

ASSEMBLY, No. 1641

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman GARY S. SCHAER

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

Assemblyman Johnson

SYNOPSIS

Provides for decrease and eventual ban on use of non-compostable plastic grocery bags.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning plastic grocery bags, and supplementing Title
2 13 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Carryout bag" means a bag provided by a store at the point of
9 sale for customers to carry their goods out of the store.

10 "Compostable plastic bag" means a plastic carryout bag that
11 meets the current American Society for Testing and Materials
12 International standard (ASTM) D6400 for compostable plastic, as
13 that standard may be amended from time to time.

14 "Department" means the Department of Environmental
15 Protection.

16 "Operator" means a person in control of, or having daily
17 responsibility for, the daily operation of a store, which may include,
18 but is not limited to, the owner of the store.

19 "Plastic carryout bag" means a plastic carryout bag provided by a
20 store to a customer at the point of sale.

21 "Recyclable paper bag" means a paper bag that meets all the
22 following requirements: (1) the bag contains no old growth fiber;
23 (2) the bag is 100% recyclable overall and contains a minimum of
24 40% post-consumer recycled content; and (3) the bag displays the
25 words "reusable" and "recyclable".

26 "Reusable bag" means: (1) a bag made of cloth or other machine
27 washable fabric that has handles; or (2) a durable plastic bag with
28 handles that is at least 2.25 mils thick and is specifically designed
29 and manufactured for multiple reuse.

30 "Store" means a drug store, supermarket or retail establishment
31 that has over 1,000 square feet of retail space and that provides
32 plastic carryout bags to its customers as a result of the sale of a
33 product.

34

35 2. Beginning November 30, 2010, every operator of a store
36 shall restrict the use of non-compostable plastic bags by 50% of the
37 current volume and by December 31, 2012, all non-compostable
38 plastic bags shall be banned from use in this State.

39

40 3. Every operator of a store shall submit a report documenting
41 the reduction in usage of non-compostable plastic bags to the
42 department on or before November 30, 2010.

43

44 4. Beginning January 1, 2013, every operator of a store shall
45 provide as carryout bags to customers a recyclable paper bag, a
46 compostable bag, or a reusable bag.

1 5. a. Any person who violates the provisions of this act shall
2 be subject to a penalty of not less than \$5000 nor more than
3 \$10,000 for each offense, to be collected in a civil action by a
4 summary proceeding under the "Penalty Enforcement Law of
5 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a
6 court of competent jurisdiction wherein injunctive relief has been
7 requested. The Superior Court and the municipal court shall have
8 jurisdiction to enforce the provisions of the "Penalty Enforcement
9 Law of 1999" in connection with this act.

10 If the violation is of a continuing nature, each day during which
11 it continues constitutes an additional, separate, and distinct offense.

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

16

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

20

21 7. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill provides for the decrease and eventual ban on use of
27 non-compostable plastic grocery bags at retail stores. Specifically,
28 by November 30, 2010, every operator of a retail store must restrict
29 the use of non-compostable plastic bags by 50% of the current
30 volume and by December 31, 2012, all non-compostable plastic
31 bags would be banned from use in this State.

32 Every operator of a retail store must submit a report documenting
33 the reduction in usage of non-compostable plastic bags to the
34 Department of Environmental Protection on or before November
35 30, 2010.

36 After January 1, 2013, every operator of a retail store must
37 provide as carryout bags to customers either a recyclable paper bag,
38 a compostable bag, or a reusable bag.