

ASSEMBLY, No. 5338

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 20, 2025

Sponsored by:

Assemblyman JOHN V. AZZARITI JR., M.D.
District 39 (Bergen)

Assemblywoman DAWN FANTASIA
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblywoman Swift, Assemblymen Sauickie, Inganamort and
Assemblywoman Matsikoudis

SYNOPSIS

Repeals law prohibiting sale or distribution of single-use plastic carryout bags, single-use paper carryout bags, polystyrene foam food service products, and single-use plastic straws.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/10/2025)

1 **AN ACT** amending P.L.2002, c.128 and repealing sections 1 through
2 9 of P.L.2020, c.117.

3

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

6

7 1. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to
8 read as follows:

9 5. The Clean Communities Program Fund is established as a
10 nonlapsing, revolving fund in the Department of the Treasury. The
11 Clean Communities Program Fund shall be administered by the
12 Department of Environmental Protection and credited, in addition to
13 any appropriations made thereto, with all user fees imposed
14 pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) or penalties
15 imposed pursuant to section 10 of P.L.2002, c.128 (C.13:1E-222),
16 and any sums received as voluntary contributions from private
17 sources. Interest received on moneys in the Clean Communities
18 Program Fund shall be credited to the fund. Unless otherwise
19 expressly provided by the specific appropriation thereof by the
20 Legislature, which shall take the form of a discrete legislative
21 appropriations act and shall not be included within the annual
22 appropriations act, all available moneys in the Clean Communities
23 Program Fund shall be appropriated annually solely for the
24 following purposes and no others:

25 a. 10 percent of the estimated annual balance of the Clean
26 Communities Program Fund shall be used for a State program of
27 litter pickup and removal and of enforcement of litter-related laws
28 and ordinances in State owned places and areas that are accessible
29 to the public. Moneys in the fund may also be used by the State to
30 abate graffiti;

31 b. 50 percent of the estimated annual balance of the Clean
32 Communities Program Fund shall be distributed as State aid to
33 eligible municipalities with total housing units of 200 or more for
34 programs of litter pickup and removal, including establishing an
35 "Adopt-A-Highway" program, of public education and information
36 relating to litter abatement and of enforcement of litter-related laws
37 and ordinances. The amount of State aid due each municipality
38 shall be solely calculated based on the proportion which the housing
39 units of a qualifying municipality bear to the total housing units in
40 the State. Total housing units shall be determined using the most
41 recent federal decennial population estimates for New Jersey and its
42 municipalities, filed in the office of the Secretary of State. Moneys
43 in the fund may also be used by an eligible municipality to abate
44 graffiti;

45 c. 30 percent of the estimated annual balance of the Clean
46 Communities Program Fund shall be distributed as State aid to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 eligible municipalities with total housing units of 200 or more for
2 programs of litter pickup and removal, including establishing an
3 "Adopt-A-Highway" program, of public education and information
4 relating to litter abatement and of enforcement of litter-related laws
5 and ordinances. The amount of State aid due each municipality
6 shall be solely calculated based on the proportion which the
7 municipal road mileage of a qualifying municipality bears to the
8 total municipal road mileage within the State. For the purposes of
9 this subsection, "municipal road mileage" means that road mileage
10 under the jurisdiction of municipalities, as determined by the
11 Department of Transportation. Moneys in the fund may also be
12 used by an eligible municipality to abate graffiti;

13 d. 10 percent of the estimated annual balance of the Clean
14 Communities Program Fund shall be distributed as State aid to
15 eligible counties for programs of litter pickup and removal,
16 including establishing an "Adopt-A-Highway" program, of public
17 education and information relating to litter abatement and of
18 enforcement of litter-related laws and ordinances. The amount of
19 State aid due each county shall be solely calculated based on the
20 proportion which the county road mileage of an eligible county
21 bears to the total county road mileage within the State. For the
22 purposes of this subsection, "county road mileage" means that road
23 mileage under the jurisdiction of counties, as determined by the
24 Department of Transportation. Moneys in the fund may also be
25 used by an eligible county to abate graffiti;

26 e. No eligible municipality shall receive less than \$4,000 in
27 State aid as apportioned pursuant to subsections b. and c. of this
28 section. A municipality or county may use up to five percent of its
29 State aid for administrative expenses;

