

P.L. 2025, CHAPTER 298, *approved January 20, 2026*
Senate, No. 3195 (*Third Reprint*)

1 AN ACT concerning the provision, by food service businesses, of
2 single-use ¹**[plastic]**¹ utensils and condiments to customers,
3 amending P.L.2002, c.128 ¹and P.L.2020, c.117¹ , and
4 supplementing Title 13 of the Revised Statutes.
5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8
9 1. ¹(New section)¹ As used in P.L. , c. (C.) (pending
10 before the Legislature as this bill):
11 ²“Casual dining establishment” means any food service business
12 that is not a full-service restaurant.²
13 "Commissioner" means the Commissioner of Environmental
14 Protection.
15 "Condiment" means packaged ketchup, mustard, mayonnaise, hot
16 sauce, salt, pepper, or any other herb, spice, seasoning, sauce,
17 ²sweetener,² or substance that is used to give a special flavor to
18 food.
19 ¹**["Covered food service business" means a food service business**
20 **that does not exclusively provide customers with eco-friendly**
21 **alternative utensils and condiments, and which, therefore, is not**
22 **exempt from the provisions of P.L. , c. (C.) (pending**
23 **before the Legislature as this bill), as provided by subsection d. of**
24 **section 2 of P.L. , c. (C.) (pending before the Legislature**
25 **as this bill).]**¹
26 "Department" means the Department of Environmental
27 Protection.
28 ¹**["Eco-friendly alternative utensils and condiments" means and**
29 **includes: utensils and condiment packets or packages which are**
30 **composed of compostable material or another material approved, by**
31 **the department or the United States Environmental Protection**
32 **Agency, as an eco-friendly alternative to conventional plastics,**
33 **regardless of whether such utensils and condiment packages are**
34 **designed to be discarded, by the consumer, after a single use;**
35 **utensils and condiment packets or packages which are designed to**
36 **be used multiple times and are not intended to be discarded after a**

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:
¹Senate SEN committee amendments adopted October 10, 2024.
²Senate SBA committee amendments adopted December 8, 2025.
³Senate floor amendments adopted December 18, 2025.

1 single use, regardless of whether such utensils and condiment
2 packages are composed of conventional plastics; and any other
3 utensils and condiment packets or packages that are approved, by
4 the department or the United States Environmental Protection
5 Agency, as eco-friendly alternatives to single-use plastic utensils or
6 condiments.】¹

7 "Food service business" means and includes a restaurant, café,
8 food truck, vendor station, cafeteria, or any other facility or
9 premises, or section or part thereof, including, but not limited to, a
10 section or part of a grocery store, convenience store, hospital,
11 school, sports arena, entertainment venue, or other similar facility
12 or venue, where meals are prepared and served to customers for
13 immediate consumption thereby on or off the premises, whether on
14 a take-out, eat-in, drive-thru, or delivery basis. ²"Food service
15 business" shall include both full-service restaurants and casual
16 dining establishments.

17 "Full-service restaurant" means a food service business whose
18 primary NAICS classification in accommodation and food services
19 is 722511, or any successor classification code as designated by the
20 NAICS.

21 "NAICS" means the North American Industry Classification
22 System, used by federal statistical agencies for classifying business
23 establishments.

24 "Self-serve condiment station" means a dedicated appliance,
25 fixture, or other similar system for the dispensing of condiments,
26 which provides individual condiments for customer access,
27 provided that such items are not bundled, packaged, or otherwise
28 wrapped together. "Self-serve condiment station" shall include an
29 open tray or other similar system from which more than one
30 condiment may be taken at a time.

31 "Single-use portion cup" means a small container, with or
32 without a lid, used for serving sauces and dressings, or similar
33 accompaniments to food, that are necessary to prevent leakage,
34 allergen cross-contamination, or spillage during on-site
35 consumption, or take-out and delivery orders.²

36 "Single-use ¹【plastic】¹ utensils or condiments" means utensils or
37 condiment packets or packages which are ¹【composed of
38 conventional plastics and are】¹ designed to be discarded, by the
39 consumer, after a single use.

