

[Second Reprint]  
**SENATE, No. 864**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JANUARY 14, 2020

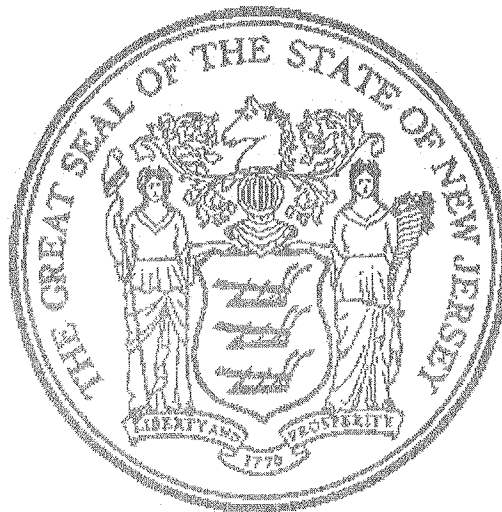
**Sponsored by:**  
**Senator BOB SMITH**  
**District 17 (Middlesex and Somerset)**  
**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Prohibits provision or sale of single-use plastic carryout bags, single-use paper carryout bags, and polystyrene foam food service products; limits provision of single-use plastic straws; appropriates moneys from Clean Communities Program Fund for public education.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 10, 2020.



1 AN ACT concerning single-use plastic carryout bags, single-use  
2 paper carryout bags, polystyrene foam food service products, and  
3 single-use plastic straws, supplementing Title 13 of the Revised  
4 Statutes, and amending P.L.2002, c.128.

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

8  
9 1. (New section) The Legislature finds and declares that, since  
10 1950, global annual production of plastics has increased from two  
11 million tons to over 381 million tons; that approximately one third  
12 of all plastics produced are single-use plastics, which are plastics  
13 designed to be used only once and then thrown away; and that an  
14 estimated 100 billion single-use plastic carryout bags and 25 billion  
15 styrofoam plastic coffee cups are thrown away in the United States  
16 each year.

17 The Legislature further finds that, in 2017, only 8.4 percent of  
18 plastics in the United States were recycled; that most single-use  
19 plastics are disposed of in landfills, are incinerated, or become litter  
20 in waterways and oceans; that plastics released in the environment  
21 do not biodegrade, but instead break down into smaller pieces,  
22 known as microplastics, which accumulate in the natural  
23 environment and are eaten by fish and other marine life; and that  
24 microplastic pollution moves through natural food webs and  
25 accumulates in fish and shellfish tissues, which means microplastics  
26 and associated pollutants can move into the food chain.

27 The Legislature further finds that approximately eight million  
28 tons of plastic end up in the oceans annually; that, without action,  
29 scientists estimate that by 2050 the mass of plastic pollution in the  
30 ocean will exceed the mass of fish; that currently, there is a  
31 collection of litter in the North Atlantic Ocean, known as the Great  
32 Pacific Garbage Patch, that is 7.7 million square miles and is  
33 composed primarily of plastics; that one study found plastics in the  
34 gut of every sea turtle examined and in 90 percent of seabirds  
35 examined; and that plastics have been known to cause death or  
36 reproductive failure in sea turtles, birds, and other organisms that  
37 ingest plastic.

38 The Legislature further finds that, as plastics break down through  
39 photodegradation, they release harmful chemicals such as bisphenol  
40 A (BPA) into the environment that have been linked to health  
41 problems in humans; that these chemicals enter the food chain when  
42 consumed by marine life; and that single-use plastic waste creates  
43 visual pollution, degrades water quality, and impacts the tourism,  
44 fishing, and shipping industries, all of which are major contributors  
45 to the New Jersey economy.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted January 30, 2020.

<sup>2</sup>Senate floor amendments adopted February 10, 2020.

1 The Legislature therefore determines that it is no longer  
2 conscionable to permit the unfettered use and disposal of single-use  
3 plastics in the State; that New Jersey must do its part to minimize  
4 plastic pollution in the ocean, and to ensure that future generations  
5 have a clean and healthy environment to live, work, and recreate in;  
6 that banning or limiting the use of single-use plastic carryout bags,  
7 polystyrene foam food service products, and single-use plastic  
8 straws is a significant step in this effort, as these items are among  
9 the most significant sources of beach and ocean pollution; that New  
10 Jersey joins several other states and hundreds of municipalities  
11 across the country in banning or limiting the use of single-use  
12 plastics; and that such bans and limitations have drastically lowered  
13 consumer consumption of single-use plastics.

