

SENATE, No. 994

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)

SYNOPSIS

“Reduce Plastic and Paper Bag Usage Act.”

CURRENT VERSION OF TEXT

As introduced.



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

3

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 “Reduce
8 Plastic and Paper Bag Usage Act.”

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10 2. The Legislature finds and declares that:

11 a. The production of plastic and paper carryout bags in the
12 United States have significant and detrimental environmental
13 impacts each year; using over 12 million barrels of oil, cutting
14 down over 14 million trees, and killing thousands of marine animals
15 through ingestion and entanglement;

16 b. Each year, an estimated 14 billion plastic carryout bags and
17 10 billion paper carryout bags are used in the United States alone, of
18 which only one percent of the plastic carryout bags are returned for
19 recycling;

20 c. Most plastic carryout bags when biodegrading become toxic,
21 contaminating soil and waterways; and plastic and paper carryout bags
22 take up a large volume of the solid waste in landfills; and

23 d. The plastic and paper carryout bags that are recycled must go
24 through a lengthy and labor-intensive process of reintegration and
25 renewal, using many chemicals, intense heat, and water.

26 The Legislature therefore determines that the State should
27 require:

28 a. The operators of supermarkets and retail establishments to
29 reduce the volume of plastic or paper carryout bags distributed to
30 the customer and to impose a fee to discourage the use the paper or
31 plastic carryout bags; and

32 b. The operators of supermarkets and retail establishments to
33 provide an opportunity for a customer to purchase a reusable bag
34 and provide only compostable plastic bags and recyclable paper
35 bags to a customer of the store.

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37 3. As used in this act:

38 “Carryout bag” means a bag provided by a store at the point of
39 sale for customers to carry their goods out of the store.

40 “Compostable plastic bag” means a plastic carryout bag that
41 meets the current American Society for Testing and Materials
42 International Standard (ASTM) D6400 for compostable plastic, as
43 the standard may be amended from time to time.

44 “Department” means the Department of Environmental
45 Protection.

46 “Manufacturer” means the producer of a plastic carryout bag or a
47 paper carryout bag sold to a store.

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

4 "Paper carryout bag" means a paper carryout bag provided by a
5 store to a customer at the point of a sale.

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

8 "Recyclable paper bag" means a paper carryout bag that meets
9 all the following requirements: (1) the bag contains no old growth
10 fiber; (2) the bag is 100% recyclable overall and contains a
11 minimum of 40% post-consumer recycled content; and (3) the bag
12 displays the words "reusable" and "recyclable".

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

17 "Store" means a convenience store, drugstore, supermarket or
18 retail establishment that has over 1,000 square feet of retail space
19 and that provides plastic carryout bags or paper carryout bags to its
20 customers as a result of the sale of a product.

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22 4. a. Beginning January 1, 2009, every operator shall impose a
23 \$.15 fee on every plastic carryout bag or paper carryout bag that is
24 provided to a customer.

25 b. Beginning January 1, 2010, every operator shall:

26 (1) restrict the use of plastic carryout bags by 25% of the current
27 volume;

28 (2) provide an opportunity for the customer to purchase a
29 reusable bag; and

30 (3) provide only compostable plastic bags or recyclable paper
31 bags to the customer.

32 c. Beginning January 1, 2011, every operator shall restrict the
33 use of plastic carryout bags by 50% of the current volume.

34 d. Beginning January 1, 2012, every operator store shall restrict
35 the use of plastic carryout bags by 75% of the current volume.

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37 5. a. Beginning April 1, 2009, and quarterly thereafter, every
38 operator shall submit a report to the department for the purpose of
39 tracking progress on the reduction of plastic carryout bag and paper
40 carryout bag volume in this State, and at the same time shall pay the
41 dollar equivalent of the amount collected from customers as plastic
42 carryout bag or paper carryout bag fees. The report shall document
43 the volume of plastic carryout bags or paper carryout bags purchased
44 from a manufacturer and the total fees collected from the distribution
45 of carryout bags.

46 b. The revenues from the fees on plastic carryout bags and paper
47 carryout bags shall be used by the department to defray the costs of
48 implementation and enforcement of this act.

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1 By January 1, 2012, the operator of all stores must restrict the use of
2 plastic and paper carryout bags by 75% of current volume.

3 The bill requires a operator of a store to submit a report documenting
4 the volume of plastic or paper carryout bags purchased from a
5 manufacturer and the total fees collected from the distribution of
6 carryout bags to the Department of Environmental Protection, for
7 the purpose of tracking progress on the reduction of paper and
8 plastic carryout bag volume.

9 The bill also requires the operator of a store to make reusable
10 bags available to customers for purchase by January 1, 2010
11 Further, beginning January 1, 2010, every operator must provide
12 only compostable plastic bags or recyclable paper bags to its
13 customers.