40 "Utensil" means an instrument, including, but not limited to, a
41 knife, fork, ¹chopstick,¹ or spoon, which is commonly used by
42 humans to eat meals served thereto by a food service business.

43 ²"Utensil dispenser" means a dedicated appliance for the
44 dispensing of food utensils, which dispenses a single-use utensil at
45 the push of a button, lever, or other similar method. With the
46 exception of utensil dispensers located in sports arenas and
47 entertainment centers, "utensil dispenser" shall not include an open

1 tray or other similar system from which more than one single-use
2 utensil may be taken at a time.²

3
4 2. ¹(New section)¹ a. Commencing on the effective date of
5 P.L. , c. (C.) (pending before the Legislature as this bill):

6 (1) no ²**[food service business]** full-service restaurant with on-site
7 seating capacity for 10 or more customers² operating in the State shall
8 provide single-use ¹**[plastic]**¹ utensils or condiments to any ²on-site
9 consumption² customer ²**[**, except upon, and in accordance with, the
10 express request of that customer². ²The full-service restaurant shall
11 provide its on-site customers with easy access to reusable, washable
12 utensils for use thereby while consuming meals on the premises, and
13 shall require each customer using such utensils to return those utensils
14 to the full-service restaurant, for the purposes of cleaning and reuse,
15 upon completion of the customer's on-site meal.² The provisions of
16 this paragraph shall be applicable regardless of whether ²**[a customer**
17 is receiving meals from the food service business on an eat-in, take-
18 out, drive-thru, or delivery basis, and regardless of whether² **]** the
19 customer's meal order is placed in person, over the phone, online, or
20 using other available means or methods ¹. ²**[An online ordering**
21 application may allow customers to request single-use utensils or
22 condiments, provided that the default selection is "no utensils or
23 condiments," and that the food service business bears final
24 responsibility for ensuring that no utensils or condiments are provided
25 except upon request¹ **]** The full-service restaurant may provide single-
26 use utensils or condiments to take-out customers as authorized by
27 paragraph (3) of this subsection²; ²**[and]**²

28 (2) ²**[a food service business that has on-site seating capacity for**
29 50 or more customers shall provide its on-site customers with easy
30 access to reusable, washable utensils for use thereby while consuming
31 meals on the premises, and shall require each customer using such
32 utensils to return those utensils to the food service business, for the
33 purposes of cleaning and reuse, upon completion of the customer's on-
34 site meal² **]** casual dining establishments operating in the State may
35 only provide single-use utensils or condiments to a customer upon, and
36 in accordance with, the express request of that customer. The request
37 may be conveyed in person, over the phone, online, or by using a
38 utensil dispenser or self-serve condiment station; and

39 (3) an online ordering application for any food service business
40 may allow customers to request single-use utensils or condiments for
41 take-out meals, so long as the default selection is "no utensils or
42 condiments," and the food service business bears final responsibility
43 for ensuring that no utensils or condiments are provided except upon
44 request².

45 b. Any food service business that elects to supply customers with
46 single-use ¹**[plastic]**¹ utensils or condiments, upon request, as

1 authorized by ²~~paragraph (1)~~ paragraphs (2) and (3)² of subsection
2 a. of this section:

3 (1) shall provide each customer with only those types and amounts
4 of single-use ¹~~plastic~~¹ utensils and condiments that have been
5 expressly requested thereby; and

6 (2) ²beginning 12 months after the effective date of P.L. , c.
7 (C.) (pending before the Legislature as this bill),² shall not create,
8 acquire, or provide customers with bundled packages that contain
9 more than one type of single-use ¹~~plastic~~¹ utensil or condiment,
10 regardless of the nature of any customer request therefor.

