foodstuffs for off-site consumption,
10 including, but not limited to, fresh produce, meat, poultry, fish, deli
11 products, dairy products, canned foods, dry foods, beverages, baked
12 foods, or prepared foods.

13 ³“Hemp product” means a finished product with a delta-9
14 tetrahydrocannabinol concentration of not more than 0.3 percent that is
15 derived from or made by processing a hemp plant or plant part and
16 prepared in a form available for commercial sale.³

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

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

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

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

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

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

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

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

1 3. (New section) a. Beginning ¹~~two years~~ 18 months¹ after
2 the effective date of P.L. , c. (C.)(pending before the
3 Legislature as this bill):

4 (1) no store or food service business shall provide or sell a single-
5 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, regulation,
9 code, or ordinance concerning the regulation or prohibition of single-
10 use plastic carryout bags or single-use paper carryout bags after the
11 effective date of
12 P.L. , c. (C.)(pending before the Legislature as this bill).

13 c. Beginning ¹~~two years~~ 18 months¹ after the effective date of
14 P.L. , 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 prohibition
17 of single-use plastic carryout bags or single-use paper carryout bags
18 that was enacted prior to the effective date of
19 P.L. , c. (C.)(pending before the Legislature as this bill).

20
21 4. (New section) a. Beginning ¹~~two years~~ 18 months¹ after
22 the effective date of P.L. , c. (C.)(pending before the
23 Legislature as this bill), no person shall sell or offer for sale in the
24 State any polystyrene foam food service product.

25 b. Beginning ¹~~two years~~ 18 months¹ after the effective date of
26 P.L. , c. (C.)(pending before the Legislature as this bill), no
27 food 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 of
30 subsections a. and b. of this section for a period of two years beginning
31 ¹~~two years~~ 18 months¹ after the effective date of
32 P.L. , c. (C.)(pending before the Legislature as this bill):

33 (1) disposable, long-handled polystyrene foam soda spoons when
34 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 determined
43 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 expire

1 after one year unless the department extends the exemption pursuant to
2 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 to
6 exceed one year, if:

7 (1) there is no feasible and commercially available alternative for
8 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 department
15 may, upon written application, extend any waiver granted pursuant to
16 this section for additional periods not to exceed one year.

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

21 g. Beginning ¹~~two years~~ 18 months¹ after the effective date of
22 P.L. , c. (C.)(pending before the Legislature as this bill), this
23 section shall supersede and preempt any municipal or county rule,
24 regulation, code, or ordinance concerning the regulation or prohibition
25 of polystyrene foam food service products that was enacted prior to the
26 effective date of P.L. , c. (C.)(pending before the Legislature
27 as this bill).

28

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

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

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

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

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

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

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

17

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

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

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

- 1 7. (New section) a. There is established in the Department of
2 Environmental Protection the Plastics Advisory Council. The council
3 shall monitor the implementation of P.L. , c. (C.) (pending
4 before the Legislature as this bill), and evaluate its effectiveness in
5 reducing single-use plastics and plastic waste in the State.
- 6 b. The council shall consist of ³~~15~~ 16³ members as follows:
- 7 (1) the Commissioner of Environmental Protection, who shall
8 serve ex officio, or the commissioner's designee;
- 9 (2) the Commissioner of Health, who shall serve ex officio, or the
10 commissioner's designee;
- 11 (3) the Secretary of Agriculture, who shall serve ex officio, or the
12 secretary's designee; and
- 13 (4)³ the following members appointed by the Governor:
- 14 (a) two members of the academic community with expertise on the
15 issues of single-use plastics and plastic waste;
- 16 (b) four members representing the environmental community;
- 17 (c) four members representing stores and food service businesses
18 in the State;
- 19 (d) one member representing the polystyrene foam industry;
- 20 (e) one member representing the recycling industry; and
- 21 (f) one member representing local governments.
- 22 c. All appointments to the council shall be made no later than 90
23 days after the effective date of P.L. , c. (C.) (pending before
24 the Legislature as this bill). The term of office of each public member
25 shall be three years. Each member shall serve until a successor has
26 been appointed and qualified, and vacancies shall be filled in the same
27 manner as the original appointments for the remainder of the
28 unexpired term. A member is eligible for reappointment to the
29 council. The members of the council shall serve without
30 compensation, but shall be eligible for necessary and reasonable
31 expenses incurred in the performance of their official duties within the
32 limits of funds appropriated or otherwise made available for the
33 council's purposes.
- 34 d. The council shall organize as soon as practicable following the
35 appointment of its members and shall select a chairperson and a vice-
36 chairperson from among its members, as well as a secretary who need
37 not be a member of the council. A majority of the membership of the
38 council shall constitute a quorum for the transaction of council
39 business. The council may meet and hold hearings at the place or
40 places it designates.
- 41 e. No later than one year after the effective date of P.L. , c.
42 (C.) (pending before the Legislature as this bill), and each year
43 thereafter, the council shall prepare and submit a written report to the
44 Governor, the Legislature pursuant to section 2 of P.L.1991, c.164
45 (C.52:14-19.1), and the respective chairpersons of the Senate
46 Environment and Energy Committee and the Assembly Environment
47 and Solid Waste Committee, or their successors, evaluating the
48 implementation and effectiveness of P.L. , c. (C.) (pending