14 The Legislature further finds that single-use paper carryout bags  
15 use as much or more energy and resources to manufacture and  
16 transport than single-use plastic carryout bags and contribute to  
17 harmful air emissions. Consequently, the Legislature further  
18 determines that it is in the public interest to prohibit grocery stores  
19 from providing single-use paper carryout bags.

20  
21 2. (New section) As used in P.L. , c. (C. )(pending before  
22 the Legislature as this bill):

23 "Carryout bag" means a bag that is provided by a store or food  
24 service business to a customer for the purpose of transporting  
25 groceries, prepared foods, or retail goods. "Carryout bag" shall not  
26 include:

27 (1) a bag used solely to contain or wrap uncooked meat, fish, or  
28 poultry;

29 (2) a bag used solely to package loose items such as fruits,  
30 vegetables, nuts, coffee, grains, baked goods, candy, greeting cards,  
31 flowers, or small hardware items;

32 (3) a bag used solely to contain live animals, such as fish or insects  
33 sold in a pet store;

34 (4) a bag used solely to contain food sliced or prepared to order,  
35 including soup or hot food;

36 (5) a laundry, dry cleaning, or garment bag;

37 (6) a bag provided by a pharmacy to carry prescription drugs;

38 (7) a newspaper bag; and

39 (8) any similar bag, as determined by the department pursuant to  
40 rule, regulation, or guidance.

41 "Department" means the Department of Environmental Protection.

42 "Food service business" means a business that sells or provides  
43 food for consumption on or off the premises, and includes, but is not  
44 limited to, any restaurant, café, delicatessen, coffee shop, convenience  
45 store, grocery store, vending truck or cart, food truck, movie theater, or  
46 business or institutional cafeteria, including those operated by or on  
47 behalf of any governmental entity.

1 "Grocery store" means a self-service retail establishment that  
2 occupies at least <sup>2</sup>[4,500] 2,500<sup>2</sup> square feet and that <sup>2</sup>[primarily]<sup>2</sup>  
3 sells <sup>2</sup>[a full-line of]<sup>2</sup> household foodstuffs for off-site consumption,  
4 including, but not limited to, fresh produce, meat, poultry, fish, deli  
5 products, dairy products, canned foods, dry foods, beverages, baked  
6 foods, or prepared foods.

7 "Person" means any individual, corporation, company, association,  
8 society, firm, partnership, joint stock company, or governmental  
9 entity.

10 "Plastic" means a synthetic material made from linking monomers  
11 through a chemical reaction to create an organic polymer chain that  
12 can be molded or extruded at high heat into various solid forms  
13 retaining their defined shapes during the life cycle and after disposal.

14 "Polystyrene foam" means blown polystyrene and expanded and  
15 extruded foams that are thermoplastic petrochemical materials  
16 utilizing a styrene monomer and processed by a number of techniques,  
17 including, but not limited to, fusion of polymer spheres (expandable  
18 bead polystyrene), injection molding, foam molding, and extrusion-  
19 blow molding (extruded foam polystyrene).

20 "Polystyrene foam food service product" means a product made,  
21 in whole or in part, of polystyrene foam that is used for selling or  
22 providing a food or beverage, and includes, but is not limited to, a food  
23 container, plate, hot or cold beverage cup, meat or vegetable tray,  
24 cutlery, or egg carton.

25 "Reusable carryout bag" means a carryout bag that: (1) is made of  
26 polypropylene, PET nonwoven fabric, nylon, cloth, or other machine  
27 washable fabric; (2) has stitched handles; and (3) is designed and  
28 manufactured for multiple reuse.

29 "Single-use paper carryout bag" means a carryout bag made of  
30 paper that is not a reusable carryout bag.

31 "Single-use plastic carryout bag" means a carryout bag made of  
32 plastic that is not a reusable carryout bag.

33 "Store" means any grocery store, convenience store, liquor store,  
34 pharmacy, drug store, or other retail establishment.

35

36 3. (New section) a. Beginning <sup>1</sup>[two years] 18 months<sup>1</sup> after  
37 the effective date of P.L. , c. (C. )(pending before the  
38 Legislature as this bill):

39 (1) no store or food service business shall provide or sell a single-  
40 use plastic carryout bag to a customer; and

41 (2) no grocery store shall provide or sell a single-use paper  
42 carryout bag to a customer.