11 c. Nothing in this section shall be deemed to ¹~~:~~:

12 (1)^{1 2}:

13 (1)² require a food service business to provide any single-use
14 ¹~~plastic~~¹ utensils or condiments to customers, upon their request, as
15 authorized by ²~~paragraph (1)~~ paragraphs (2) and (3)² of subsection
16 a. of this section ¹~~:~~; or

17 (2) in any way restrict a food service business' ability to provide its
18 customers with eco-friendly alternative utensils and condiments, either
19 on an exclusive basis, as provided by subsection d. of this section, or
20 otherwise^{1 2}; ³~~or~~³

21 (2) prohibit a food service business from utilizing single-use
22 portion cups when serving sauces, dressings, or similar
23 accompaniments³; or

24 (3) prohibit a food service business employee from offering single-
25 use utensils or condiments to a customer, if the food service business
26 is authorized to provide single-use utensils or condiments pursuant to
27 paragraphs (2) or (3) of subsection a. of this section^{3 2}.

28 d. ¹~~Any food service business that exclusively provides eco-~~
29 ~~friendly alternative utensils and condiments to its customers shall be~~
30 ~~exempt from compliance with the provisions of this section]~~ ²~~A~~
31 school shall be exempt from the provisions of this section for a period
32 of five years beginning on the effective date of P.L. , c. (C.)
33 (pending before the Legislature as this bill)¹.

34 ¹e. A health care facility licensed pursuant to P.L.1971, c.136
35 (C.26:2H-1 et seq.) shall be exempt from the provisions of this section
36 during a time of infectious outbreak or during outdoor recreational
37 activities and family picnics

38 f.] The following entities shall be exempt from the provisions of
39 this section:

40 (1) a public or nonpublic preschool, elementary or secondary
41 school within this State offering education in grades K through 12 or
42 any combination thereof;

43 (2) a health care facility licensed pursuant to P.L.1971, c.136
44 (C.26:2H-1 et seq.); and

45 (3) a county or State correctional facility.

1 e.² A food service business located in a food court shall be exempt
 2 from the provisions of this section for a period of two years beginning
 3 on the effective date of P.L. , c. (C.) (pending before the
 4 Legislature as this bill).¹

5 ²f. Any pre-packaged food item delivered to a food service
 6 business that includes a single-use utensil or condiment, which became
 7 attached to the item during the manufacturing process shall be exempt
 8 from the provisions of this section.²

9 3. ¹(New section)¹ a. Any ¹**["covered"]** food service business
 10 that violates the provisions of section 2 of P.L. , c. (C.)
 11 (pending before the Legislature as this bill) shall be ¹**["liable to a**
 12 **civil penalty of \$1,000"]** subject to a warning¹ for the first offense,
 13 ¹a civil penalty of¹ ²**["\$2,500"]** ³**["\$1,000"]** ²**\$100**³ for the second
 14 offense, and ¹a civil penalty of¹ ²**["\$5,000"]** ³**["\$2,500"]** ²**\$250**³ for the
 15 third and each subsequent offense. ³In the event a food service
 16 business is assessed a penalty for violating the provisions of section
 17 2 of P.L. , c. (C.) (pending before the Legislature as this
 18 bill), if that food service business does not commit a violation for a
 19 period of at least 12 months from the time the penalty was assessed,
 20 the subsequent penalty assessed for that food service business shall
 21 be considered a second offense.³ Each day on which a violation
 22 occurs shall constitute a separate and distinct offense.

23 b. A penalty imposed pursuant to this section shall be
 24 collected, by the commissioner ¹, a municipality, or an entity
 25 certified pursuant to the "County Environmental Health Act,"
 26 P.L.1977, c.443 (C.26:3A2-21 et seq.)¹, in a summary proceeding
 27 commenced, pursuant to the provisions of the "Penalty Enforcement
 28 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), before a court
 29 of competent jurisdiction. The Superior Court and municipal courts
 30 shall have jurisdiction to enforce the provisions of the "Penalty
 31 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
 32 for the purposes of this section. ¹Entities certified pursuant to the
 33 "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21
 34 et seq.) shall assume primary enforcement responsibility for
 35 violations of the provisions of section 2 of P.L. , c. (C.)
 36 (pending before the Legislature as this bill).¹

37 c. Any moneys collected from penalties imposed pursuant to
 38 this section shall be deposited into the "Clean Communities
 39 Program Fund," established pursuant to section 5 of P.L.2002, c.128
 40 (C.13:1E-217) ¹, except that a municipality or entity certified
 41 pursuant to the "County Environmental Health Act," P.L.1977,
 42 c.443 (C.26:3A2-21 et seq.) may retain 30 percent of any penalty it
 43 collects pursuant to this section¹ .

