

SENATE, No. 4656

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)

SYNOPSIS
“Protect our Health from Plastics Act.”

CURRENT VERSION OF TEXT
As introduced.



1 AN ACT concerning plastic packaging and supplementing Title 13
2 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. This act shall be known and may be cited as the “Protect our
8 Health from Plastics Act.”

9
10 2. As used in this act:

11 “Chemical conversion” means any method by which pre-
12 consumer or post-consumer plastic waste is converted or altered
13 through any non-mechanical process. “Chemical conversion” shall
14 include:

15 (1) any process that results in the creation of hazardous
16 chemicals by any means including, but not limited to, incineration,
17 waste-to-energy, or waste-to-fuel;

18 (2) any process used to transform plastic or plastic-derived
19 materials into any of, but not limited to, the following:

- 20 (a) plastic polymers;
21 (b) plastic monomers;
22 (c) chemicals;
23 (d) waxes;
24 (e) lubricants;
25 (f) chemical feedstocks;
26 (g) crude oil;
27 (h) diesel;
28 (i) gasoline; or
29 (j) home heating oil; and

30 (3) any process that subjects plastics to high heat, combustion,
31 solvents, solutions, catalysts, or other chemical processes including,
32 but not limited to:

- 33 (a) gasification;
34 (b) pyrolysis;
35 (c) solvolysis;
36 (d) hydrolysis;
37 (e) methanolysis;
38 (f) glycolysis;
39 (g) enzymatic breakdown;
40 (h) combustion;
41 (i) flash graphene conversion;
42 (j) radical anion attack or electron-driven depolymerization;
43 (k) thermal desorption;
44 (l) continuous microwave assisted pyrolysis;
45 (m) flash joule heating; and
46 (n) dissolution

47 “Consumer product” means an item manufactured, assembled,
48 packaged or otherwise prepared for sale, including its product

1 components, which is sold for personal use or consumption by
2 individuals. “Consumer product” shall not include used products
3 offered for sale or resale.

4 “Covered plastic packaging” means any plastic, in whole or in
5 part, that is used for the containment, protection, handling, delivery,
6 transport, distribution, or presentation of any consumer product or
7 other product that is sold, offered for sale, imported, or distributed
8 in the State. “Covered plastic packaging” includes, but is not
9 limited to: (1) sales packaging, or primary packaging, intended to
10 provide the user or consumer with the individual serving or unit of
11 the product and most closely containing the product, food, or
12 beverage; (2) grouped packaging, or secondary packaging, intended
13 to bundle, sell in bulk, brand, or display the product; and (3)
14 transport packaging, or tertiary packaging, intended to protect the
15 product during transport. “Covered plastic packaging” shall not
16 include: medical devices and packaging which are included with
17 products regulated as a drug, medical device, or dietary supplement
18 by the United States Food and Drug Administration under the
19 “Federal Food, Drug, and Cosmetic Act,” 21 U.S.C. s.301 et seq.,
20 or the federal “Dietary Supplement Health and Education Act,”
21 Pub.L.103-417; packaging included with a combination product as
22 defined at 21 C.F.R. s.3.2(e); animal biologics packaging, including
23 vaccines, bacterins, antisera, diagnostic kits, and other products or
24 biological origin, and other covered materials regulated by the
25 United States Department of Agriculture under 21 U.S.C. ss.151-
26 159, known as the “Virus-Serum-Toxin Act”; or packaging
27 regulated by the “Federal Insecticide, Fungicide, and Rodenticide
28 Act,” 7 U.S.C. s.136 et seq., or other applicable federal law, rule, or
29 regulation.

30 “Department” means the Department of Environmental
31 Protection.

32 “Disposal” means the landfilling or incineration of packaging
33 material. “Disposal” shall also include: (1) the chemical
34 conversion of discarded materials or discarded product component
35 materials; (2) landfill disposal of discarded material or discarded
36 product component materials, including the use of materials as
37 landfill cover; and (3) composting, aerobic digestion, anaerobic
38 digestion, or biodegradation in industrial or non-industrial facilities.