1 before the Legislature as this bill), and making any recommendations
2 for legislative or administrative action to improve the implementation
3 or effectiveness of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

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

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

25

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

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

39 b. the organization under contract with the Department of
40 Environmental Protection pursuant to section 6 of P.L.2002, c.128
41 (C.13:1E-218) shall, in cooperation with local governments and the
42 business community, develop and implement a Statewide public
43 information and education program concerning the provisions of
44 P.L. , c. (C.)(pending before the Legislature as this bill).
45 The program shall include, but need not be limited to, educational
46 programs, public service announcements, and the distribution of
47 free reusable carryout bags throughout the State.

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

6
7 10. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to
8 read as follows:

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

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

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

45 c. 30 **[%]** percent of the estimated annual balance of the Clean
46 Communities Program Fund shall be distributed as State aid to
47 eligible municipalities with total housing units of 200 or more for
48 programs of litter pickup and removal, including establishing an

1 "Adopt-A-Highway" program, of public education and information
2 relating to litter abatement and of enforcement of litter-related laws
3 and ordinances. The amount of State aid due each municipality
4 shall be solely calculated based on the proportion which the
5 municipal road mileage of a qualifying municipality bears to the
6 total municipal road mileage within the State. For the purposes of
7 this subsection, "municipal road mileage" means that road mileage
8 under the jurisdiction of municipalities, as determined by the
9 Department of Transportation. Moneys in the fund may also be
10 used by an eligible municipality to abate graffiti;

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

24 e. No eligible municipality shall receive less than \$4,000 in
25 State aid as apportioned pursuant to subsections b. and c. of this
26 section. A municipality or county may use up to **[5%]** five percent
27 of its State aid for administrative expenses;

28 f. Prior to the distribution of funds pursuant to subsections a.
29 through d. of this section **[,]** :

30 (1) \$375,000 of the estimated annual balance of the Clean
31 Communities Program Fund shall be annually appropriated to the
32 department and made available on July 1 of every year to the
33 organization under contract with the department pursuant to section
34 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
35 information and education program concerning antilittering
36 activities and other aspects of responsible solid waste handling
37 behavior, of which up to \$75,000 shall be used exclusively to
38 finance an annual Statewide television, radio, newspaper and other
39 media advertising campaign to promote antilittering and responsible
40 solid waste handling behavior.

41 (2) in each of the first three years after the effective date of
42 P.L. , c. (C.)(pending before the Legislature as this bill),
43 \$500,000 of the estimated annual balance of the Clean Communities
44 Program Fund shall be appropriated to the department and made
45 available on July 1 of each year to the organization under contract
46 with the department pursuant to section 6 of P.L.2002, c.128
47 (C.13:1E-218) for the Statewide public information and education

1 program developed pursuant to subsection b. of section of section 8
2 of P.L. , c. (C.)(pending before the Legislature as this bill).

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

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

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

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

26

27 11. This act shall take effect immediately.