44 d. Notwithstanding any provision of P.L. , c. (C.)
 45 (pending before the Legislature as this bill) to the contrary, a food
 46 service business shall be authorized to acquire, and to maintain on

1 its premises, an adequate supply of non-bundled single-use
2 **'[plastic]'** utensils or condiments for the purposes of providing
3 such single-use **'[plastic]'** utensils or condiments to customers,
4 upon request, in accordance with the provisions of **²[paragraph (1)]**
5 **paragraphs (2) and (3)²** of subsection a. of section 2 of P.L. , c.
6 (C.) (pending before the Legislature as this bill), and no food
7 service business shall be subject to a penalty, pursuant to subsection
8 a. of this section, for acquiring, possessing, or maintaining a supply
9 of single-use **'[plastic]'** utensils or condiments for the limited
10 purposes authorized by this subsection.

11
12 **²[4. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to**
13 **read as follows:**

14 5. The Clean Communities Program Fund is established as a
15 nonlapsing, revolving fund in the Department of the Treasury. The
16 Clean Communities Program Fund shall be administered by the
17 Department of Environmental Protection and credited, in addition to
18 any appropriations made thereto, with all user fees imposed
19 pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) **[or],**
20 penalties imposed pursuant to section 10 of P.L.2002, c.128
21 (C.13:1E-222), penalties imposed pursuant to P.L. , c. (C.)
22 (pending before the Legislature as this bill), and any sums received
23 as voluntary contributions from private sources. Interest received
24 on moneys in the Clean Communities Program Fund shall be
25 credited to the fund. Unless otherwise expressly provided by the
26 specific appropriation thereof by the Legislature, which shall take
27 the form of a discrete legislative appropriations act and shall not be
28 included within the annual appropriations act, all available moneys
29 in the Clean Communities Program Fund shall be appropriated
30 annually and solely for the following purposes and no others:

31 a. 10 percent of the estimated annual balance of the Clean
32 Communities Program Fund shall be used for a State program of
33 litter pickup and removal and of enforcement of litter-related laws
34 and ordinances in State owned places and areas that are accessible
35 to the public. Moneys in the fund may also be used by the State to
36 abate graffiti;

37 b. 50 percent of the estimated annual balance of the Clean
38 Communities Program Fund shall be distributed as State aid to
39 eligible municipalities with total housing units of 200 or more for
40 programs of litter pickup and removal, including establishing an
41 "Adopt-A-Highway" program, of public education and information
42 relating to litter abatement and of enforcement of litter-related laws
43 and ordinances. The amount of State aid due each municipality
44 shall be solely calculated based on the proportion which the housing
45 units of a qualifying municipality bear to the total housing units in
46 the State. Total housing units shall be determined using the most
47 recent federal decennial population estimates for New Jersey and its

1 municipalities, filed in the office of the Secretary of State. Moneys
2 in the fund may also be used by an eligible municipality to abate
3 graffiti;

4 c. 30 percent of the estimated annual balance of the Clean
5 Communities Program Fund shall be distributed as State aid to
6 eligible municipalities with total housing units of 200 or more for
7 programs of litter pickup and removal, including establishing an
8 "Adopt-A-Highway" program, of public education and information
9 relating to litter abatement and of enforcement of litter-related laws
10 and ordinances. The amount of State aid due each municipality
11 shall be solely calculated based on the proportion which the
12 municipal road mileage of a qualifying municipality bears to the
13 total municipal road mileage within the State. For the purposes of
14 this subsection, "municipal road mileage" means that road mileage
15 under the jurisdiction of municipalities, as determined by the
16 Department of Transportation. Moneys in the fund may also be
17 used by an eligible municipality to abate graffiti;