39 “Food contact plastic packaging” means covered plastic
40 packaging, or a packaging component, that is designed or intended
41 to contain or come into direct contact with food, foodstuffs,
42 beverages, or ingredients intended for human consumption. “Food
43 contact plastic packaging” includes, but is not limited to,
44 containers, bottles, cups, trays, wrappers, films, liners, closures,
45 seals, coatings, and other packaging components that are designed
46 or intended to directly contact food or beverages. “Food contact
47 plastic packaging” shall not include secondary or tertiary packaging
48 that does not directly contact food or beverages.

1 “Licensee” means a person holding the exclusive right to use a
2 trademark or brand in the United States or the State in connection
3 with the manufacture, sale, or distribution of a product.

4 “Office” means the Office of Inspector General established
5 pursuant to section 9 of this act.

6 “Plastic” means a synthetic or semi-synthetic material made from
7 linking monomers derived from fossil fuel or biological sources
8 through a chemical reaction to create a polymer chain that can be
9 molded, extruded, or otherwise shaped into pellets, objects, films,
10 or filaments, whether alone or in combination with chemical
11 additives including but not limited to plasticizers, stabilizers,
12 colorants, or flame retardants.

13 “Producer” means (1) the person or entity that manufactures or
14 uses in commercial enterprise a product that is sold, offered for
15 sale, contained, protected, delivered, presented, or distributed in, or
16 using, packaging into the State under the brand of the manufacturer;
17 (2) if there is no person in the State who is the producer for
18 purposes of paragraph (1), the producer is the owner, or, if the
19 owner is not in the State, the exclusive licensee of a brand or
20 trademark under which the product is sold; or (3) if there is no
21 person in the State who is the producer for purposes of paragraph
22 (1) or (2), the producer is the person or entity that imports a product
23 that is contained, protected, delivered, or presented in packaging,
24 into the United States or the State for use in commercial enterprise
25 in the State. In the instance where a private label product is being
26 sold by a retailer, the “producer” is the person or entity who is the
27 owner or licensee of the brand or trademark under which the
28 product is used in a commercial enterprise, sold, offered for sale, or
29 distributed in or into New Jersey, whether or not the trademark is
30 registered in New Jersey. “Producer” includes a franchisor of a
31 franchise located in the United States but does not include the
32 franchisee operating that franchise. For the purposes of this act, the
33 sale of the product shall be deemed to occur in the United States if
34 the product is delivered to the purchaser in the United States.

35 “Product” means an item manufactured, assembled, packaged or
36 otherwise prepared for sale – including its product components –
37 that is sold or distributed for personal, residential, commercial or
38 industrial use, including for use in making other products.
39 “Product” shall not include used products offered for sale or resale.

40 “Reuse and refill” means a program or set of systems designed to
41 facilitate multiple uses of packaging, including, but not limited to:
42 deposits, incentives, curbside collection, collection kiosks, refill
43 stations, dishwashing facilities, and reuse sheds, buildings, or
44 centers. A product shall be considered to be “reusable and
45 refillable” if it is designed for reuse and refill and has a
46 demonstrated reusability of more than 10 times for the same or
47 similar purpose as its original format in a system of reuse and refill
48 that is owned by producers, manufacturers, or any third party.

1 Plastic packaging used to contain food or beverages for human
2 consumption shall not be considered to be “reusable and refillable.”

3 “Toxic substance” means a chemical or chemical class identified
4 by a state agency, federal agency, international intergovernmental
5 agency, accredited research university, or other scientific entity
6 deemed authoritative by the department on the basis of credible
7 scientific evidence as being one or more of the following: (1) a
8 chemical or chemical class that is a carcinogen, mutagen,
9 reproductive toxicant, immunotoxin, neurotoxicant, or endocrine
10 disruptor; (2) a chemical or chemical class that is persistent or
11 bioaccumulative; (3) a chemical or chemical class that may harm
12 the normal development of a fetus or child or cause other
13 developmental toxicity in humans or wildlife; (4) a chemical or
14 chemical class that may harm organs or cause other systemic
15 toxicity; (5) a chemical or chemical class that may have adverse air
16 quality impacts, adverse ecological impacts, adverse soil quality
17 impacts, or adverse water quality impacts; or (6) a chemical or
18 chemical class that the department has determined has equivalent
19 toxicity to the above criteria.

