

**SENATE, No. 3294**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED MAY 20, 2024

**Sponsored by:**

**Senator KRISTIN M. CORRADO**

**District 40 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Repeals law that prohibits certain establishments from providing or selling various single-use products to customers.

**CURRENT VERSION OF TEXT**

As introduced.



S3294 CORRADO

2

1 AN ACT concerning single-use products, amending P.L.2002, c.128,  
2 and repealing sections 1 through 9 of P.L.2020, c.117.

3

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

6

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

9 5. The Clean Communities Program Fund is established as a  
10 nonlapsing, revolving fund in the Department of the Treasury. The  
11 Clean Communities Program Fund shall be administered by the  
12 Department of Environmental Protection and credited, in addition to  
13 any appropriations made thereto, with all user fees imposed  
14 pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) or penalties  
15 imposed pursuant to section 10 of P.L.2002, c.128 (C.13:1E-222),  
16 and any sums received as voluntary contributions from private  
17 sources. Interest received on moneys in the Clean Communities  
18 Program Fund shall be credited to the fund. Unless otherwise  
19 expressly provided by the specific appropriation thereof by the  
20 Legislature, which shall take the form of a discrete legislative  
21 appropriations act and shall not be included within the annual  
22 appropriations act, all available moneys in the Clean Communities  
23 Program Fund shall be appropriated annually solely for the  
24 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;

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

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

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

32 f. Prior to the distribution of funds pursuant to subsections a.  
33 through d. of this section

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

45 (2) in each of the first three years after the effective date of  
46 P.L.2020, c.117 (C.13:1E-99.126 et al.), \$500,000 of the estimated  
47 annual balance of the Clean Communities Program Fund shall be  
48 appropriated to the department and made available on July 1 of each

1 year to the organization under contract with the department  
2 pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) for the  
3 Statewide public information and education program developed  
4 pursuant to subsection b. of section of section 8 of P.L.2020, c.117  
5 (C.13:1E-99.133).】

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

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

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

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

29

30 2. Sections 1 through 9 of P.L.2020, c.117 (C.13:1E-99.126  
31 through C.13:1E-99.134) are repealed.

32

33 3. This act shall take effect immediately.

34

35

36

#### STATEMENT

37

38 This bill repeals sections 1 through 9 of P.L.2020, c.117  
39 (C.13:1E-99.126 through C.13:1E-99.134), which currently does the  
40 following: (1) prohibits certain establishments from providing or  
41 selling various single-use products, such as plastic carryout bags,  
42 paper carryout bags, polystyrene foam service products, and plastic  
43 straws, to customers; (2) establishes penalties for noncompliance;  
44 (3) establishes a Plastics Advisory Council within the Department  
45 of Environmental Protection (DEP); (4) requires the Department of  
46 State, in consultation with the DEP, to develop a program to assist  
47 businesses in complying with the law; (5) and requires the DEP to  
48 develop rules and regulations as necessary to implement the law.

**S3294 CORRADO**

1       By repealing this law, certain establishments throughout the  
2 State would be permitted to provide and sell various single-use  
3 products to customers. Specifically, stores and food service  
4 business would be permitted to provide or sell single-use plastic  
5 carryout bags to customers; food banks and food pantries would be  
6 permitted to provide single-use plastic carryout bags to customers;  
7 grocery stores would be permitted to provide or sell single-use  
8 paper carryout bags to customers; food service businesses would be  
9 permitted to provide or sell food in a polystyrene foam food service  
10 product; the sale of polystyrene food service products would be  
11 permitted; and food service businesses would be permitted to  
12 provide single-use plastic straws to customers without requiring the  
13 customer to request a single-use plastic straw.

14       This bill also amends section 5 of P.L.2002, c.128 (C.13:1E-217)  
15 to reflect the repeal of P.L.2020, c.117 by deleting language added  
16 to that section in P.L.2020, c.117.