

ASSEMBLY, No. 4555

STATE OF NEW JERSEY 212th LEGISLATURE

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Sponsored by:

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District 7 (Burlington and Camden)

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SYNOPSIS

“Plastic Bag Recycling Act.”

CURRENT VERSION OF TEXT

As introduced.



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

3

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

6

7 1. This act shall be known and may be cited as the "Plastic Bag
8 Recycling Act."

9

10 2. The Legislature finds and declares that:

11 a. On a global level, the production of plastic bags has
12 significant environmental impacts each year, including the use of
13 over 12 million barrels of oil, and the deaths of thousands of marine
14 animals through ingestion and entanglement;

15 b. Each year, an estimated 500 billion to 1 trillion plastic bags
16 are used worldwide, which is over one million bags per minute, and
17 of which billions of bags end up as litter each year; and

18 c. Most plastic bags do not biodegrade which means that the
19 bags break down into smaller and smaller toxic bits that
20 contaminate soil and waterways and enter into the food web when
21 animals accidentally ingest those materials.

22 The Legislature therefore determines that the State should
23 require:

24 a. The owners or operators of supermarkets and retail
25 establishments to establish an in-store recycling program that
26 provides an opportunity for customers to purchase a reusable bag
27 and to return clean plastic bags to that store for recycling;

28 b. Each plastic bag provided by a supermarket or retail
29 establishment to include specified information printed or displayed
30 on the bag, and the placement of a plastic bag collection bin in each
31 store that is visible and easily accessible to the consumer;

32 c. All plastic bags collected by supermarkets or retail
33 establishments to be collected, transported, and recycled in a
34 manner that does not conflict with county recycling plans; and

35 d. The decrease and eventual ban on use of plastic bags, all as
36 hereinafter provided.

37

38 3. As used in this act:

39 "Department" means the Department of Environmental
40 Protection.

41 "Manufacturer" means the producer of a plastic bag sold to a
42 store.

43 "Owner or operator" means a person in control of, or having
44 daily responsibility for, the daily operation of a store, which may
45 include, but is not limited to, the owner of the store.

46 "Plastic bag" means a carryout bag that is composed primarily of
47 thermoplastic synthetic polymeric material, which is provided by a
48 store to a customer at the point of sale.

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

5 "Store" means a supermarket or retail establishment that has over
6 10,000 square feet of retail space and that provides plastic bags to
7 its customers as a result of the sale of a product.

8
9 4. a. The owner or operator of a store shall establish an in-store
10 recycling program pursuant to this act that provides an opportunity
11 for a customer of the store to purchase a reusable bag and return to
12 the store clean plastic bags.

13 b. The owner or operator of a retail establishment that does not
14 have over 10,000 square feet of retail space, and that provides
15 plastic bags to customers at the point of sale, may adopt an in-store
16 recycling program pursuant to this act.

17
18 5. An in-store recycling program provided by the owner or
19 operator of a store shall include the following:

20 a. A plastic bag provided by the store shall have printed or
21 displayed on the bag, in a manner visible to a consumer, the words
22 "PLEASE RETURN THIS PLASTIC BAG TO A
23 PARTICIPATING STORE FOR RECYCLING."

24 b. A plastic bag collection bin shall be placed at each store and
25 shall be visible, easily accessible to the consumer, and clearly
26 marked that the collection bin is available for the purpose of
27 collecting and recycling plastic bags.

28 c. All plastic bags collected by the store shall be collected,
29 transported, and recycled in a manner that does not conflict with the
30 relevant county's district recycling plan adopted pursuant to section
31 3 of P.L.1987, c.102 (C.13:1E-99.13).

32
33 6. The manufacturer of a plastic bag shall develop educational
34 materials to encourage the reducing, reusing, and recycling of
35 plastic bags and shall make those materials available to stores
36 required to comply with the provisions of this act.

37
38 7. a. Unless otherwise expressly provided by this act, the
39 governing body of a county, municipality, or other public agency
40 shall not adopt, implement, or enforce an ordinance, resolution, rule
41 or regulation to do any of the following:

42 (1) Require the owner or operator of a store that is in
43 compliance with the provisions of this act to collect, transport, or
44 recycle plastic bags; or

45 (2) Impose a plastic bag fee upon the owner or operator of a
46 store that is in compliance with the provisions of this act.

47 b. The provisions of subsection a. of this section shall not be
48 construed to prohibit the adoption, implementation, or enforcement

1 of any local ordinance, resolution, rule or regulation governing
2 curbside or drop off recycling programs operated by, or pursuant to
3 a contract with, a county, municipality, or other public agency,
4 including any action relating to fees for these programs.

5
6 8. Beginning December 31, 2009, every owner or operator of a
7 store shall restrict the use of plastic bags by 50% of the current
8 volume and by December 31, 2010, all plastic bags shall be banned
9 from use in this State.

10
11 9. Every owner or operator of a store shall provide
12 biodegradable plastic bags to customers at the point of sale in
13 accordance with the rules and regulations adopted by the
14 department pursuant to section 11 of this act.

15
16 10. a. Any person who violates the provisions of this act shall
17 be subject to a penalty of not less than \$500 nor more than \$1,000
18 for each offense, to be collected in a civil action by a summary
19 proceeding under the "Penalty Enforcement Law of 1999,"
20 P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court
21 of competent jurisdiction wherein injunctive relief has been
22 requested. The Superior Court and the municipal court shall have
23 jurisdiction to enforce the provisions of the "Penalty Enforcement
24 Law of 1999" in connection with this act.

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

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

31
32 11. The department shall adopt, pursuant to the "Administrative
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
34 regulations as are necessary to effectuate the purposes of this act.

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36 12. This act shall take effect January 1, 2008.

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39 STATEMENT

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41 This bill requires retailers to establish in-store recycling
42 programs that provide opportunities for customers to return clean
43 plastic carryout bags. The bill also provides for the eventual phase-
44 out of plastic bags over a three-year period.

45 The bill requires the owner or operator of every retail store to
46 establish an in-store recycling program that provides an opportunity
47 for customers to purchase a reusable bag and return clean plastic
48 bags to that store. The bill requires a plastic bag provided by a

1 store to have specified information printed or displayed on the bag,
2 and requires the placement of a plastic bag collection bin in each
3 store that is visible and easily accessible to the consumer. All
4 plastic bags collected by the store must be collected, transported,
5 and recycled in a manner that does not conflict with the relevant
6 county district recycling plan.

7 The bill requires every manufacturer of plastic bags to develop
8 educational materials to encourage the reducing, reusing, and
9 recycling of plastic bags and to make the materials available to
10 stores.

11 The bill also requires every owner or operator of a store to
12 provide biodegradable plastic bags to customers at the point of sale
13 in accordance with rules and regulations adopted by the Department
14 of Environmental Protection.

15 The bill provides that, by December 31, 2009, every owner or
16 operator of a retail store must restrict the use of plastic bags by 50%
17 of the current volume and by December 31, 2010, all plastic bags
18 would be banned from use in this State.