

SENATE, No. 2776

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits use of plastic carryout bags, expanded polystyrene, and single-use plastic straws.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning plastic carryout bags, expanded polystyrene
2 food service products, and plastic straws, and supplementing
3 Title 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. As used in this act:

9 "Carryout bag" means a bag provided by a store or food service
10 business to a customer at the point of sale for the purpose of
11 transporting groceries or retail goods.

12 "Department" means the Department of Environmental
13 Protection.

14 "Expanded polystyrene" means blown polystyrene and expanded
15 and extruded foams that are thermoplastic petrochemical materials
16 utilizing a styrene monomer and processed by a number of
17 techniques, including, but not limited to, fusion of polymer spheres
18 (expandable bead polystyrene), injection molding, foam molding,
19 and extrusion-blow molding (extruded foam polystyrene).

20 "Expanded polystyrene food service product" means a product
21 made, in whole or in part, of expanded polystyrene that is used for
22 selling or providing a food or beverage, and includes, but is not
23 limited to, a food container, plate, hot or cold beverage cup, meat or
24 vegetable tray, or egg carton. "Expanded polystyrene food service
25 product" shall not include a product used to package raw, uncooked,
26 or butchered meat, fish, poultry, or seafood for off-premises
27 consumption.

28 "Food service business" means a business that sells or provides
29 food for consumption on or off the premises, and includes, but is
30 not limited to, any restaurant, café, delicatessen, coffee shop,
31 supermarket or grocery store, vending truck or cart, food truck,
32 movie theater, or business or institutional cafeteria, including those
33 operated by or on behalf of the State.

34 "Store" means any grocery store, supermarket, convenience
35 store, liquor store, pharmacy, drug store, or other retail
36 establishment that has over 1,000 square feet of retail space and that
37 provides carryout bags to its customers as a result of the sale of a
38 product.

39
40 2. a. No store or food service business shall provide a plastic
41 carryout bag to a customer.

42 b. No person shall sell or offer for sale in the State any
43 expanded polystyrene food service product.

44 c. No food service business shall sell or provide any food in an
45 expanded polystyrene food service product.

46 d. No food service business shall sell or provide single-use
47 plastic straws to customers.

1 3. a. A person who violates any provision of this act shall be
2 subject to a penalty of up to \$5,000 for each offense, to be collected
3 in a civil action by a summary proceeding under the "Penalty
4 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
5 or in any case before a court of competent jurisdiction wherein
6 injunctive relief has been requested. The Superior Court shall have
7 jurisdiction to enforce the provisions of the "Penalty Enforcement
8 Law of 1999" in connection with this act. If the violation is of a
9 continuing nature, each day during which it continues constitutes an
10 additional, separate, and distinct offense.

11 b. The department may institute a civil action for injunctive
12 relief to enforce this act and to prohibit and prevent a violation of
13 this act, and the court may proceed in the action in a summary
14 manner.

15

16 4. The department shall adopt, pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules
18 and regulations as may be necessary to effectuate the purposes of
19 this act.

20

21 5. Section 2 of this act shall take effect one year after the date
22 of enactment of this act, and the remainder of this act shall take
23 effect immediately.

24

25

26

STATEMENT

27

28 This bill would prohibit stores and food service businesses from
29 providing plastic carryout bags to their customers. The bill would
30 also prohibit any person from selling or offering for sale in the State
31 any expanded polystyrene (commonly referred to as "Styrofoam")
32 food service product and prohibit any food service business from
33 selling or providing any food in an expanded polystyrene food
34 service product. Further, the bill would prohibit any food service
35 business from selling or providing single-use plastic straws to
36 customers. The prohibitions in the bill would take effect one year
37 after the date of enactment of the bill into law.

38 A person who violates any provision of the bill would be subject
39 to a penalty of up to \$5,000 for each offense, and each day during
40 which the violation continues would constitute a separate offense.