18 d. 10 percent of the estimated annual balance of the Clean
19 Communities Program Fund shall be distributed as State aid to
20 eligible counties for programs of litter pickup and removal,
21 including establishing an "Adopt-A-Highway" program, of public
22 education and information relating to litter abatement and of
23 enforcement of litter-related laws and ordinances. The amount of
24 State aid due each county shall be solely calculated based on the
25 proportion which the county road mileage of an eligible county
26 bears to the total county road mileage within the State. For the
27 purposes of this subsection, "county road mileage" means that road
28 mileage under the jurisdiction of counties, as determined by the
29 Department of Transportation. Moneys in the fund may also be
30 used by an eligible county to abate graffiti;

31 e. No eligible municipality shall receive less than \$4,000 in
32 State aid as apportioned pursuant to subsections b. and c. of this
33 section. A municipality or county may use up to five percent of its
34 State aid for administrative expenses;

35 f. Prior to the distribution of funds pursuant to subsections a.
36 through d. of this section:

37 (1) \$375,000 of the estimated annual balance of the Clean
38 Communities Program Fund shall be annually appropriated to the
39 department and made available on July 1 of every year to the
40 organization under contract with the department pursuant to section
41 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
42 information and education program concerning antilittering
43 activities and other aspects of responsible solid waste handling
44 behavior, of which up to \$75,000 shall be used exclusively to
45 finance an annual Statewide television, radio, newspaper and other
46 media advertising campaign to promote antilittering and responsible
47 solid waste handling behavior.

(2) in each of the first three years after the effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.), \$500,000 of the estimated annual balance of the Clean Communities Program Fund shall be appropriated to the department and made available on July 1 of each year to the organization under contract with the department pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) for the Statewide public information and education program developed pursuant to subsection b. of section 8 of P.L.2020, c.117 (C.13:1E-99.133).

The organization under contract with the department pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the date on which the contract period concludes, submit a report to the Governor and the Legislature concerning its activities during the contract period and any recommendations concerning improving the program. Every eligible municipality and county shall cooperate with the organization under contract with the department pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing information concerning its program of litter pickup and removal.

No later than May 31, 2008, 25 percent of the estimated annual balance of the Clean Communities Program Fund shall be appropriated to the State Recycling Fund established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96). These moneys shall be used by the Department of Environmental Protection for direct recycling grants to counties and municipalities, up to a maximum appropriation of \$4,000,000.

g. As used in this section, "graffiti" means any inscription drawn, painted or otherwise made on a bridge, building, public transportation vehicle, rock, wall, sidewalk, street or other exposed surface on public property.

The department may carry forward any unexpended balances in the Clean Communities Program Fund as of June 30 of each year. (cf: P.L.2020, c.117, s.10)]²

^{24.} (New section) The department shall develop a 180-day education campaign to educate citizens of the State on the financial and environmental benefits of reducing the amount of single-use utensils and condiments offered without necessity, and to encourage responsible use by reminding individuals not to take more items than needed from a self-serve condiment station or utensil dispenser.²

^{25.} (New section) a. A municipality or county shall not adopt any rule, regulation, code or ordinance concerning the regulation or prohibition of single-use utensils or condiments after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).

b. The provisions of P.L. , c. (C.) (pending before the Legislature as this bill) shall supersede and preempt any municipal

1 or county rule, regulation, code, or ordinance concerning the
2 provision of single-use utensils or condiments by food service
3 businesses that was enacted prior to the effective date of P.L. , c.
4 (C.) (pending before the Legislature as this bill).²
5

6 ²6. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to
7 read as follows:

8 5. The Clean Communities Program Fund is established as a
9 nonlapsing, revolving fund in the Department of the Treasury. The
10 Clean Communities Program Fund shall be administered by the
11 Department of Environmental Protection and credited, in addition to
12 any appropriations made thereto, with all user fees imposed
13 pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) **[or]**,
14 penalties imposed pursuant to section 10 of P.L.2002, c.128
15 (C.13:1E-222), penalties imposed pursuant to P.L. , c. (C.)
16 (pending before the Legislature as this bill), and any sums received
17 as voluntary contributions from private sources. Interest received
18 on moneys in the Clean Communities Program Fund shall be
19 credited to the fund. Unless otherwise expressly provided by the
20 specific appropriation thereof by the Legislature, which shall take
21 the form of a discrete legislative appropriations act and shall not be
22 included within the annual appropriations act, all available moneys
23 in the Clean Communities Program Fund shall be appropriated
24 annually solely for the following purposes and no others:

