

# 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:

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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)

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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)

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22 3. This act shall take effect immediately.

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STATEMENT

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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.

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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.”