

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: Yes

Committee meeting of Senate Environment and Energy Committee : the committee will meet to hear testimony from invited guests on the effects of climate change on agriculture in the state, and potential strategies to make agricultural operations more resilient to climate change [October 6, 2022]

Library call number: 974.90 A278, 2022a

Available online at <https://dspace.njstatelib.org/handle/10929/107001>

NEWSPAPER ARTICLES: No

end

P.L. 2022, CHAPTER 6, *approved March 25, 2022*
Assembly, No. 2065 (*Third Reprint*)

1 AN ACT concerning ¹**the provision of** certain single-use and
2 reusable¹ carryout bags ¹**by certain food distribution**
3 **organizations and government entities**¹ ³**and** ³**amending**
4 P.L.2020, c.117 ³, and making an appropriation³ .
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 ²**1.** Section 2 of P.L.2020, c.117 (C.13:1E-99.127) is
10 amended to read as follows:

11 2. As used in P.L.2020, c.117 (C.13:1E-99.126 et al.):

12 "Carryout bag" means a bag that is provided by a store or food
13 service business to a customer for the purpose of transporting
14 groceries, prepared foods, or retail goods. "Carryout bag" shall not
15 include:

16 (1) a bag used solely to contain or wrap uncooked meat, fish, or
17 poultry;

18 (2) a bag used solely to package loose items such as fruits,
19 vegetables, nuts, coffee, grains, baked goods, candy, greeting cards,
20 flowers, or small hardware items;

21 (3) a bag used solely to contain live animals, such as fish or
22 insects sold in a pet store;

23 (4) a bag used solely to contain food sliced or prepared to order,
24 including soup or hot food;

25 (5) a laundry, dry cleaning, or garment bag;

26 (6) a bag provided by a pharmacy to carry prescription drugs;

27 (7) a newspaper bag; and

28 (8) any similar bag, as determined by the department pursuant to
29 rule, regulation, or guidance.

30 "Department" means the Department of Environmental
31 Protection.

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

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:

¹Assembly AEN committee amendments adopted February 7, 2022.

²Assembly ASL committee amendments adopted March 17, 2022.

³Senate floor amendments adopted March 24, 2022.

1 "Grocery store" means a self-service retail establishment that
2 occupies at least 2,500 square feet and that sells household
3 foodstuffs for off-site consumption, including, but not limited to,
4 fresh produce, meat, poultry, fish, deli products, dairy products,
5 canned foods, dry foods, beverages, baked foods, or prepared foods.
6 "Grocery store" shall not include an establishment that handles only
7 prepackaged food that does not require time or temperature controls
8 for food safety.

9 "Hemp product" means a finished product with a delta-9
10 tetrahydrocannabinol concentration of not more than 0.3 percent
11 that is derived from or made by processing a hemp plant or plant
12 part and prepared in a form available for commercial sale.

13 "Person" means any individual, corporation, company,
14 association, society, firm, partnership, joint stock company, or
15 governmental entity.

16 "Plastic" means a synthetic material made from linking
17 monomers through a chemical reaction to create an organic polymer
18 chain that can be molded or extruded at high heat into various solid
19 forms retaining their defined shapes during the life cycle and after
20 disposal.

21 "Polystyrene foam" means blown polystyrene and expanded and
22 extruded foams that are thermoplastic petrochemical materials
23 utilizing a styrene monomer and processed by a number of
24 techniques, including, but not limited to, fusion of polymer spheres
25 (expandable bead polystyrene), injection molding, foam molding,
26 and extrusion-blow molding (extruded foam polystyrene).

27 "Polystyrene foam food service product" means a product made,
28 in whole or in part, of polystyrene foam that is used for selling or
29 providing a food or beverage, and includes, but is not limited to, a
30 food container, plate, hot or cold beverage cup, meat or vegetable
31 tray, cutlery, or egg carton.