25 a. 10 percent of the estimated annual balance of the Clean
26 Communities Program Fund shall be used for a State program of
27 litter pickup and removal and of enforcement of litter-related laws
28 and ordinances in State owned places and areas that are accessible
29 to the public. Moneys in the fund may also be used by the State to
30 abate graffiti;

31 b. 50 percent of the estimated annual balance of the Clean
32 Communities Program Fund shall be distributed as State aid to
33 eligible municipalities with total housing units of 200 or more for
34 programs of litter pickup and removal, including establishing an
35 "Adopt-A-Highway" program, of public education and information
36 relating to litter abatement, and of enforcement of litter-related laws
37 and ordinances. The amount of State aid due each municipality
38 shall be solely calculated based on the proportion which the housing
39 units of a qualifying municipality bear to the total housing units in
40 the State. Total housing units shall be determined using the most
41 recent federal decennial population estimates for New Jersey and its
42 municipalities, filed in the office of the Secretary of State. Moneys
43 in the fund may also be used by an eligible municipality to abate
44 graffiti;

45 c. 30 percent of the estimated annual balance of the Clean
46 Communities Program Fund shall be distributed as State aid to
47 eligible municipalities with total housing units of 200 or more for
48 programs of litter pickup and removal, including establishing an

1 "Adopt-A-Highway" program, of public education and information
2 relating to litter abatement, and of enforcement of litter-related laws
3 and ordinances. The amount of State aid due each municipality
4 shall be solely calculated based on the proportion which the
5 municipal road mileage of a qualifying municipality bears to the
6 total municipal road mileage within the State. For the purposes of
7 this subsection, "municipal road mileage" means that road mileage
8 under the jurisdiction of municipalities, as determined by the
9 Department of Transportation. Moneys in the fund may also be
10 used by an eligible municipality to abate graffiti;

11 d. 10 percent of the estimated annual balance of the Clean
12 Communities Program Fund shall be distributed as State aid to
13 eligible counties for programs of litter pickup and removal,
14 including establishing an "Adopt-A-Highway" program, of public
15 education and information relating to litter abatement, and of
16 enforcement of litter-related laws and ordinances. The amount of
17 State aid due each county shall be solely calculated based on the
18 proportion which the county road mileage of an eligible county
19 bears to the total county road mileage within the State. For the
20 purposes of this subsection, "county road mileage" means that road
21 mileage under the jurisdiction of counties, as determined by the
22 Department of Transportation. Moneys in the fund may also be
23 used by an eligible county to abate graffiti;

24 e. No eligible municipality shall receive less than \$4,000 in
25 State aid as apportioned pursuant to subsections b. and c. of this
26 section. A municipality or county may use up to five percent of its
27 State aid for administrative expenses;

28 f. Prior to the distribution of funds pursuant to subsections a.
29 through d. of this section:

30 (1) \$375,000 of the estimated annual balance of the Clean
31 Communities Program Fund shall be annually appropriated to the
32 department and made available on July 1 of every year to the
33 organization under contract with the department pursuant to section
34 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
35 information and education program concerning antilittering
36 activities and other aspects of responsible solid waste handling
37 behavior, of which up to \$75,000 shall be used exclusively to
38 finance an annual Statewide television, radio, newspaper and other
39 media advertising campaign to promote antilittering and responsible
40 solid waste handling behavior.

41 (2) \$500,000 of the estimated annual balance of the Clean
42 Communities Program Fund shall be annually appropriated to the
43 department and made available on July 1 of each year to the
44 organization under contract with the department pursuant to section
45 6 of P.L.2002, c.128 (C.13:1E-218) for the Statewide public
46 information and education program developed pursuant to
47 subsection b. of section 8 of P.L.2020, c.117 (C.13:1E-
48 99.133), including the redistribution of reusable bags.

