

ASSEMBLY, No. 4850

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED SEPTEMBER 23, 2024

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

Prohibits procurement of single use plastic beverage containers by State and local government entities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the procurement of single use plastic beverage
2 containers and supplementing Title 52 of the Revised Statutes
3 and Title 40A of the New Jersey Statutes.

4

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

7

8 1. a. As used in this section:

9 “Beverage” means any of the following products if those
10 products are in liquid, ready-to-drink form, and are intended for
11 human consumption: beer and other malt beverages; wine and
12 distilled spirit coolers; carbonated water, including soda and
13 carbonated mineral water; noncarbonated water, including
14 noncarbonated mineral water; carbonated soft drinks;
15 noncarbonated soft drinks and sport drinks; noncarbonated fruit
16 drinks that contain any percentage of fruit juice; coffee and tea
17 drinks; carbonated fruit drinks; and vegetable juice.

18 “Plastic” means a synthetic material made from linking
19 monomers through a chemical reaction to create an organic polymer
20 chain that can be molded or extruded at high heat into various solid
21 forms retaining their defined shapes during the life cycle and after
22 disposal. “Plastic” shall not include material that is designed to be
23 composted in a municipal or industrial aerobic composting facility
24 and that is certified by a recognized third-party independent
25 verification body as meeting the standards therefor established by
26 the American Society for Testing and Materials in ASTM D6400 or
27 ASTM D6868.

28 “Single use plastic beverage container” means an individual,
29 separate bottle, can, jar, carton, or other container made of plastic
30 that is hermetically sealed or made airtight with a metal or plastic
31 cap, and that contains a beverage wherein it is intended for a
32 singular use.

33 “State agency” means any agency in the executive, legislative, or
34 judicial branch of the State government, including, but not limited
35 to, any department, board, bureau, commission, division, office,
36 council, or instrumentality thereof.

37 b. Notwithstanding the provisions of any other law to the
38 contrary, the Director of the Division of Purchase and Property in
39 the Department of the Treasury, or any State agency having
40 authority to contract for the purchase of goods or services, shall be
41 prohibited from the procurement of single use plastic beverage
42 containers when entering into or renewing a contract for the
43 purchase of such goods.

44 c. The provisions of subsection b. of this section shall not apply:

45 (1) to any binding contractual obligations for the purchase of
46 goods or services entered into prior to the effective date of P.L. ,

47 c. (C.) (pending before the Legislature as this bill); or

1 (2) when the procurement of an alternative to single use plastic
2 beverage containers would not be economically feasible or cause
3 undue financial hardship.

4 d. No later than one year after the effective date of this section,
5 each State agency authorized to purchase or contract for goods and
6 services shall review and revise its procurement procedures and
7 specifications for the purchase or use of single use plastic beverage
8 containers in order to comply with the provisions of this section.
9

10 2. a. As used in this section:

11 "Beverage" means any of the following products if those
12 products are in liquid, ready-to-drink form, and are intended for
13 human consumption: beer and other malt beverages; wine and
14 distilled spirit coolers; carbonated water, including soda and
15 carbonated mineral water; noncarbonated water, including
16 noncarbonated mineral water; carbonated soft drinks;
17 noncarbonated soft drinks and sport drinks; noncarbonated fruit
18 drinks that contain any percentage of fruit juice; coffee and tea
19 drinks; carbonated fruit drinks; and vegetable juice.

20 "Local government entity" means any government entity subject
21 to the requirements of the "Local Public Contracts Law," P.L.1971,
22 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
23 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
24 P.L.1982, c.189 (C.18A:64A-25.1 et seq.).

25 "Plastic" means a synthetic material made from linking
26 monomers through a chemical reaction to create an organic polymer
27 chain that can be molded or extruded at high heat into various solid
28 forms retaining their defined shapes during the life cycle and after
29 disposal. "Plastic" shall not include material that is designed to be
30 composted in a municipal or industrial aerobic composting facility
31 and that is certified by a recognized third-party independent
32 verification body as meeting the standards therefor established by
33 the American Society for Testing and Materials in ASTM D6400 or
34 ASTM D6868.

35 "Single use plastic beverage container" means an individual,
36 separate bottle, can, jar, carton, or other container made of plastic
37 that is hermetically sealed or made airtight with a metal or plastic
38 cap, and that contains a beverage wherein it is intended for a
39 singular use.

40 b. Notwithstanding the provisions of any other law to the
41 contrary, a local government entity shall be prohibited from the
42 procurement of single use plastic beverage containers when entering
43 into or renewing a contract for the purchase of such goods.

44 c. The provisions of subsection b. of this section shall not apply:

45 (1) to any binding contractual obligations for the purchase of
46 goods or services entered into prior to the effective date of this
47 section; or

d. No later than one year after the effective date of this section, each local government entity authorized to purchase or contract for goods and services shall review and revise its procurement procedures and specifications for the purchase or use of single use plastic beverage containers in order to comply with the provisions of this section.

3. This act shall take effect immediately.

15

This bill prohibits State and local government entities that have the authority to contract for the purchase of goods and services from purchasing single use plastic beverage containers. The bill provides exemptions to any binding contractual obligations for the purchase of goods or services entered into prior to the effective date of this bill or when the procurement of an alternative to single use plastic beverage containers would not be economically feasible. The bill directs State agencies and local government entities authorized to purchase or contract for goods and services to revise their procurement procedures in order to comply with this bill.