

[First Reprint]

**SENATE, No. 3114**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED SEPTEMBER 29, 2022

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Senators Singleton and Pou**

**SYNOPSIS**

Eliminates prohibition on paper bags, and allows packaging options, for certain grocery orders for three years; requires program for disposition of reusable bags; extends timeframe for use of certain bags by food banks and pantries.

**CURRENT VERSION OF TEXT**

As amended by the Senate on October 17, 2022.



**(Sponsorship Updated As Of: 11/21/2022)**

1 AN ACT concerning bagging options for grocery stores <sup>1</sup>**[and]** <sup>1</sup>  
2 third party grocery delivery services, <sup>1</sup>food banks, and food  
3 pantries,<sup>1</sup> and amending and 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.

45 "Hemp product" means a finished product with a delta-9  
46 tetrahydrocannabinol concentration of not more than 0.3 percent

**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:

<sup>1</sup>Senate floor amendments adopted October 17, 2022.

1 that is derived from or made by processing a hemp plant or plant  
2 part and prepared in a form available for commercial sale.

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

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

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

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

22 "Reusable carryout bag" means a carryout bag that: (1) is made  
23 of polypropylene, PET nonwoven fabric, nylon, cloth, hemp  
24 product, or other machine washable fabric; (2) has stitched handles;  
25 and (3) is designed and manufactured for multiple reuse.

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

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

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

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

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

36

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

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

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

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

46 b. A municipality or county shall not adopt any rule,  
47 regulation, code, or ordinance concerning the regulation or  
48 prohibition of single-use plastic carryout bags or single-use paper

1 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-  
2 99.126 et al.).

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

10 d. Notwithstanding the provisions of subsection a. of this  
11 section to the contrary, beginning <sup>1</sup>~~24~~ 27<sup>1</sup> months after the  
12 effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.), no food  
13 bank or food pantry shall provide a single-use plastic carryout bag  
14 to a customer.

15 As used in this subsection:

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

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

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

23

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

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

46 c. No later than 90 days after the effective date of P.L. , c.  
47 (C. ) (pending before the Legislature as this bill), a grocery  
48 store or third party grocery delivery service that provides reusable

1 bags for home delivery, pickup, or curbside pickup, shall provide  
2 customers an optional reusable bag takeback service, and establish  
3 (1) a reuse program to provide for the return, sanitation, and reuse  
4 of the reusable bags returned by customers, <sup>1</sup>**[or]**<sup>1</sup> (2) a recycling  
5 program for the return and recycling of the reusable bags returned  
6 by customers <sup>1</sup>, or (3) a donation program to provide for the  
7 donation of the reusable bags returned by customers to a food bank  
8 or food pantry. A grocery store or third party grocery delivery  
9 service that establishes a reuse program, a recycling program, or a  
10 donation program pursuant to this subsection, shall not be required  
11 to take back reusable bags sold or provided to customers by another  
12 grocery store or third party grocery delivery service<sup>1</sup> . A grocery  
13 store or third party grocery delivery service that provides returnable  
14 reusable bags shall not charge customers a fee for a returned  
15 reusable bag. Under the reuse program, the reusable bags shall  
16 continue to be reused for home delivery, pickup, or curbside pickup  
17 until the bags are soiled, damaged, or exhibit substantial wear and  
18 tear, and can no longer be reused.

19

20 4. This act shall take effect immediately.