43 b. A municipality or county shall not adopt any rule, regulation,  
44 code, or ordinance concerning the regulation or prohibition of single-  
45 use plastic carryout bags or single-use paper carryout bags after the  
46 effective date of

47 P.L. , c. (C. )(pending before the Legislature as this bill).

1 c. Beginning <sup>1</sup>['two years] 18 months<sup>1</sup> after the effective date of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill), this  
3 section shall supersede and preempt any municipal or county rule,  
4 regulation, code, or ordinance concerning the regulation or prohibition  
5 of single-use plastic carryout bags or single-use paper carryout bags  
6 that was enacted prior to the effective date of  
7 P.L. , c. (C. ) (pending before the Legislature as this bill).

8

9 4. (New section) a. Beginning <sup>1</sup>['two years] 18 months<sup>1</sup> after  
10 the effective date of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill), no person shall sell or offer for sale in the  
12 State any polystyrene foam food service product.

13 b. Beginning <sup>1</sup>['two years] 18 months<sup>1</sup> after the effective date of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill), no  
15 food service business shall provide or sell any food in a polystyrene  
16 foam food service product.

17 c. The following products shall be exempt from the provisions of  
18 subsections a. and b. of this section for a period of two years beginning  
19 <sup>1</sup>['two years] 18 months<sup>1</sup> after the effective date of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill):

21 (1) disposable, long-handled polystyrene foam soda spoons when  
22 required and used for thick drinks;

23 (2) portion cups of two ounces or less, if used for hot foods or  
24 foods requiring lids;

25 (3) meat and fish trays for raw or butchered meat, including  
26 poultry, or fish that is sold from a refrigerator or similar retail  
27 appliance;

28 (4) any food product pre-packaged by the manufacturer with a  
29 polystyrene foam food service product; and

30 (5) any other polystyrene foam food service product as determined  
31 necessary by the department.

32 d. The department may extend any exemption provided for in  
33 subsection c. of this section for additional periods not to exceed one  
34 year upon a written determination that there is no cost-effective and  
35 readily available alternative for the item. An exemption shall expire  
36 after one year unless the department extends the exemption pursuant to  
37 this subsection.

38 e. The department may, upon written application by a person or  
39 food service business, waive the provisions of subsection a. or b. of  
40 this section for the person or food service business for a period not to  
41 exceed one year, if:

42 (1) there is no feasible and commercially available alternative for  
43 a specific polystyrene foam food service product; or

44 (2) the person or food service business has less than \$500,000 in  
45 gross annual income and there is no reasonably affordable,  
46 commercially-available alternative to the polystyrene foam food  
47 service product.

1 The department shall prescribe the form and manner of the  
2 application for a waiver pursuant to this subsection. The department  
3 may, upon written application, extend any waiver granted pursuant to  
4 this section for additional periods not to exceed one year.

5 f. A municipality or county shall not adopt any rule, regulation,  
6 code, or ordinance concerning the regulation or prohibition of  
7 polystyrene foam food service products after the effective date of  
8 P.L. , c. (C. )(pending before the Legislature as this bill).

9 g. Beginning <sup>1</sup> ~~two years~~ 18 months after the effective date of  
10 P.L. , c. (C. )(pending before the Legislature as this bill), this  
11 section shall supersede and preempt any municipal or county rule,  
12 regulation, code, or ordinance concerning the regulation or prohibition  
13 of polystyrene foam food service products that was enacted prior to the  
14 effective date of P.L. , c. (C. )(pending before the Legislature  
15 as this bill).

16  
17 5. (New section) a. Beginning one year after the effective  
18 date of P.L. , c. (C. )(pending before the Legislature as this  
19 bill), a food service business shall only provide a single-use plastic  
20 straw to a customer upon the request of the customer.

21 b. A food service business shall maintain an adequate supply of  
22 single-use plastic straws to provide at the request of customers  
23 pursuant to subsection a. of this section.

24 c. Nothing in this section shall be construed to prohibit a store  
25 from selling packages of single-use plastic straws to customers, or  
26 from providing or selling a beverage pre-packaged by the  
27 manufacturer with a single-use plastic straw, including, but not  
28 limited to, a juice box.

