



STATE OF NEW JERSEY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF SOLID AND HAZARDOUS WASTE

BAN ON SINGLE-USE CARRYOUT BAGS,
BAN ON POLYSTYRENE FOAM FOOD
SERVICE PRODUCTS, AND PLASTIC
STRAWS BY-REQUEST-ONLY
(P.L. 2020, C. 117)

BAN ON SINGLE-USE CARRYOUT BAGS

- Beginning May 4, 2022, the law prohibits all Stores (including retail), Food Service Businesses, and Grocery Stores from selling to, or providing their customers with, single-use plastic carryout bags
 - A "single-use plastic carryout bag" is a carryout bag made of plastic that is not a reusable carry out bag as defined by the law
- In addition, Grocery Stores larger than 2,500 square feet may not provide or sell single-use paper carryout bags, and instead may provide or sell only reusable carryout bags
 - A "single-use paper carryout bag" is a carryout bag made of paper that is not a reusable carryout bag as defined by the law

STORES THIS BAN APPLIES TO

- The single-use plastic bag ban applies to a "Store," "Food Service Business," & "Grocery Store"
- The single-use paper bag ban applies to a "Grocery Store"
 - A "Store" is any grocery store, convenience store, liquor store, pharmacy, drug store or other retail establishment
 - A "Food Service Business" sells or provides food for consumption on or off the premises, including establishments such as a restaurant, café, delicatessen, coffee shop, convenience store, grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by a government entity
 - A "Grocery Store" is a self-service retail establishment that occupies at least 2,500 square feet and sells household foodstuffs for off-site consumption
 - It does not include an establishment that handles only pre-packaged food that does not require time or temperature controls for food safety

REUSABLE CARRYOUT BAGS

- A "reusable carryout bag" must:
 - Be made of polypropylene fabric, PET nonwoven fabric, nylon, cloth, hemp product, or other washable fabric
- And-
- Have stitched handles
 - Traditional or ultrasonic stitching
 - Adhesive handles do NOT qualify
- And-
- Be designed and manufactured for multiple reuses
 - Minimum 125 uses

SINGLE-USE BAG EXEMPTIONS

- A bag used solely to:
 - Contain or wrap uncooked meat, fish, or poultry
 - Package loose items such as fruits, vegetables, nuts, coffee, grains, baked goods, candy, greeting cards, flowers, bulk food, or small hardware items
 - Contain live animals, such as fish or insects sold in a pet store
 - Contain food sliced or prepared to order, including soup or hot food
- A laundry, dry cleaning, or garment bag
- A bag provided by a pharmacy to carry prescription drugs
- A bag for newspapers
- Any similar bag, as determined by the department pursuant to rule, regulation, or guidance

BAN ON POLYSTYRENE FOAM FOOD SERVICE PRODUCTS

- Beginning May 4, 2022, the law prohibits all persons and food service businesses from selling/offering for sale any polystyrene foam food service product and prohibits all food service businesses from selling/providing any food served in a polystyrene foam food service product
- A "polystyrene foam food service product" is defined as a product made, in whole or in part, of polystyrene foam that is used for selling or providing a food or beverage and includes but is not limited to a food container, plate, hot or cold beverage cup, meat or vegetable tray, cutlery, or egg carton

POLYSTYRENE PRODUCT EXEMPTIONS UNTIL MAY 4, 2024

- Disposable, long-handled polystyrene foam soda spoons when required and used for thick drinks
- Portion cups of two ounces or less, if used for hot foods or foods requiring lids
- Meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance
- Any food product pre-packaged by the manufacturer with a polystyrene foam food service product
- Any other polystyrene foam food service product as determined necessary by the DEP
- The DEP may extend any of these exemptions for additional periods not to exceed one year. These extensions will only be considered upon receipt of written documentation that there is no cost-effective and readily available alternative for the item
- Any extended exemptions will automatically expire after one year, but the DEP may extend any such exemptions beyond one year upon receipt of further documentation

WAIVERS FOR POLYSTYRENE FOAM FOOD SERVICE PRODUCTS

- A waiver may be requested for a polystyrene foam food service product or food in a polystyrene foam food service product for a period not to exceed one year upon a determination that one of the following situations are met:
 - There is no feasible and commercially available alternative for a specific polystyrene foam food service product
 - The person or business has less than \$500,000 in gross annual income and there is no reasonably affordable, commercially-available alternative to the polystyrene foam food service product
- These waivers must be approved in writing by the DEP. Waivers may be extended by the DEP for periods not to exceed one year upon written documentation submitted on the forms prescribed by the DEP
- Waivers are different than exemptions. Waivers can be requested for any polystyrene foam food service product or food in a polystyrene foam food service product if the criteria apply
- <https://www.nj.gov/dep/plastic-ban-law/docs/bag-ban-waiver-and-cover-letter.pdf>

