

P.L. 2025, CHAPTER 308, *approved January 20, 2026*
Senate, No. 3802 (*Fourth Reprint*)

1 **AN ACT** concerning certain plastic construction materials and
2 supplementing Title 13 of the Revised Statutes.
3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6
7 1. a. As used in this section:
8 "Construction material" means an article, material, or supply that
9 is brought to the site of a construction project for incorporation into
10 the building or work, which meets applicable standards related to
11 performance and is of a satisfactory quality. "Construction material"
12 includes an item that is brought to the site preassembled from
13 articles, materials, or supplies. ²"Construction material" does not
14 include any road surface materials or any hazard, caution, or traffic
15 signs, signage, markings, or symbols.²
16 "Construction project" means a project for the construction,
17 reconstruction, rehabilitation, modernization, alteration, conversion,
18 extension, repair, or improvement of buildings, structures, roads,
19 parks, or other real property, or for the production, delivery, or
20 disposal of water, waste, wastewater, energy, fuel, information, or
21 communications.
22 "Governmental entity" means any agency, board, bureau,
23 commission, department, division, office, ¹publicly owned utility,¹
24 or other instrumentality of the State, or a county or municipality.
25 "Overall cost" means the total cost of a State-funded construction
26 project, calculated in accordance with any applicable regulations or
27 standards, and including the cost of labor, materials, and any other
28 costs.
29 "Plastic construction material" means a construction material that
30 is made of greater than 50 percent plastic, measured in terms of
31 cost.
32 "Postconsumer recycled content" means a material or product
33 that has completed its intended end use and product life cycle, and
34 which has been separated from the solid waste stream for the
35 purposes of collection and recycling. "Postconsumer recycled
36 content" shall not include secondary waste material or materials and

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 SBA committee amendments adopted December 8, 2025.
²Senate floor amendments adopted December 18, 2025.
³Assembly ACE committee amendments adopted January 5, 2026.
⁴Assembly AAP committee amendments adopted January 8, 2026.

1 by-products generated from, and commonly used within, an original
2 manufacturing and fabrication process.

3 "State-funded construction project" means a construction project
4 supported in whole or part by funds granted, loaned, or otherwise
5 provided by the State.

6 b. Commencing one year after the effective date of this section,
7 a State-funded construction project carried out by a governmental
8 entity shall not incorporate plastic construction material unless the
9 plastic construction material:

10 (1) contains at least 10 percent postconsumer recycled content,
11 for plastic construction material purchased prior to two years after
12 the effective date of this section; or

13 (2) contains at least 15 percent postconsumer recycled content,
14 for plastic construction material purchased thereafter.

15 c. The provisions of subsection b. of this section shall not apply
16 if ^{2,2}

17 (1) the use of plastic construction ⁴~~material~~ materials⁴ that
18 ⁴~~meets~~ meet⁴ the provisions of subsection b. of this section would
19 increase the overall cost of the ¹State-funded construction¹ project
20 by ¹~~25~~ 20¹ percent ²~~, or~~ ²

21 (2) ¹~~plastic~~¹ construction materials¹, other than plastic
22 construction materials¹ that meet the ¹postconsumer recycled
23 content¹ criteria in the provisions of subsection b. of this section^{1,1}
24 do not exist for the intended application, ³~~or~~³ are not available in
25 sufficient quantities³, or are not available within 60 days of the start
26 of construction of the State-funded construction project^{3 2, 4}~~or~~⁴

27 (3) the licensed architect or engineer of record has certified in
28 writing that (a) the use of construction materials that meet the
29 provisions of subsection b. of this section would cause structural
30 integrity issues with the State-funded construction project at issue
31 that are likely to materially and negatively impact the safety of any
32 future occupants of the State-funded construction project, and (b)
33 the structural integrity issues cannot be reasonably mitigated
34 without the use of construction materials that do not ³~~satisfy~~³
35 meet³ the ³~~requirements~~³ provisions³ of subsection b. of this
36 section^{2 4,or}

37 (4) the construction is creating residential housing deed restricted
38 as low-income housing or moderate-income housing pursuant to
39 section 4 of P.L.1985, c.222 (C.52:27D-304)⁴ .

40
41 2. The Commissioner of Environmental Protection shall, in
42 accordance with the "Administrative Procedure Act," P.L.1968,
43 c.410 (C.52:14B-1 et seq.). adopt rules and regulations as necessary
44 to implement this act

45
46 3. This act shall take effect immediately.

1 _____
2
3 Requires certain State-funded construction projects to utilize
4 plastic construction materials that contain certain amounts of
5 postconsumer recycled content.