32 "Reusable carryout bag" means a carryout bag that: (1) is made
33 of polypropylene, PET nonwoven fabric, nylon, cloth, hemp
34 product, or other machine washable fabric; (2) has stitched handles;
35 and (3) is designed and manufactured for multiple reuse.
36 "Reusable carryout bag" shall also include a carryout bag that: (1)
37 is made from low density polyethylene with a minimum area
38 density of 120 grams per square meter; (2) is composed of at least
39 80 percent post-consumer-recycled content; (3) has stitched
40 handles; (4) is capable of carrying 22 pounds over a distance of 175
41 feet for a minimum of 125 uses; and (5) is capable of being recycled
42 into a new product without further chemical modification or
43 treatment.

44 "Single-use paper carryout bag" means a carryout bag made of
45 paper that is not a reusable carryout bag.

46 "Single-use plastic carryout bag" means a carryout bag made of
47 plastic that is not a reusable carryout bag.

1 "Store" means any grocery store, convenience store, liquor store,
2 pharmacy, drug store, or other retail establishment.¹

3 (cf: P.L.2020, c.117, s.2)]²

4
5 ¹[1.] ²[2.1] 1.² Section 3 of P.L.2020, c.117 (C.13:1E-99.128)
6 is amended to read as follows:

7 3. a. Beginning 18 months after the effective date of P.L.2020,
8 c.117 (C.13:1E-99.126 et al.):

9 (1) no store or food service business shall provide or sell a
10 single-use plastic carryout bag to a customer; and

11 (2) no grocery store shall provide or sell a single-use paper
12 carryout bag to a customer.

13 b. A municipality or county shall not adopt any rule,
14 regulation, code, or ordinance concerning the regulation or
15 prohibition of single-use plastic carryout bags or single-use paper
16 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
17 99.126 et al.).

18 c. Beginning 18 months after the effective date of P.L.2020,
19 c.117 (C.13:1E-99.126 et al.), this section shall supersede and
20 preempt any municipal or county rule, regulation, code, or
21 ordinance concerning the regulation or prohibition of single-use
22 plastic carryout bags or single-use paper carryout bags that was
23 enacted prior to the effective date of P.L.2020, c.117 (C.13:1E-
24 99.126 et al.).

25 d. ²[The] Notwithstanding the² provisions of subsection a. of
26 this section ²[shall not apply to a] to the contrary, beginning 24
27 months after the effective date of P.L.2020, c.117 (C.13:1E-99.126
28 et al.), no² food bank or ²[a]² food pantry ²shall provide a single-
29 use plastic carryout bag ³[or single-use paper carryout bag]³ to a
30 customer² .

31 As used in this subsection:

32 "Food bank" means the same as the term is defined in section 2
33 of P.L.1982, c.178 (C.24:4A-2).

34 "Food pantry" means a nonprofit organization or government
35 entity that distributes food to individuals in need of assistance,
36 including, but not limited to, a soup kitchen, homeless shelter, or
37 religious organization.

38 (cf: P.L.2020, c.117, s.3)

39
40 ²2. Section 8 of P.L.2020, c.117 (C.13:1E-99.133) is amended
41 to read as follows:

42 8. No later than six months after the effective date of P.L.2020,
43 c.117 (C.13:1E-99.126 et al.):

44 a. the Department of State, in consultation with the Department
45 of Environmental Protection, shall establish a program to assist
46 businesses in complying with the provisions of P.L.2020, c.117
47 (C.13:1E-99.126 et al.), including, but not limited to, developing

1 and publishing on its Internet website guidance on compliance with
2 the act, and establishing an online clearinghouse of vendors who
3 provide environmentally sound alternatives to single-use plastic
4 carryout bags, single-use paper carryout bags, polystyrene foam
5 food service products, and single-use plastic straws; and

6 b. the organization under contract with the Department of
7 Environmental Protection pursuant to section 6 of P.L.2002, c.128
8 (C.13:1E-218) shall, in cooperation with local governments and the
9 business community, develop and implement a Statewide public
10 information and education program concerning the provisions of
11 P.L.2020, c.117 (C.13:1E-99.126 et al.). The program shall include,
12 but need not be limited to, educational programs, public service
13 announcements, and the distribution of free reusable carryout bags
14 throughout the State. The program established pursuant to this
15 subsection shall include the distribution of 500,000 free reusable
16 carryout bags proportionally distributed to the State's food banks,
17 as defined pursuant to section 2 of P.L.1982, c.178 (C.24:4A-2),
18 based on the population served by each food bank.²

19 (cf: P.L.2020, c.117, s.8)

20

21 ³3. There is appropriated from the General Fund to the
22 Department of Environmental Protection the sum of \$600,000 to
23 fund the distribution of free reusable carryout bags to food banks
24 pursuant to subsection b. of section 8 of P.L.2020, c.117 (C.13:1E-
25 99.133).³

26

27 ¹~~[2.]~~ ³~~[3.1]~~ ^{4.}³ This act shall take effect immediately.