1 The organization under contract with the department pursuant to
2 section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the
3 date on which the contract period concludes, submit a report to the
4 Governor and the Legislature concerning its activities during the
5 contract period and any recommendations concerning improving the
6 program. Every eligible municipality and county shall cooperate
7 with the organization under contract with the department pursuant
8 to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing
9 information concerning its program of litter pickup and removal.

10 No later than May 31, 2008, 25 percent of the estimated annual
11 balance of the Clean Communities Program Fund shall be
12 appropriated to the State Recycling Fund established pursuant to
13 section 5 of P.L.1981, c.278 (C.13:1E-96). These moneys shall be
14 used by the Department of Environmental Protection for direct
15 recycling grants to counties and municipalities, up to a maximum
16 appropriation of \$4,000,000.

17 g. As used in this section, "graffiti" means any inscription
18 drawn, painted or otherwise made on a bridge, building, public
19 transportation vehicle, rock, wall, sidewalk, street, or other exposed
20 surface on public property.

21 The department may carry forward any unexpended balances in
22 the Clean Communities Program Fund as of June 30 of each year.²

23 (cf: P.L.2025, c.106, s.1)
24

25 ²**[15.]** 7.² Section 6 of P.L.2020, c.117 (C.13:1E-99.131) is
26 amended to read as follows:

27 6. a. Any person or entity that violates a provision of P.L.2020,
28 c.117 (C.13:1E-99.126 et al.), or any rule or regulation adopted
29 pursuant thereto, shall be subject to a warning for a first offense, up to
30 \$1,000 for a second offense, and up to \$5,000 for a third or subsequent
31 offense, to be collected in a civil action by a summary proceeding
32 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
33 (C.2A:58-10 et seq.), or in any case before a court of competent
34 jurisdiction wherein injunctive relief has been requested. If the
35 violation is of a continuing nature, each day during which it continues
36 shall constitute an additional, separate, and distinct offense. The
37 Superior Court and the municipal court shall have jurisdiction to
38 enforce the provisions of the "Penalty Enforcement Law of 1999" in
39 connection with P.L.2020, c.117 (C.13:1E-99.126 et al.).

40 b. Any penalty collected pursuant to this section shall be remitted
41 to the State Treasurer for deposit in the Clean Communities Program
42 Fund established pursuant to section 5 of P.L.2002, c.128 (C.13:1E-
43 217), except that a municipality or entity certified pursuant to the
44 "County Environmental Health Act," P.L.1977, c.443 **[(C.26:3a2-21)]**
45 (C.26:3A2-21) et seq.) may retain 30 percent of any penalty it collects
46 pursuant to subsection a. of this section.

47 c. The Department of Environmental Protection, a municipality,
48 and any entity certified pursuant to the "County Environmental Health

1 Act," P.L.1977, c.443 ~~[(C.26:3a2-21)]~~ (C.26:3A2-21 et seq.) shall
2 have the authority to enforce the provisions of P.L.2020, c.117
3 (C.13:1E-99.126 et al.). Those entities may institute a civil action for
4 injunctive relief to enforce P.L.2020, c.117 (C.13:1E-99.126 et al.) and
5 to prohibit and prevent a violation thereof, and the court may proceed
6 in the action in a summary manner. Entities certified pursuant to the
7 "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et
8 seq.) shall assume primary enforcement responsibility for violations of
9 the provisions of P.L.2020, c.117 (C.13:1E-99.126 et al.).¹

10 (cf: P.L.2020, c.117, s.6)

11
12 ¹~~[5.]~~ ²~~[6.]~~ 8.² This act shall take effect on the first day of the
13 seventh month next following the date of enactment.

14
15
16 _____
17
18 Prohibits food service business from providing single-use
19 utensils and condiments to customers under certain circumstances
20 and requires DEP to establish education campaign on benefits of
21 reducing single-use utensils and condiments.