

[First Reprint]

ASSEMBLY, No. 2065

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

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District 19 (Middlesex)

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District 25 (Morris and Somerset)

SYNOPSIS

Exempts food banks and food pantries from law prohibiting sale and distribution of plastic and paper carryout bags by certain businesses, and amends definition of “reusable carryout bag.”

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on February 7, 2022, with amendments.



(Sponsorship Updated As Of: 2/28/2022)

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 and amending P.L.2020,
4 c.117.

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

8
9 ¹1. Section 2 of P.L.2020, c.117 (C.13:1E-99.127) is amended
10 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
44 prepackaged food that does not require time or temperature controls
45 for food safety.

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.

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

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

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

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

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

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

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

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

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

42 (cf: P.L.2020, c.117, s.2)

43
44 ¹**[1.] 2.**¹ Section 3 of P.L.2020, c.117 (C.13:1E-99.128) is
45 amended to read as follows:

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

1 (1) no store or food service business shall provide or sell a
2 single-use plastic carryout bag to a customer; and
3 (2) no grocery store shall provide or sell a single-use paper
4 carryout bag to a customer.
5 b. A municipality or county shall not adopt any rule,
6 regulation, code, or ordinance concerning the regulation or
7 prohibition of single-use plastic carryout bags or single-use paper
8 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
9 99.126 et al.).
10 c. Beginning 18 months after the effective date of P.L.2020,
11 c.117 (C.13:1E-99.126 et al.), this section shall supersede and
12 preempt any municipal or county rule, regulation, code, or
13 ordinance concerning the regulation or prohibition of single-use
14 plastic carryout bags or single-use paper carryout bags that was
15 enacted prior to the effective date of P.L.2020, c.117 (C.13:1E-
16 99.126 et al.).
17 d. The provisions of subsection a. of this section shall not apply
18 to a food bank or a food pantry.
19 As used in this subsection:
20 "Food bank" means the same as the term is defined in section 2
21 of P.L.1982, c.178 (C.24:4A-2).
22 "Food pantry" means a nonprofit organization or government
23 entity that distributes food to individuals in need of assistance,
24 including, but not limited to, a soup kitchen, homeless shelter, or
25 religious organization.
26 (cf: P.L.2020, c.117, s.3)
27
28 ¹**[2.] 3.**¹ This act shall take effect immediately.