28

29

30

31

32 Amends applicability of law prohibiting sale and distribution of
33 plastic and paper carryout bags to food banks and food pantries;
34 appropriates \$600,000.

ASSEMBLY, No. 2065

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Exempts food banks and food pantries from law prohibiting sale and distribution of plastic and paper carryout bags by certain businesses.

CURRENT VERSION OF TEXT

As introduced.



A2065 COUGHLIN

2

1 AN ACT concerning the provision of carryout bags by certain food
2 distribution organizations and government entities and amending
3 P.L.2020, c.117.

4

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

7

8 1. Section 3 of P.L.2020, c.117 (C.13:1E-99.128) is amended to
9 read as follows:

10 3. a. Beginning 18 months after the effective date of P.L.2020,
11 c.117 (C.13:1E-99.126 et al.):

12 (1) no store or food service business shall provide or sell a
13 single-use plastic carryout bag to a customer; and

14 (2) no grocery store shall provide or sell a single-use paper
15 carryout bag to a customer.

16 b. A municipality or county shall not adopt any rule,
17 regulation, code, or ordinance concerning the regulation or
18 prohibition of single-use plastic carryout bags or single-use paper
19 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
20 99.126 et al.).

21 c. Beginning 18 months after the effective date of P.L.2020,
22 c.117 (C.13:1E-99.126 et al.), this section shall supersede and
23 preempt any municipal or county rule, regulation, code, or
24 ordinance concerning the regulation or prohibition of single-use
25 plastic carryout bags or single-use paper carryout bags that was
26 enacted prior to the effective date of P.L.2020, c.117 (C.13:1E-
27 99.126 et al.).

28 d. The provisions of subsection a. of this section shall not apply
29 to a food bank or a food pantry.

30 As used in this subsection:

31 "Food bank" means the same as the term is defined in section 2
32 of P.L.1982, c.178 (C.24:4A-2).

33 "Food pantry" means a nonprofit organization or government
34 entity that distributes food to individuals in need of assistance,
35 including, but not limited to, a soup kitchen, homeless shelter, or
36 religious organization.

37 (cf: P.L.2020, c.117, s.3)

38

39 2. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill would exempt food banks and food pantries from
45 section 3 of P.L.2020, c.117 (C.13:1E-99.128), which prohibits

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.

A2065 COUGHLIN

3

1 stores and food service businesses from selling or providing single-
2 use plastic or paper carryout bags to customers.

3 As used in the bill "food bank" means "a nonprofit food
4 clearinghouse that solicits, stores, and distributes donations of
5 edible but unmarketable surplus food. The food is distributed to
6 nonprofit organizations that feed the needy." The bill defines "food
7 pantry" as "a nonprofit organization or government entity that
8 distributes food to individuals in need of assistance, including, but
9 not limited to, a soup kitchen, homeless shelter, or religious
10 organization."

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2065

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2022

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2065.

As amended by the committee, this bill would (1) amend the definition of “reusable carryout bag” and (2) exempt food banks and food pantries from section 3 of P.L.2020, c.117 (C.13:1E-99.128), which prohibits stores and food service businesses from selling or providing single-use plastic or paper carryout bags to customers.

As used in the bill, “food bank” means the same as the term is defined in section 2 of P.L.1982, c.178 (C.24:4A-2), i.e., “a nonprofit food clearinghouse that solicits, stores, and distributes donations of edible but unmarketable surplus food. The food is distributed to nonprofit organizations that feed the needy.” The bill defines “food pantry” as “a nonprofit organization or government entity that distributes food to individuals in need of assistance, including, but not limited to, a soup kitchen, homeless shelter, or religious organization.”

