

[First Reprint]

SENATE, No. 226

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

SYNOPSIS

Prohibits use by certain retailers of shipping box greater than two times volume of product being shipped.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on May 13, 2024, with amendments.



(Sponsorship Updated As Of: 3/7/2024)

1 AN ACT concerning the size of shipping boxes utilized by certain
2 retailers to ship products to consumers and supplementing Title
3 13 of the Revised Statutes.

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

7
8 1. a. Beginning six months after the effective date of this section,
9 no large online retailer or major retailer in the State shall utilize a
10 shipping box to ship a product to a consumer that is greater than two
11 times the volume of the product being shipped ¹, except that the
12 shipping box shall conform to any minimum size requirements
13 established by the United States Postal Service, or a private shipping
14 company, as applicable¹.

15 b. Any large online retailer or major retailer that violates the
16 provisions of this section shall be subject to a civil penalty of not less
17 than \$250 nor more than \$500 for each offense, to be collected in a
18 civil action by summary proceeding under the "Penalty Enforcement
19 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case
20 before a court of competent jurisdiction wherein injunctive relief has
21 been requested. If the violation is of a continuing nature, each day
22 during which the violation continues shall constitute an additional,
23 separate, and distinct offense. The Superior Court and the municipal
24 court shall have jurisdiction to enforce the provisions of the "Penalty
25 Enforcement Law of 1999" in connection with this section.

26 c. The Department of Environmental Protection, the Division of
27 Consumer Affairs in the Department of Law and Public Safety, a
28 county, a municipality, or any entity certified pursuant to the "County
29 Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.),
30 may institute a civil action for a civil penalty or injunctive relief to
31 enforce the provisions of this section or prohibit and prevent a
32 violation thereof, and the court may proceed in the action in a
33 summary manner.

34 d. ¹The provisions of this section shall not apply to a consumer
35 electronics product.

36 e. ¹ As used in this section:

37 "Consumer" means a person present in New Jersey who purchases
38 merchandise at retail for personal use and not for purposes of resale.

39 ¹"Consumer electronics product" means any electronic device used
40 in the home or business that includes circuitry, including the
41 components and sub-assemblies that collectively make up the product.
42 "Consumer electronics product" shall include, but not be limited to, a
43 computer, printer, copier, stereo, television, or telecommunications
44 device.¹

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 May 13, 2024.

- 1 "Large online retailer" means a business that sells goods over the
2 internet, sends goods by mail or parcel delivery, and has annual gross
3 sales equal to or greater than one million dollars in or into the State.
- 4 "Major retailer" means a retail establishment that occupies at least
5 75,000 square feet and has 50 or more employees.
- 6 "Shipping box" means a cardboard or corrugated container that has
7 a flat base and sides and is utilized by retailers to ship products to
8 consumers by mail.
- 9
- 10 2. This act shall take effect immediately.