20 “Unit” means each discrete component of a plastic package or
21 container, including material that is used for the containment,
22 protection, handling, delivery, transport, distribution, and
23 presentation of a product that is sold, offered for sale, imported, or
24 distributed in the United States, including through Internet
25 transactions.

26

27 3. a. Each individual producer of covered plastic packaging is
28 subject to the following requirements and shall annually:

29 (1) submit a registration fee to the department in an amount
30 determined by the department pursuant to subsection d. of section 6
31 of this act, which shall be deposited by the department into the
32 “Plastics and Toxics Reduction Fund” established by section 6 of
33 this act;

34 (2) report the total amount, by unit and weight, of covered plastic
35 packaging in the prior calendar year used by the producer to sell,
36 offer for sale, contain, protect, deliver, present, or distribute
37 products into the State, the first instance of which shall serve as the
38 baseline year;

39 (3) submit a written statement, signed by the chief corporate
40 officer, verifying the producer’s compliance with the reduction
41 requirements established in section 4 of this act, and the toxic
42 elimination requirements established in section 5 of this act; and

43 (4) provide all information necessary for the producer and the
44 department to meet the obligations required under this section.

45 b. The department shall establish, in the rules and regulations
46 adopted pursuant to section 11 of this act, a form, manner, and
47 schedule by which producers shall comply with the provisions of
48 this section.

1 4. a. Each individual producer shall reduce the amount of
2 covered plastic packaging used to sell, offer for sale, contain,
3 protect, deliver, present, or distribute products into the State
4 according to the following schedule:

5 (1) 10 percent by weight no later than two years after registering
6 with the department pursuant to section 3 of this act;

7 (2) 20 percent by weight no later than four years after
8 registering;

9 (3) 30 percent by weight no later than six years after registering;

10 (4) 40 percent by weight no later than eight years after
11 registering; and

12 (5) 50 percent by weight no later than 10 years after registering.

13 b. The reductions required by this section shall be measured
14 against the total amount of covered plastic packaging the producer
15 used to contain, protect, deliver, present, or distribute the products
16 they sold, offered for sale, or distributed for sale, during the first
17 year the producer registered with the department.

18 c. The reductions required by this section may be achieved by
19 using strategies including, but not limited to:

20 (1) the elimination of plastic packaging components;

21 (2) the reduction of plastic packaging components;

22 (3) the use of reuse and refill systems;

23 (4) plastic packaging rightsizing, lightweighting, and
24 optimization; and

25 (5) replacing plastic packaging components with non-plastic
26 materials.

27 d. The reductions required by this section shall not be achieved
28 through disposal.

29 e. Upon application by a producer, the department may grant a
30 waiver from the reduction requirements of this section, solely with
31 respect to a specified category or format of covered plastic
32 packaging, if the producer demonstrates, through verifiable data and
33 documentation satisfactory to the department, that:

34 (1) the covered plastic packaging is not food contact plastic
35 packaging; and

36 (2) during the preceding calendar year, not less than 75 percent
37 of the covered plastic packaging by weight was collected and
38 managed through a reuse and refill system.

39

40 5. a. Beginning three years after the effective date of this act, no
41 producer may knowingly sell, offer for sale, contain, protect,
42 deliver, present, or distribute a product into the State with covered
43 plastic packaging that contains the following toxic substances:

44 (1) antimony and antimony compounds;

45 (2) arsenic;

46 (3) benzophenone and its derivatives;

47 (4) bisphenols;

48 (5) cadmium and cadmium compounds;

- 1 (6) cobalt
- 2 (7) formaldehyde;
- 3 (8) halogenated flame retardants;
- 4 (9) hexavalent chromium and hexavalent chromium compounds;
- 5 (10) lead and lead compounds;
- 6 (11) mercury and mercury compounds;
- 7 (12) non-detectable pigments including carbon black;
- 8 (13) nonylphenols;
- 9 (14) ortho-phthalates;
- 10 (15) oxo-degradable additives including oxo-biodegradable
- 11 additives;
- 12 (16) perchlorate;
- 13 (17) per- and polyfluoroalkyl substances (PFAS);
- 14 (18) short chained, medium chained, and long chained
- 15 chlorinated paraffins;
- 16 (19) toluene;
- 17 (20) UV 328 (2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol);
- 18 (21) polyvinyl chloride (PVC), including polyvinylidene
- 19 chloride;
- 20 (22) polystyrene; or
- 21 (23) polycarbonate.