29 d. Notwithstanding the provisions of subsection c. of section 6  
30 of P.L. , c. (C. )(pending before the Legislature as this bill),  
31 the Department of Health shall enforce the provisions of this  
32 section. The Department of Health may adopt, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), any rules and regulations necessary to effectuate the  
35 provisions of this section.

36 e. No later than four years after the effective date of  
37 P.L. , c. (C. )(pending before the Legislature as this bill), the  
38 Department of Health shall prepare and submit to the Plastics  
39 Advisory Council a written report evaluating the compliance of  
40 food service businesses with the requirements of this section.

41 f. A municipality or county shall not adopt any rule,  
42 regulation, code, or ordinance concerning the regulation or  
43 prohibition of single-use plastic straws after the effective date of  
44 P.L. , c. (C. )(pending before the Legislature as this bill).

45 g. Beginning one year after the effective date of P.L. , c.  
46 (C. )(pending before the Legislature as this bill), this section  
47 shall supersede and preempt any municipal or county rule,  
48 regulation, code, or ordinance concerning the regulation or

1 prohibition of single-use plastic straws that was enacted prior to the  
2 effective date of P.L. , c. (C. )(pending before the  
3 Legislature as this bill).

4  
5 6. (New section) a. Any person or entity that violates a  
6 provision of P.L. , c. (C. )(pending before the Legislature as  
7 this bill), or any rule or regulation adopted pursuant thereto, shall be  
8 subject to a warning for a first offense, up to \$1,000 for a second  
9 offense, and up to \$5,000 for a third or subsequent offense, to be  
10 collected in a civil action by a summary proceeding under the  
11 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
12 et seq.), or in any case before a court of competent jurisdiction  
13 wherein injunctive relief has been requested. If the violation is of a  
14 continuing nature, each day during which it continues shall  
15 constitute an additional, separate, and distinct offense. The  
16 Superior Court and the municipal court shall have jurisdiction to  
17 enforce the provisions of the "Penalty Enforcement Law of 1999" in  
18 connection with P.L. , c. (C. )(pending before the  
19 Legislature as this bill).

20 b. Any penalty collected pursuant to this section shall be  
21 remitted to the State Treasurer for deposit in the Clean  
22 Communities Program Fund established pursuant to section 5 of  
23 P.L.2002, c.128 (C.13:1E-217), except that a municipality or entity  
24 certified pursuant to the "County Environmental Health Act,"  
25 P.L.1977, c.443 (C.26:3a2-21 et seq.) may retain 30 percent of any  
26 penalty it collects pursuant to subsection a. of this section.

27 c. The Department of Environmental Protection, a  
28 municipality, and any entity certified pursuant to the "County  
29 Environmental Health Act," P.L.1977, c.443 (C.26:3a2-21 et seq.)  
30 shall have the authority to enforce the provisions of P.L. , c.  
31 (C. )(pending before the Legislature as this bill). Those entities  
32 may institute a civil action for injunctive relief to enforce P.L. , c.  
33 (C. )(pending before the Legislature as this bill) and to prohibit  
34 and prevent a violation thereof, and the court may proceed in the  
35 action in a summary manner.

36  
37 7. (New section) a. There is established in the Department of  
38 Environmental Protection the Plastics Advisory Council. The  
39 council shall monitor the implementation of  
40 P.L. , c. (C. )(pending before the Legislature as this bill),  
41 and evaluate its effectiveness in reducing single-use plastics and  
42 plastic waste in the State.

43 b. The council shall consist of 15 members as follows:

- 44 (1) the Commissioner of Environmental Protection, who shall  
45 serve ex officio, or the commissioner's designee;  
46 (2) the Commissioner of Health, who shall serve ex officio, or  
47 the commissioner's designee;  
48 (3) the following members appointed by the Governor:

