

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.

AN ACT concerning plastic carryout bags, expanded polystyrene food service products, and plastic straws, and supplementing Title 13 of the Revised Statutes.

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

1. As used in this act:

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

"Department" means the Department of Environmental Protection.

"Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including, but not limited to, fusion of polymer spheres (expandable

bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

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

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

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

2. a. No store or food service business shall provide a plastic carryout bag to a customer.
b. No person shall sell or offer for sale in the State any expanded polystyrene food service product.

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

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

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

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

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

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

STATEMENT

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

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