22 b. Beginning five years after the effective date of this act, and
23 every three years thereafter, the department shall designate at least
24 10 additional toxic substances or families of toxic substances that
25 may no longer be sold, offered for sale, distributed for sale, or
26 distributed for use in covered plastic packaging in the State unless
27 the department determines there are not 10 chemicals that meet the
28 definition of toxic substances.

29 (1) If the department determines there are not 10 chemicals that
30 meet the definition of toxic substances, it shall publish a detailed
31 statement of its findings and conclusions supporting such
32 determination on its Internet website.

33 (2) No later than 180 days after designating a toxic substance
34 that may no longer be sold, offered for sale, distributed for sale, or
35 distributed for use in covered plastic packaging in the State, the
36 department shall adopt rules and regulations to enforce this
37 prohibition, with an effective date no later than two years after the
38 designation.

39

40 6. a. There is hereby established in the department a special,
41 nonlapsing fund to be known as the "Plastics and Toxics Reduction
42 Fund." Monies in the fund shall be held separately and be used to
43 carry out the purposes enumerated in subsection c. of this section.

44 b. The "Plastics and Toxics Reduction Fund" shall be credited
45 with all revenues and penalties collected pursuant to this act, all
46 interest received from the investment of monies in the fund, and any
47 monies which, from time to time, may otherwise become available
48 for the purposes of the fund. Pending the use of the monies

1 pursuant to the provisions of subsection c. of this section, the
2 monies deposited in the fund shall be held in interest-bearing
3 accounts in public depositories, as defined pursuant to section 1 of
4 P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in
5 such securities as are approved by the State Treasurer. Interest or
6 other income earned on monies deposited into the fund shall be
7 credited to the fund for use as set forth in this section for other
8 monies in the fund.

9 c. Monies in the "Plastics and Toxics Reduction Fund" shall be
10 used to reimburse the department, Attorney General, and other
11 agencies for the costs associated with administering and enforcing
12 the requirements of this act and its implementing regulations. Any
13 remaining funds shall be used for projects and programs approved
14 by the department that support reuse and refill systems.

15 d. Beginning one year after the effective date of this act, and
16 annually thereafter, the department shall collect a registration fee
17 from each producer. The registration fee shall vary based on the
18 total amount of covered plastic packaging each producer introduced
19 in the prior year calculated on a per-unit basis, such as per ton, per
20 item, or another unit of measurement, as determined by the
21 department.

22

23 7. A producer shall be exempt from the requirements of this act
24 if the producer provides the department with sufficient information
25 to demonstrate that, in any calendar year, the producer: realized
26 less than \$1,000,000 in total gross revenue during the prior calendar
27 year; or used less than one ton of covered plastic packaging
28 material in total during the prior calendar year to sell, offer for sale,
29 contain, protect, deliver, present, or distribute products.

30

31 8. a. Beginning one year after the effective date of this act, and
32 annually thereafter, the department shall:

33 (1) calculate the total amount of covered plastic packaging by
34 weight and by producer that was produced during the prior calendar
35 year;

36 (2) develop a list of producers believed to be out of compliance
37 with the requirements of this act; and

38 (3) develop, and publish on the department's Internet website, a
39 report that summarizes the data required by paragraph (1) of this
40 subsection, compiled by producer and in aggregate. The report
41 shall also include, but shall not be limited to:

42 (a) the total amount of covered plastic packaging produced in the
43 State, by unit and weight;

44 (b) the total amount of covered plastic packaging reduced by unit
45 and weight, as measured against the baseline year;

46 (c) the list of toxic substances banned in covered plastic
47 packaging for that report year;

1 (d) how a member of the public can report suspected non-
2 compliance of a producer with the provisions of this act; and

3 (e) any recommendations for further plastic and toxic substance
4 reduction in packaging.

