

SENATE, No. 3831

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 11, 2023

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Eliminates prohibition on provision of single-use paper bags by grocery stores for delivery orders; requires certain retailers to repurpose cardboard boxes if feasible.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the provision of single-use paper carryout bags
2 by grocery stores, and amending and supplementing P.L.2020,
3 c.117.

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

7
8 1. Section 1 of P.L.2020, c.117 (C.13:1E-99.126) is amended
9 to read as follows:

10 1. The Legislature finds and declares that, since 1950, global
11 annual production of plastics has increased from two million tons to
12 over 381 million tons; that approximately one third of all plastics
13 produced are single-use plastics, which are plastics designed to be
14 used only once and then thrown away; and that an estimated 100
15 billion single-use plastic carryout bags and 25 billion styrofoam
16 plastic coffee cups are thrown away in the United States 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
20 in waterways and oceans; that plastics released in the environment
21 do not biodegrade, but instead break down into smaller pieces,
22 known as microplastics, which accumulate in the natural
23 environment and are eaten by fish and other marine life; and that
24 microplastic pollution moves through natural food webs and
25 accumulates in fish and shellfish tissues, which means microplastics
26 and associated pollutants can move into the food chain.

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

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

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

20 The 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
23 force in creating biodegradable raw materials that can be turned into
24 hemp-based bio-packaging, which breaks down in approximately 90
25 days versus the dozens of years it takes petroleum-based plastics to
26 break down into microplastics in the ocean.

27 (cf: P.L.2020, c.117, s.1)

28

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

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

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

35 (2) no grocery store shall provide or sell a single-use paper
36 carryout bag to a customer , except that a single-use paper carryout
37 bag may be provided or sold to customers for a fee for groceries
38 bagged for delivery.

39 b. A municipality or county shall not adopt any rule,
40 regulation, code, or ordinance concerning the regulation or
41 prohibition of single-use plastic carryout bags or single-use paper
42 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
43 99.126 et al.).

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

1 enacted prior to the effective date of P.L.2020, c.117 (C.13:1E-
2 99.126 et al.).

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

7 As used in this subsection:

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

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

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

15

16 3. (New section) A store, food service business, or grocery
17 store shall repurpose cardboard boxes obtained through the delivery
18 of goods to the maximum extent feasible. Cardboard boxes may be
19 reused for the delivery of groceries or other food items, or for any
20 other appropriate purpose.

21

22 4. This act shall take effect immediately.

23

24

25 STATEMENT

26

27 This bill eliminates the prohibition on the provision of single-use
28 paper carryout bags by grocery stores for groceries bagged for
29 delivery. Under the bill, single-use paper carryout bags would be
30 permitted to be provided or sold for a fee by grocery stores solely
31 for delivery orders. In addition, this bill requires certain retailers to
32 repurpose cardboard boxes obtained through the delivery of goods
33 to deliver groceries, other food items, or for any other appropriate
34 purpose, to the maximum extent feasible.