- 1 (a) two members of the academic community with expertise on  
2 the issues of single-use plastics and plastic waste;
- 3 (b) four members representing the environmental community;
- 4 (c) four members representing stores and food service  
5 businesses in the State;
- 6 (d) one member representing the polystyrene foam industry;
- 7 (e) one member representing the recycling industry; and
- 8 (f) one member representing local governments.
- 9 c. All appointments to the council shall be made no later than  
10 90 days after the effective date of P.L. , c. (C. )(pending  
11 before the Legislature as this bill). The term of office of each  
12 public member shall be three years. Each member shall serve until  
13 a successor has been appointed and qualified, and vacancies shall be  
14 filled in the same manner as the original appointments for the  
15 remainder of the unexpired term. A member is eligible for  
16 reappointment to the council. The members of the council shall  
17 serve without compensation, but shall be eligible for necessary and  
18 reasonable expenses incurred in the performance of their official  
19 duties within the limits of funds appropriated or otherwise made  
20 available for the council's purposes.
- 21 d. The council shall organize as soon as practicable following  
22 the appointment of its members and shall select a chairperson and a  
23 vice-chairperson from among its members, as well as a secretary  
24 who need not be a member of the council. A majority of the  
25 membership of the council shall constitute a quorum for the  
26 transaction of council business. The council may meet and hold  
27 hearings at the place or places it designates.
- 28 e. No later than one year after the effective date of P.L. , c.  
29 (C. )(pending before the Legislature as this bill), and each year  
30 thereafter, the council shall prepare and submit a written report to  
31 the Governor, the Legislature pursuant to section 2 of  
32 P.L.1991, c.164 (C.52:14-19.1), and the respective chairpersons of  
33 the Senate Environment and Energy Committee and the Assembly  
34 Environment and Solid Waste Committee, or their successors,  
35 evaluating the implementation and effectiveness of P.L. , c.  
36 (C. )(pending before the Legislature as this bill), and making  
37 any recommendations for legislative or administrative action to  
38 improve the implementation or effectiveness of P.L. , c.  
39 (C. )(pending before the Legislature as this bill).
- 40 f. (1) The council shall also study the environmental and  
41 public health impacts of single-use plastics and micro-plastics;  
42 healthy and environmentally-friendly alternatives to single-use  
43 plastics; strategies and policies to increase the recyclability of  
44 plastics and reduce the amount of plastic entering the environment;  
45 the technological feasibility of increasing recycled content of  
46 consumer plastics and expanding the types of plastics that may be  
47 manufactured from recycled material; and ways to enhance the  
48 development and expansion of markets of post-consumer recycled



1 plastic, including State and local purchasing and procurement  
2 practices.

3 (2) No later than two years after the effective date of P.L. , c.  
4 (C. )(pending before the Legislature as this bill), the council  
5 shall submit a written report to the Governor, the Legislature  
6 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and the  
7 respective chairpersons of the Senate Environment and Energy  
8 Committee and the Assembly Environment and Solid Waste  
9 Committee, or their successors. The written report shall summarize  
10 the analysis conducted pursuant to paragraph (1) of this subsection  
11 and recommend ways to reduce the use of plastics and the amount  
12 of plastic entering the environment, and increase the rate of  
13 recycling of plastics.

14  
15 8. (New section) No later than six months after the effective  
16 date of P.L. , c. (C. )(pending before the Legislature as this  
17 bill):

18 a. the Department of State, in consultation with the Department  
19 of Environmental Protection, shall establish a program to assist  
20 businesses in complying with the provisions of P.L. , c.  
21 (C. )(pending before the Legislature as this bill), including, but  
22 not limited to, developing and publishing on its Internet website  
23 guidance on compliance with the act, and establishing an online  
24 clearinghouse of vendors who provide environmentally sound  
25 alternatives to single-use plastic carryout bags, single-use paper  
26 carryout bags, polystyrene foam food service products, and single-  
27 use plastic straws; and

28 b. the organization under contract with the Department of  
29 Environmental Protection pursuant to section 6 of P.L.2002, c.128  
30 (C.13:1E-218) shall, in cooperation with local governments and the  
31 business community, develop and implement a Statewide public  
32 information and education program concerning the provisions of  
33 P.L. , c. (C. )(pending before the Legislature as this bill).  
34 The program shall include, but need not be limited to, educational  
35 programs, public service announcements, and the distribution of  
36 free reusable carryout bags throughout the State.

37  
38 9. (New section) The department shall adopt, pursuant to the  
39 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
40 seq.), any rules and regulations necessary to effectuate the  
41 provisions of P.L. , c. (C. )(pending before the Legislature  
42 as this bill).

