

SENATE, No. 2525

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 9, 2010

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires retail store operators to establish in-store recycling programs that provide opportunities for customers to return clean plastic carryout bags.

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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10 2. a. The Legislature finds and declares that:

11 (1) 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 (2) 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 (3) Most plastic carryout bags do not biodegrade which means
19 that the 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 b. The Legislature therefore determines that the State should
23 require:

24 (1) The operators of supermarkets and retail establishments to
25 establish an in-store recycling program that provides an opportunity
26 for customers to return clean plastic carryout bags to that store for
27 recycling;

28 (2) Each plastic carryout 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 carryout bag collection
31 bin in each store that is visible and easily accessible to the
32 consumer;

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

36 (4) The operators of supermarkets and retail establishments to
37 maintain records describing the collection, transport, and recycling
38 of plastic bags collected for a minimum of three years and to make
39 these records available to the State or the relevant county recycling
40 coordinator to demonstrate compliance therewith; and

41 (5) The operators of supermarkets and retail establishments to
42 make reusable bags available to customers within the store, which
43 may be purchased and used in lieu of using a plastic carryout bag or
44 paper bag, all as hereinafter provided.

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46 3. As used in this act:

47 “Department” means the Department of Environmental
48 Protection.

1 "Manufacturer" means the producer of a plastic carryout bag sold
2 to a store.

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

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

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

12 "Store" means a supermarket or retail establishment that has over
13 10,000 square feet of retail space and that provides plastic carryout
14 bags to its customers as a result of the sale of a product.

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16 4. a. The operator of a store shall establish an in-store recycling
17 program pursuant to this act that provides an opportunity for a
18 customer of the store to return to the store clean plastic carryout
19 bags.

20 b. The operator of a retail establishment that does not have over
21 10,000 square feet of retail space, and that provides plastic carryout
22 bags to customers at the point of sale, may adopt an in-store
23 recycling program pursuant to this act.

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25 5. An in-store recycling program provided by the operator of a
26 store shall include the following:

27 a. A plastic carryout bag provided by the store shall have printed
28 or displayed on the bag, in a manner visible to a consumer, the
29 words "PLEASE RETURN TO A PARTICIPATING STORE FOR
30 RECYCLING."

31 b. A plastic carryout bag collection bin shall be placed at each
32 store and shall be visible, easily accessible to the consumer, and
33 clearly marked that the collection bin is available for the purpose of
34 collecting and recycling plastic carryout bags.

35 c. All plastic bags collected by the store shall be collected,
36 transported, and recycled in a manner that does not conflict with the
37 relevant county's district recycling plan adopted pursuant to section
38 3 of P.L.1987, c.102 (C.13:1E-99.13).

39 d. The operator of the store shall maintain records describing the
40 collection, transport, and recycling of plastic bags collected for a
41 minimum of three years and shall make the records available to the
42 department or the relevant district recycling coordinator, upon
43 request, to demonstrate compliance with the provisions of this act.

44 e. The operator of the store shall make reusable bags available
45 to customers within the store, which may be purchased and used in
46 lieu of using a plastic carryout bag or paper bag. The provisions of
47 this subsection shall not be applicable to a retail establishment
48 specified pursuant to subsection b. of section 4 of this act.

1 6. The manufacturer of a plastic carryout bag shall develop
2 educational materials to encourage the reducing, reusing, and
3 recycling plastic bags and shall make those materials available to
4 stores required to comply with the provisions of this act.

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

10 (1) Require the operator of a store that is in compliance with the
11 provisions of this act to collect, transport, or recycle plastic carryout
12 bags;

13 (2) Impose a plastic carryout bag fee upon the operator of a
14 store that is in compliance with the provisions of this act; or

15 (3) Require auditing or reporting requirements that are in
16 addition to what is required by subsection d. of section 5 of this act,
17 upon the operator of a store that is in compliance with the
18 provisions of this act.

19 b. The provisions of subsection a. of this section shall not be
20 construed to prohibit the adoption, implementation, or enforcement
21 of any local ordinance, resolution, rule or regulation governing
22 curbside or drop off recycling programs operated by, or pursuant to
23 a contract with, a county, municipality, or other public agency,
24 including any action relating to fees for these programs.

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

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

37 b. The department may institute a civil action for injunctive
38 relief to enforce this act and to prohibit and prevent a violation of
39 this act, and the court may proceed in the action in a summary
40 manner.

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

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46 10. This act shall take effect on the first day of the 13th month
47 after the date of enactment.

STATEMENT

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This bill would require every retail store operator to establish an in-store recycling program that provides an opportunity for customers to return clean plastic carryout bags to that store. The bill would require a plastic carryout bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic carryout bag collection bin in each store that is visible and easily accessible to the consumer. All plastic bags collected by the store must be collected, transported, and recycled in a manner that does not conflict with the relevant county district recycling plan.

The bill would also require the operator of a store to make reusable bags available to customers for purchase.

The bill would require a manufacturer of plastic carryout bags to develop educational materials to encourage the reducing, reusing, and recycling of plastic carryout bags and to make the materials available to stores.