

CHAPTER 6

AN ACT concerning certain single-use and reusable carryout bags, amending P.L.2020, c.117, and making an appropriation.

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

1. Section 3 of P.L.2020, c.117 (C.13:1E-99.128) is amended to read as follows:

C.13:1E-99.128 Dispensing of single-use plastic carryout bags prohibited.

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

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

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

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

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

d. Notwithstanding the provisions of subsection a. of this section to the contrary, beginning 24 months after the effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.), no food bank or food pantry shall provide a single-use plastic carryout bag to a customer.

As used in this subsection:

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

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

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

C.13:1E-99.133 Program to assist businesses with compliance.

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

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

b. the organization under contract with the Department of Environmental Protection pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) shall, in cooperation with local governments and the business community, develop and implement a Statewide public information and education program concerning the provisions of P.L.2020, c.117 (C.13:1E-99.126 et al.). The program shall include, but need not be limited to, educational programs,

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public service announcements, and the distribution of free reusable carryout bags throughout the State. The program established pursuant to this subsection shall include the distribution of 500,000 free reusable carryout bags proportionally distributed to the State's food banks, as defined pursuant to section 2 of P.L.1982, c.178 (C.24:4A-2), based on the population served by each food bank.

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

4. This act shall take effect immediately.

Approved March 25, 2022.