43  
44 10. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to  
45 read as follows:

46 5. The Clean Communities Program Fund is established as a  
47 nonlapsing, revolving fund in the Department of the Treasury. The  
48 Clean Communities Program Fund shall be administered by the

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

14 a. 10 **[%]** percent of the estimated annual balance of the Clean  
15 Communities Program Fund shall be used for a State program of  
16 litter pickup and removal and of enforcement of litter-related laws  
17 and ordinances in State owned places and areas that are accessible  
18 to the public. Moneys in the fund may also be used by the State to  
19 abate graffiti;

20 b. 50 **[%]** percent of the estimated annual balance of the Clean  
21 Communities Program Fund shall be distributed as State aid to  
22 eligible municipalities with total housing units of 200 or more for  
23 programs of litter pickup and removal, including establishing an  
24 "Adopt-A-Highway" program, of public education and information  
25 relating to litter abatement and of enforcement of litter-related laws  
26 and ordinances. The amount of State aid due each municipality  
27 shall be solely calculated based on the proportion which the housing  
28 units of a qualifying municipality bear to the total housing units in  
29 the State. Total housing units shall be determined using the most  
30 recent federal decennial population estimates for New Jersey and its  
31 municipalities, filed in the office of the Secretary of State. Moneys  
32 in the fund may also be used by an eligible municipality to abate  
33 graffiti;

34 c. 30 **[%]** percent of the estimated annual balance of the Clean  
35 Communities Program Fund shall be distributed as State aid to  
36 eligible municipalities with total housing units of 200 or more for  
37 programs of litter pickup and removal, including establishing an  
38 "Adopt-A-Highway" program, of public education and information  
39 relating to litter abatement and of enforcement of litter-related laws  
40 and ordinances. The amount of State aid due each municipality  
41 shall be solely calculated based on the proportion which the  
42 municipal road mileage of a qualifying municipality bears to the  
43 total municipal road mileage within the State. For the purposes of  
44 this subsection, "municipal road mileage" means that road mileage  
45 under the jurisdiction of municipalities, as determined by the  
46 Department of Transportation. Moneys in the fund may also be  
47 used by an eligible municipality to abate graffiti;

1 d. 10 **[%]** percent of the estimated annual balance of the Clean  
2 Communities Program Fund shall be distributed as State aid to  
3 eligible counties for programs of litter pickup and removal,  
4 including establishing an "Adopt-A-Highway" program, of public  
5 education and information relating to litter abatement and of  
6 enforcement of litter-related laws and ordinances. The amount of  
7 State aid due each county shall be solely calculated based on the  
8 proportion which the county road mileage of an eligible county  
9 bears to the total county road mileage within the State. For the  
10 purposes of this subsection, "county road mileage" means that road  
11 mileage under the jurisdiction of counties, as determined by the  
12 Department of Transportation. Moneys in the fund may also be  
13 used by an eligible county to abate graffiti;

14 e. No eligible municipality shall receive less than \$4,000 in  
15 State aid as apportioned pursuant to subsections b. and c. of this  
16 section. A municipality or county may use up to **[5%]** five percent  
17 of its State aid for administrative expenses;

18 f. Prior to the distribution of funds pursuant to subsections a.  
19 through d. of this section **[,]** :

20 (1) \$375,000 of the estimated annual balance of the Clean  
21 Communities Program Fund shall be annually appropriated to the  
22 department and made available on July 1 of every year to the  
23 organization under contract with the department pursuant to section  
24 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public  
25 information and education program concerning antilittering  
26 activities and other aspects of responsible solid waste handling  
27 behavior, of which up to \$75,000 shall be used exclusively to  
28 finance an annual Statewide television, radio, newspaper and other  
29 media advertising campaign to promote antilittering and responsible  
30 solid waste handling behavior.

31 (2) in each of the first three years after the effective date of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill),  
33 \$500,000 of the estimated annual balance of the Clean Communities  
34 Program Fund shall be appropriated to the department and made  
35 available on July 1 of each year to the organization under contract  
36 with the department pursuant to section 6 of P.L.2002, c.128  
37 (C.13:1E-218) for the Statewide public information and education  
38 program developed pursuant to subsection b. of section of section 8  
39 of P.L. , c. (C. ) (pending before the Legislature as this bill).

40 The organization under contract with the department pursuant to  
41 section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the  
42 date on which the contract period concludes, submit a report to the  
43 Governor and the Legislature concerning its activities during the  
44 contract period and any recommendations concerning improving the  
45 program. Every eligible municipality and county shall cooperate  
46 with the organization under contract with the department pursuant  
47 to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing  
48 information concerning its program of litter pickup and removal.

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

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

12 The department may carry forward any unexpended balances in  
13 the Clean Communities Program Fund as of June 30 of each year.  
14 (cf: P.L.2007, c.311, s.15)

15

16 11. This act shall take effect immediately.