



# Association of New Jersey Recyclers

## **Summary - S864(A1978) Plastic/Paper bag and polystyrene food container ban as passed by the Senate/Assembly, and signed by the Governor (summary provided by ANJR 9/25/20, updated 11/2020)**

- No retail store or food service business shall provide or sell a single use plastic carryout bag to a customer starting 18 months after the bill is signed (May 4, 2022)— applies to grocery, retail, food service or other small stores
- Beginning 18 months after the bill is signed (May 4, 2022), no grocery store shall provide or sell a single-use paper carryout bag to a customer. This only applies to grocery stores which are defined as “a self-service retail establishment that occupies at least 2,500 square feet and that sells household foodstuffs for off-site consumption, including, but not limited to, fresh produce, meat, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods. “Grocery store” shall not include an establishment that handles only prepackaged food that does not require time or temperature controls for food safety.”
- 18 months after the bill is signed (May 4, 2022), any existing bag ordinances are preempted.
- “Reusable carryout bag” means a carryout bag that: (1) is made of polypropylene, PET nonwoven fabric, nylon, cloth, hemp product, or other machine washable fabric; (2) has stitched handles; and (3) is designed and manufactured for multiple reuse.
- No person (or company) can sell and no food service business can provide any polystyrene foam food service product 18 months after the bill is signed (May 4, 2022). This includes expanded and extruded products. There are limited time (additional 18 month) exemptions for spoon straws, small portion cups, meat/fish trays, and pre-packaged food. Those exemptions can be extended indefinitely by the DEP (see specific bill section 4 for procedure). This section supersedes any municipal/county ordinance 18 months after the bill is signed.
- Plastic straws are not banned, but they shall only be provided by a food service business at the customer’s request. Plastic straws can still be sold by stores and plastic straws on juice boxes are allowed (in food service or at a store). This section starts one year after bill signed (November 4, 2021) and supersedes any municipal/county ordinance. (Any town that banned straws would not be allowed to after November 4, 2021.)
- No municipality or county can enact any regulations regarding banning plastic and paper bags, polystyrene foam food service products, or straws once the bill is signed (November 4, 2020).
- No new fund is created. Monies collected through DEP enforcement go to the Clean Communities fund. Towns/Counties that enforce can keep 30% of the fines but must send the rest to the State to be placed in the Clean Communities fund.
- A 16-member Plastics Advisory Council is being created to submit a report within two years on the implementation and effectiveness of this Act. The Council must also study environmental and public health impacts of single use plastics and microplastics as well as how to mitigate their impacts and recycle more plastics.



- \$500,000 from the Clean Communities account is taken each year for 3 years. This money is provided to the Clean Communities Council each year beginning July 2021, for a Statewide public information and education campaign which shall include educational programs, public service announcements and the distribution of free reusable bags throughout the State.