COMMITTEE AMENDMENTS

The committee amendments to the bill:

1) expand the definition of “reusable carryout bag” to include a carryout bag that: (a) is made from low density polyethylene with a minimum area density of 120 grams per square meter; (b) is composed of at least 80 percent post-consumer-recycled content; (c) has stitched handles; (d) is capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses; and (e) is capable of being recycled into a new product without further chemical modification or treatment; and

2) update the title and synopsis of the bill.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2065

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2065 (1R).

As amended by the committee, this bill would: (1) provide food banks and food pantries with a six month extension of the deadline set forth in section 3 of P.L.2020, c.117 (C.13:1E-99.128), which prohibits stores and food service businesses from selling or providing single-use plastic or paper carryout bags to customers; and (2) require the Department of Environmental Protection, as part of the Statewide public information and education program it is required to conduct pursuant to section 8 of P.L.2020, c.117 (C.13:1E-99.133), to provide 500,000 free reusable carryout bags to the State's food banks to be proportionally distributed based on the population served by each food bank.

As used in the bill, "food bank" means the same as the term is defined in section 2 of P.L.1982, c.178 (C.24:4A-2), i.e., "a nonprofit food clearinghouse that solicits, stores, and distributes donations of edible but unmarketable surplus food. The food is distributed to nonprofit organizations that feed the needy." The bill defines "food pantry" as "a nonprofit organization or government entity that distributes food to individuals in need of assistance, including, but not limited to, a soup kitchen, homeless shelter, or religious organization."

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) omit section 1 of the bill which would have expanded the definition of "reusable carryout bag";
- 2) remove the exemption provided in the bill for food banks and food pantries and instead provide them with a six-month extension of the deadline that prohibits the distribution of single-use plastic or paper carryout bags;
- 3) require the Department of Environmental Protection, as part of the Statewide public information and education program it is required

to conduct pursuant to section 8 of P.L.2020, c.117 (C.13:1E-99.133), to provide 500,000 free reusable carryout bags to be proportionally distributed to the State's food banks based on the population served by each food bank; and

- 4) update the synopsis of the bill to reflect the amendments.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2065

with Senate Floor Amendments
(Proposed by Senator SMITH)

ADOPTED: MARCH 24, 2022

These floor amendments would:

(1) remove a provision that would have prohibited food banks and food pantries from providing single use paper bags to customers beginning on November 4, 2022; and

(2) appropriate \$600,000 from the General Fund to the Department of Environmental Protection to fund the distribution of 500,000 free reusable carryout bags to food banks in the State, as required by the bill.

SENATE, No. 2363

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 21, 2022

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators A.M.Bucco and O'Scanlon

SYNOPSIS

Amends applicability of law prohibiting sale and distribution of plastic and paper carryout bags to food banks and food pantries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning certain single-use and reusable carryout bags
2 and amending 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 3 of P.L.2020, c.117 (C.13:1E-99.128) is amended to
8 read as follows:

9 3. a. Beginning 18 months after the effective date of P.L.2020,
10 c.117 (C.13:1E-99.126 et al.):

11 (1) no store or food service business shall provide or sell a
12 single-use plastic carryout bag to a customer; and

13 (2) no grocery store shall provide or sell a single-use paper
14 carryout bag to a customer.

15 b. A municipality or county shall not adopt any rule,
16 regulation, code, or ordinance concerning the regulation or
17 prohibition of single-use plastic carryout bags or single-use paper
18 carryout bags after the effective date of P.L.2020, c.117 (C.13:1E-
19 99.126 et al.).

20 c. Beginning 18 months after the effective date of P.L.2020,
21 c.117 (C.13:1E-99.126 et al.), this section shall supersede and
22 preempt any municipal or county rule, regulation, code, or
23 ordinance concerning the regulation or prohibition of single-use
24 plastic carryout bags or single-use paper carryout bags that was
25 enacted prior to the effective date of P.L.2020, c.117 (C.13:1E-
26 99.126 et al.).

27 d. Notwithstanding the provisions of subsection a. of this section
28 to the contrary, beginning 24 months after the effective date of
29 P.L.2020, c.117 (C.13:1E-99.126 et al.), no food bank or food
30 pantry shall provide a single-use plastic carryout bag or single-use
31 paper carryout bag to a customer.