5 b. The department shall establish and maintain on its Internet
6 website a public database, searchable by producer, product, and
7 toxic substance, that contains all data submitted to, or aggregated
8 by, the department pursuant to sections 3, 4, and 7 of this act.

9
10 9. a. The Attorney General shall establish an independent
11 Office of Inspector General within the Office of the Attorney
12 General. The Office of Inspector General shall evaluate the
13 requirements created by this act on an annual basis to ensure
14 producers and facilities are in compliance with the requirements of
15 this act.

16 b. The Office of Inspector General shall have the authority to
17 investigate the compliance of producers and facilities with all
18 provisions of this Act and to bring enforcement violations against
19 non-compliant producers and facilities.

20
21 10. a. Whenever the Department of Environmental Protection or
22 the Office of Inspector General established pursuant to section 9 of
23 this act finds that a person has violated any provision of this, or any
24 rule or regulation adopted pursuant thereto, the department or the
25 office may:

26 (1) issue an order requiring the person found to be in violation to
27 comply in accordance with subsection b. of this section;

28 (2) bring a civil action in accordance with subsection c. of this
29 section;

30 (3) levy a civil administrative penalty in accordance with
31 subsection d. of this section;

32 (4) bring an action for a civil penalty in accordance with
33 subsection e. of this section;

34 (5) direct a producer or other person that is not in compliance
35 with the requirements of this to stop offering for sale or distributing
36 products that violate the provisions of this act; or

37 (6) notify the public of a producer that is not in compliance with
38 the requirements of this act.

39 b. Whenever the department or the office finds that a person has
40 violated the provisions of this act, or any rule or regulation adopted
41 pursuant thereto, it may issue an administrative enforcement order
42 specifying the provision or provisions of this act, or the rule or
43 regulation adopted pursuant thereto, of which the person is in
44 violation, citing the action that constituted the violation, requiring
45 compliance with the provision violated, and giving notice to the
46 person of the person's right to a hearing on the matters contained in
47 the administrative enforcement order. The ordered person shall
48 have 20 calendar days from receipt of the order within which to

1 deliver to the division a written request for a hearing. After the
2 hearing and upon finding that a violation has occurred, the division
3 may issue a final order. If no hearing is requested, the order shall
4 become final after the expiration of the 20-day period. A request
5 for hearing shall not automatically stay the effect of the order.

6 c. The department and the office are authorized to institute a
7 civil action in Superior Court for appropriate relief from any
8 violation of the provisions of this act, or any rule or regulation
9 adopted pursuant thereto. This relief may include an assessment
10 against the violator for the costs of any investigation, inspection, or
11 audit that led to the discovery and establishment of the violation,
12 and for the reasonable costs of preparing and litigating the case
13 under this subsection.

14 d. The department and the office are authorized to impose a civil
15 administrative penalty of not more than \$50,000 for each violation,
16 provided that each day during which the violation continues shall
17 constitute an additional, separate, and distinct offense. In assessing
18 a civil administrative penalty, the department or office, as
19 applicable, shall consider the severity of the violation, the measures
20 taken to prevent further violations, and whether the penalty will
21 maintain an appropriate deterrent. Prior to assessment of a civil
22 administrative penalty, the person committing the violation shall be
23 notified by certified mail or personal service that the penalty is
24 being assessed. The notice shall identify the section of the statute,
25 rule, regulation, or order violated; recite the facts alleged to
26 constitute a violation; state the basis for the amount of the civil
27 administrative penalties to be assessed; and affirm the rights of the
28 alleged violator to a hearing. The ordered party shall have 20 days
29 from receipt of the notice within which to deliver to the division a
30 written request for a hearing. After the hearing and upon finding
31 that a violation has occurred, the department or office, as
32 applicable, may issue a final order after assessing the amount of the
33 fine specified in the notice. If no hearing is requested, the notice
34 shall become a final order after the expiration of the 20-day period.
35 Payment of the assessment is due when a final order is issued or the
36 notice becomes a final order. The authority to levy an
37 administrative order is in addition to all other enforcement
38 provisions in this act, and the payment of any assessment shall not
39 be deemed to affect the availability of any other enforcement
40 provisions in connection with the violation for which the
41 assessment is levied. The department and the office may
42 compromise any civil administrative penalty assessed under this
43 section in an amount and with conditions it determines appropriate.

