

SENATE, No. 3114

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

Eliminates prohibition on provision of single-use paper bags by grocery stores for certain orders for five years; allows packaging options for grocery orders; requires program for disposition of reusable bags for grocery orders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/13/2022)

1 AN ACT concerning bagging options for grocery stores and third
2 party grocery delivery services, and amending and
3 supplementing P.L.2020, c.117.

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

7
8 1. Section 2 of P.L.2020, c.117 (C.13:1E-99.127) is amended
9 to read as follows:

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

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

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

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

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

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

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

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

26 (7) a newspaper bag; and

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

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

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

37 "Grocery store" means a self-service retail establishment that
38 occupies at least 2,500 square feet and that sells household
39 foodstuffs for off-site consumption, including, but not limited to,
40 fresh produce, meat, poultry, fish, deli products, dairy products,
41 canned foods, dry foods, beverages, baked foods, or prepared foods.
42 "Grocery store" shall not include an establishment that handles only
43 prepackaged food that does not require time or temperature controls
44 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.

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

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

32 "Store" means any grocery store, convenience store, liquor store,
33 pharmacy, drug store, or other retail establishment.

34 "Third party grocery delivery service" means a third party
35 service that employs personal shoppers to shop for, pick up, and
36 deliver groceries to customers.

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

38

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

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

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

45 (2) no grocery store shall provide or sell a single-use paper
46 carryout bag to a customer , except as provided in section 3
47 of P.L. , c. (C.) (pending before the Legislature as this bill).

1 b. A municipality or county shall not adopt any rule,
2 regulation, code, or ordinance concerning the regulation or
3 prohibition of single-use plastic carryout bags or single-use paper
4 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
5 99.126 et al.).

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

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

17 As used in this subsection:

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

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

24 (cf: P.L.2022, c.6, s.1)

25

26 3. (New section) a. A grocery store or third party grocery
27 delivery service may provide, or sell to customers for a fee, any of
28 the following packaging options for groceries prepared for delivery,
29 pickup, or curbside pickup: (1) single-use paper carryout bags,
30 provided that the bags contain at least 40 percent postconsumer
31 recycled content; (2) cardboard boxes; or (3) reusable bags. A
32 grocery store or third party grocery delivery service that provides
33 customers more than one packaging option shall allow the customer
34 to choose one of the available packaging options. Five years after
35 the effective date of this section, a grocery store or third party
36 grocery delivery service shall not provide or sell to customers
37 single-use paper carryout bags or cardboard boxes for groceries
38 prepared for delivery, pickup, or curbside pickup.

39 b. A grocery store or third party grocery delivery service may
40 provide customers the option of receiving unpackaged groceries to
41 an exterior receptacle provided by the customer, such as a cooler or
42 other container made to preserve perishable goods, where the
43 groceries can be safely delivered.

44 c. No later than 90 days after the effective date of P.L. , c.
45 (C.) (pending before the Legislature as this bill), a grocery
46 store or third party grocery delivery service that provides reusable
47 bags for home delivery, pickup, or curbside pickup, shall provide
48 customers an optional reusable bag takeback service, and establish

1 (1) a reuse program to provide for the return, sanitation, and reuse
2 of the reusable bags returned by customers, or (2) a recycling
3 program for the return and recycling of the reusable bags returned
4 by customers. A grocery store or third party grocery delivery
5 service that provides returnable reusable bags shall not charge
6 customers a fee for a returned reusable bag. Under the reuse
7 program, the reusable bags shall continue to be reused for home
8 delivery, pickup, or curbside pickup until the bags are soiled,
9 damaged, or exhibit substantial wear and tear, and can no longer be
10 reused.

11

12 4. This act shall take effect immediately.

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STATEMENT

16

17 This bill authorizes a third party grocery delivery service or a
18 grocery store to provide, or sell to customers for a fee, any of the
19 following options for groceries prepared for delivery, pickup, or
20 curbside pickup: 1) single-use paper carryout bags, provided that
21 the bags contain at least 40 percent postconsumer recycled content;
22 2) cardboard boxes; or 3) reusable bags. Under the bill, if a grocery
23 store or third party grocery delivery service provides customers
24 more than one packaging option, the customer may choose one of
25 the available packaging options. A grocery store or third party
26 grocery delivery service may also provide customers the option of
27 receiving unpackaged groceries to a receptacle provided by the
28 customer where the groceries can be safely delivered. Beginning
29 five years after the bill's effective date, third party grocery delivery
30 services and grocery stores would no longer be authorized to
31 provide paper bags or cardboard boxes. Finally, the bill requires
32 grocery stores and third party grocery delivery services that provide
33 reusable bags for home delivery to establish a program for the
34 return, sanitation, and reuse of the reusable bags, or a program to
35 recycle the returned reusable bags.