32 As used in this subsection:

33 "Food bank" means the same as the term is defined in section 2
34 of P.L.1982, c.178 (C.24:4A-2).

35 "Food pantry" means a nonprofit organization or government
36 entity that distributes food to individuals in need of assistance,
37 including, but not limited to, a soup kitchen, homeless shelter, or
38 religious organization.

39 (cf: P.L.2020, c.117, s.3)

40

41 2. Section 8 of P.L.2020, c.117 (C.13:1E-99.133) is amended to
42 read as follows:

43 8. No later than six months after the effective date of P.L.2020,
44 c.117 (C.13:1E-99.126 et al.):

45 a. the Department of State, in consultation with the Department of
46 Environmental Protection, shall establish a program to assist
47 businesses in complying with the provisions of P.L.2020, c.117

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.13:1E-99.126 et al.), including, but not limited to, developing and
2 publishing on its Internet website guidance on compliance with the act,
3 and establishing an online clearinghouse of vendors who provide
4 environmentally sound alternatives to single-use plastic carryout bags,
5 single-use paper carryout bags, polystyrene foam food service
6 products, and single-use plastic straws; and
7 b. the organization under contract with the Department of
8 Environmental Protection pursuant to section 6 of P.L.2002, c.128
9 (C.13:1E-218) shall, in cooperation with local governments and the
10 business community, develop and implement a Statewide public
11 information and education program concerning the provisions of
12 P.L.2020, c.117 (C.13:1E-99.126 et al.). The program shall include,
13 but need not be limited to, educational programs, public service
14 announcements, and the distribution of free reusable carryout bags
15 throughout the State. The program established pursuant to this
16 subsection shall include the distribution of 500,000 free reusable
17 carryout bags proportionally distributed to the State’s food banks, as
18 defined pursuant to section 2 of P.L.1982, c.178 (C.24:4A-2), based on
19 the population served by each food bank.
20 (cf: P.L.2020, c.117, s.8)

21

22 3. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would: (1) provide food banks and food pantries with a
28 six month extension of the deadline set forth in section 3 of P.L.2020,
29 c.117 (C.13:1E-99.128), which prohibits stores and food service
30 businesses from selling or providing single-use plastic or paper
31 carryout bags to customers; and (2) require the Department of
32 Environmental Protection, as part of the Statewide public information
33 and education program it is required to conduct pursuant to section 8
34 of P.L.2020, c.117 (C.13:1E-99.133), to provide 500,000 free reusable
35 carryout bags to the State’s food banks to be proportionally distributed
36 based on the population served by each food bank.

37

38 As used in the bill, “food bank” means the same as the term is
39 defined in section 2 of P.L.1982, c.178 (C.24:4A-2), i.e., “a nonprofit
40 food clearinghouse that solicits, stores, and distributes donations of
41 edible but unmarketable surplus food. The food is distributed to
42 nonprofit organizations that feed the needy.” The bill defines “food
43 pantry” as “a nonprofit organization or government entity that
44 distributes food to individuals in need of assistance, including, but not
limited to, a soup kitchen, homeless shelter, or religious organization.”

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2363

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2363.

This bill: (1) provides food banks and food pantries with a six month extension of the deadline set forth in section 3 of P.L.2020, c.117 (C.13:1E-99.128), which prohibits stores and food service businesses from selling or providing single-use plastic or paper carryout bags to customers; and (2) requires the Department of Environmental Protection, as part of the Statewide public information and education program it is required to conduct pursuant to section 8 of P.L.2020, c.117 (C.13:1E-99.133), to provide 500,000 free reusable carryout bags to the State's food banks to be proportionally distributed based on the population served by each food bank.

As used in the bill, "food bank" means the same as the term is defined in section 2 of P.L.1982, c.178 (C.24:4A-2), i.e., "a nonprofit food clearinghouse that solicits, stores, and distributes donations of edible but unmarketable surplus food. The food is distributed to nonprofit organizations that feed the needy." The bill defines "food pantry" as "a nonprofit organization or government entity that distributes food to individuals in need of assistance, including, but not limited to, a soup kitchen, homeless shelter, or religious organization."

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.