44 e. A person who violates any provision of
45 P.L. , c. (C.) (pending before the Legislature as this bill),
46 or any rule or regulation adopted pursuant thereto, or an
47 administrative order issued pursuant to subsection b. of this section,
48 or a court order issued pursuant to subsection c. of this section, or

1 who fails to pay a civil administrative penalty in full pursuant to
2 subsection d. of this section, or who knowingly makes any false or
3 misleading statement on any application, record, report, or other
4 document required to be submitted to the division shall be subject,
5 upon order of a court, to a civil penalty not to exceed \$50,000 per
6 day of the violation, and each day during which the violation
7 continues shall constitute an additional, separate, and distinct
8 offense. Any civil penalty imposed pursuant to this subsection may
9 be collected with costs in a summary proceeding pursuant to the
10 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10
11 et seq.), or may be collected in a civil action commenced by the
12 division . In addition to any penalties, costs, or interest charges, the
13 Superior Court, or the municipal court as the case may be, may
14 assess against the violator the amount of economic benefit accruing
15 to the violator from the violation.

16 f. The exercise of any of the remedies provided in this section
17 shall not preclude the seeking of any other remedy specified.

18 g. The department and the office may conduct investigations of
19 any individual producer or facility, including inspecting operations,
20 buildings, and records to determine compliance under this act.

21 h. The department and the office may perform audits of any
22 individual producer or facility to determine compliance under this
23 act.

24 i. Any monies collected under this section shall be deposited
25 into the “Plastics and Toxics Reduction Fund” established by
26 section 6 of this act.

27
28 11. The department shall, in accordance with the
29 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
30 seq.), adopt rules and regulations as necessary to implement this
31 act.

32
33 12. This act shall take effect immediately.
34
35

36 STATEMENT

37
38 This bill, to be known as the “Protect our Health from Plastics
39 Act,” would require producers of plastic packaging to gradually
40 reduce the amount of plastic packaging that they produce each year,
41 and would prohibit the presence of certain toxic substances in
42 plastic packaging.

43 The bill would define a “producer” of plastic packaging
44 according to the following hierarchy. First, the “producer” would
45 be the manufacturer of the product that is packaged in the plastic
46 packaging. Second, if the manufacturer is outside the State, the
47 “producer” would be owner of the brand under which the product is
48 sold. Finally, if the brand owner is outside the State, the “producer”

1 would be the person who imports the product into the State (e.g.,
2 the distributor). The bill would exempt certain small producers, as
3 described in section 7 of the bill. The bill would define “plastic
4 packaging” to include primary packaging, which immediately
5 surrounds the product, secondary packaging, which is used to
6 bundle multiple products together, and tertiary packaging, which is
7 used to protect products during transportation.

8 The bill would require each producer of plastic packaging to
9 register with the Department of Environmental Protection (DEP),
10 pay a registration fee, and provide information about the amount of
11 plastic packaging that they produce, which would serve as the
12 baseline. Each producer would be required to reduce the total
13 amount of plastic packaging they produce according to the schedule
14 described in section 4 of the bill, culminating in a 50 percent
15 reduction 10 years after the producer registers with the DEP.

16 Section 5 of the bill would prohibit the use of plastic packaging
17 that contains the listed toxic substances, including antimony,
18 arsenic, and cadmium. The bill would also direct the DEP to
19 prohibit the use of 10 additional toxic substances in plastic
20 packaging five years after the bill’s enactment and every three years
21 thereafter.

22 The bill would direct the Attorney General to establish an
23 independent enforcement office, to be known as the Office of
24 Inspector General. The bill would direct the Office of Inspector
25 General to enforce the bill’s provisions and investigate potential
26 violations. Finally, the bill would authorize the DEP and the Office
27 of Inspector General to levy civil and civil administrative penalties
28 of up to \$50,000 per violation for persons that violate the bill’s
29 provisions. Each day of a continuing violation would be considered
30 a separate violation.