REQUIREMENTS FOR SINGLE-USE PLASTIC STRAWS

- Beginning on November 4, 2021, food service businesses shall only provide a single-use plastic straw to a customer upon request by the customer
- Food service businesses are required to keep an adequate supply of single-use plastic straws
- Stores may continue to sell packages of single-use plastic straws and provide/sell a beverage pre-packaged by the manufacturer with a single-use plastic straw, i.e., juice boxes

PREVIOUS BANS

- The new law supersedes and pre-empts all municipal and county rules, regulations, codes, or ordinances concerning the regulation or prohibition of single-use plastic or paper carryout bags, polystyrene foam food service products and single-use plastic straws
- Every store or entity in New Jersey that is subject to the statewide law must comply with its requirements, regardless of where the store is located

TIMELINE

2021

May 2021

DOS and DEP establish a program to educate businesses about the law and NJCC establishes a program to educate the public

Nov. 4, 2021

Plastic straws provided only upon request enacted Statewide

2024

May 4, 2024

Two-year exemption for the polystyrene products previously exempted ends

The department may waive the polystyrene provisions for a period not to exceed one year

Nov. 4, 2020

Municipalities and counties are prohibited from creating their own bans

2020

May 4, 2022

Single use plastic bags are banned, Paper bags are banned from grocery stores ≥ 2500 sq. ft., Polystyrene food service products are banned

2022

DEP, municipalities, and any other entity certified pursuant to the "County Environmental Health Act" shall be able to enforce this law and institute penalties to violators of this Act

BUSINESSES IMPACTED

Business Type	Plastic Bag Banned	Paper Bag Banned	Polystyrene Banned	Plastic Straws by Request
Restaurant	X		X	X
Café	X		X	X
Delicatessen	X		X	X
Grocery ≥ 2500 sq. ft.	X	X	X	
Grocery < 2500 sq. ft.	X		X	
Coffee Shop	X		X	X
Convenience Store	X		X	X
Vending Truck or Cart	X		X	X
Food Truck	X		X	X

BUSINESSES IMPACTED (CONT.)

Business Type	Plastic Bag Banned	Paper Bag Banned	Polystyrene Banned	Plastic Straws by Request
Movie Theater	X		X	X
Business or Institutional Cafeteria	X		X	X
Pharmacy	X		X	
Non-profit that handles food	X		X	X
Non-profit that does not handle food	X		X	
Liquor Store	X		X	
Drug Store	X		X	
Retail Store	X		X	

ENFORCEMENT

- The Department of Environmental Protection, municipalities, and any entity certified by the "County Environmental Health Act" have the authority to enforce the single-use plastic and paper carryout bag and polystyrene foam food service product provisions of the law
- The Department of Health enforces the plastic straw provision of the law

PENALTIES FOR NON-COMPLIANCE

- A person or entity that violates the law will be warned for a 1st offense
 - fined up to \$1,000 per day for the 2nd offense
 - fined up to \$5,000 per day for the 3rd and subsequent violations
- Violations of a continuing nature constitute an additional, separate, and distinct offense for each day that is deemed a violation

FAQS

- Do reusable carryout bags need to be made with a minimum recycled content to be allowable?
 - There is no minimum recycled requirement for reusable carryout bags (or any included product) in this law. However, the use of recycled content in all allowable bags is encouraged
- Can the public use their own bags at the store that don't qualify as reusable carryout bags under the law?
 - Yes, the definition for reusable carryout bag only applies to the bags that stores and businesses are allowed to provide or sell to customers.
- Can I still buy packages of paper bags and lawn bags at the store?
 - Yes, the law does not prohibit the sale of packages of paper bags and lawn bags from all Stores and Grocery Stores

FAQS (CONT.)

- Are garbage bags included as part of the single-use bag ban?
 - No, only single-use carryout bags are included in the portion of the law. Trash bags continue to be allowable to purchase in stores.
- Where can a business find assistance?
 - The NJBAC assists businesses and will post updates to the law on the <https://business.nj.gov> website as they become available. There is a Live Chat "Ask Our NJ Business Experts" feature on this website that fields business questions. The Live Chat is available Monday-Friday, from 8 am to 5 pm.

FOR THIS INFORMATION AND MORE

- E-mail: singleuseplastics@dep.nj.gov
- Visit <https://www.nj.gov/dep/plastic-ban-law/>
 - FAQs
 - Full Legislation
 - Timeline
 - Establishments and applicable provisions chart
- NJ Business Action Center is running a live chat for any further questions from Monday thru Friday, 8am to 5pm on business.nj.gov/bags/plastic-ban-law
- NJ Clean Communities also has more information <https://www.njclean.org/> and <https://bagupnj.com/>