

ASSEMBLY, No. 3931

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Suspends local ordinances concerning single-use carryout bags, and prohibits use of reusable carryout bags in certain stores, during coronavirus disease state of emergency.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the provision and use of single-use carryout
2 bags and reusable carryout bags during the coronavirus disease
3 state of emergency.

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

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8 1. As used in this act:

9 “Carryout bag” means a bag that is provided by a grocery store
10 or other food service business to a customer for the purpose of
11 transporting groceries, prepared foods, or retail goods.

12 “Food service business” means a business that sells or provides
13 food for consumption on or off the premises and includes, but is not
14 limited to, any restaurant, café, delicatessen, coffee shop,
15 convenience store, grocery store, vending truck or cart, food truck,
16 or business or institutional cafeteria, including those operated by or
17 on behalf of any governmental entity.

18 “Grocery store” means a self-service retail establishment that
19 sells a full-line of household foodstuffs for off-site consumption,
20 including, but not limited to, fresh produce, meat, poultry, fish, deli
21 products, dairy products, canned foods, dry foods, beverages, baked
22 foods, or prepared foods.

23 “Local health agency” means a county, regional, municipal, or
24 other governmental agency organized for the purpose of providing
25 health services, administered by a full-time health officer, and
26 conducting a public health program pursuant to law.

27 “Person” means any individual, corporation, company,
28 association, society, firm, partnership, joint stock company, or
29 governmental entity.

30 “Reusable carryout bag” means a carryout bag that is designed
31 and manufactured for multiple reuse.

32 “Single-use carryout bag” means a carryout bag that is not a
33 reusable carryout bag.

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35 2. Any municipal or county rule, regulation, code, or ordinance
36 concerning the regulation or prohibition of single-use carryout bags
37 shall be ineffective and unenforceable for the duration of the Public
38 Health Emergency and State of Emergency declared by the
39 Governor in Executive Order 103 of 2020 concerning the
40 Coronavirus disease, and for 30 days thereafter.

41
42 3. a. Notwithstanding any law, or any rule or regulation
43 adopted pursuant thereto, to the contrary, no person shall bring a
44 reusable carryout bag into a grocery store or other food service
45 business for the duration of the Public Health Emergency and State
46 of Emergency declared by the Governor in Executive Order 103 of
47 2020 concerning the Coronavirus disease, and for 30 days
48 thereafter. Nothing in this section shall be construed to prohibit a

1 grocery store or other retail food business from selling a reusable
2 carryout bag to a customer.

3 b. No more than seven days after the effective date of P.L. ,

4 c. (pending before the Legislature as this bill), each grocery store
5 and food service business in the State shall post a notice at each
6 entrance to its facility notifying customers that they are not
7 permitted to bring reusable carryout bags into the store, in order to
8 control the spread of the coronavirus. The Department of Health
9 may determine the form and manner of the notice required pursuant
10 to this subsection.

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12 4. The Department of Health and any county, municipality, or
13 local health agency may enforce the provisions of this act.

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15 5. The provisions of this act shall be construed liberally so as
16 to have the broadest possible application, in order to protect the
17 public health, safety, and welfare.

18
19 6. This act shall take effect immediately and shall expire on the
20 31st day after expiration of the Public Health Emergency and State
21 of Emergency declared by the Governor in Executive Order 103 of
22 2020 concerning the Coronavirus disease.

23
24
25 STATEMENT

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27 This bill would suspend local ordinances concerning the
28 provision of single-use carryout bags, and prohibit the use of
29 reusable carryout bags in certain stores, during the coronavirus
30 disease state of emergency.

31 Specifically, under the bill, any municipal or county rule,
32 regulation, code, or ordinance concerning the regulation or
33 prohibition of single-use carryout bags would be ineffective and
34 unenforceable for the duration of the Public Health Emergency and
35 State of Emergency declared by the Governor in Executive Order
36 103 of 2020 concerning the Coronavirus disease, and for 30 days
37 thereafter. Additionally, no person would be permitted to bring a
38 reusable carryout bag into a grocery store or other food service
39 business for the duration of the Public Health Emergency and State
40 of Emergency, and 30 days thereafter, due to the contribution of
41 such bags to the spread of the coronavirus.

42 The Department of Health and any county, municipality, or local
43 health agency would have the authority to enforce the bill. The bill
44 would take effect immediately and expire on the 31st day after the
45 expiration of the Public Health Emergency and State of Emergency.