30 f. Prior to the distribution of funds pursuant to subsections a.
31 through d. of this section, ~~(1)~~:

32 ~~(1)~~ \$375,000 of the estimated annual balance of the Clean
33 Communities Program Fund shall be annually appropriated to the
34 department and made available on July 1 of every year to the
35 organization under contract with the department pursuant to section
36 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public
37 information and education program concerning antilittering
38 activities and other aspects of responsible solid waste handling
39 behavior, of which up to \$75,000 shall be used exclusively to
40 finance an annual Statewide television, radio, newspaper and other
41 media advertising campaign to promote antilittering and responsible
42 solid waste handling behavior.

43 ~~(2)~~ in each of the first three years after the effective date of
44 P.L.2020, c.117 (C.13:1E-99.126 et al.), \$500,000 of the estimated
45 annual balance of the Clean Communities Program Fund shall be
46 appropriated to the department and made available on July 1 of each
47 year to the organization under contract with the department
48 pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) for the

1 Statewide public information and education program developed
2 pursuant to subsection b. of section of section 8 of P.L.2020, c.117
3 (C.13:1E-99.133).】

4 The organization under contract with the department pursuant to
5 section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the
6 date on which the contract period concludes, submit a report to the
7 Governor and the Legislature concerning its activities during the
8 contract period and any recommendations concerning improving the
9 program. Every eligible municipality and county shall cooperate
10 with the organization under contract with the department pursuant
11 to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing
12 information concerning its program of litter pickup and removal.

13 No later than May 31, 2008, 25 percent of the estimated annual
14 balance of the Clean Communities Program Fund shall be
15 appropriated to the State Recycling Fund established pursuant to
16 section 5 of P.L.1981, c.278 (C.13:1E-96). These moneys shall be
17 used by the Department of Environmental Protection for direct
18 recycling grants to counties and municipalities, up to a maximum
19 appropriation of \$4,000,000.

20 g. As used in this section, "graffiti" means any inscription
21 drawn, painted or otherwise made on a bridge, building, public
22 transportation vehicle, rock, wall, sidewalk, street or other exposed
23 surface on public property.

24 The department may carry forward any unexpended balances in
25 the Clean Communities Program Fund as of June 30 of each year.
26 (cf: P.L. 2020, c.117, s.10)

27

28 2. Sections 1 through 9 of P.L.2020, c.117 (C.13:1E-99.126
29 through 13:1E-99.134) are repealed.

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31 3. This act shall take effect on the 60th day after the date of
32 enactment.

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STATEMENT

36

37 This bill repeals the law establishing a ban on single-use plastic
38 carryout bags, single-use paper carryout bags, polystyrene foam
39 food service products, and single-use plastic straws. The bill also
40 amends a portion of the law which established a \$500,000
41 appropriation, from the Clean Communities Fund, for a public
42 information and education program regarding free reusable carryout
43 bags. The amendments would remove that appropriation. Current
44 law prohibits stores and food service business from providing or
45 selling single-use plastic carryout bags to customers, and prohibits
46 grocery stores from providing or selling single-use paper carryout
47 bags to customers. The law also prohibits distribution of
48 polystyrene foam food service products. A Plastics Advisory

1 Council monitors the implementation of the law, and fees collected
2 from establishments, in violation of the law, currently accrue to the
3 Clean Communities Program Fund.

4 It is the sponsor's intention to eliminate this law in its entirety,
5 as it has resulted in an increased volume of waste in the State
6 through the production and accumulation of unused bags, straws,
7 and other disposable products. Research indicates that plastic bag
8 bans have been associated with increased purchasing of alternative
9 bags and containers and a resultant increase in manufacturing-
10 related pollution. New Jersey stores and food service businesses
11 have noticed a three-fold increase in plastic consumption since the
12 implementation of this law, attributed to the non-recyclable material
13 used in alternative bags. Carryout grocery bag regulations have
14 also been associated with a 127-pound monthly average increase in
15 the number of purchased plastics. This bill would take effect on the
16 60th day after the date of enactment to allow business and stores two
17 months to restore available supplies of single-use plastic carryout
18 bags, single-use paper carryout bags, polystyrene foam food service
19 products, and single-use plastic straws.