

Single Use Plastic Straws (SUPS)

Title 13 of the Revised Statutes, and amending
P.L.2002, c.128.

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SUPS

- [SingleUsePlasticStraws@doh.nj.gov](https://www.nj.gov/health/ceohs/phfpp/retailfood/singleuseplasticstraws.shtml)
- <https://www.nj.gov/health/ceohs/phfpp/retailfood/singleuseplasticstraws.shtml>

The screenshot shows the NJ Health Department website. At the top, it features the State of New Jersey Department of Health logo and navigation links for Governor Phil Murphy and Lt. Governor Sheila Oliver. A search bar and a 'How do I...?' button are also present. Below the main navigation, there are several colored buttons for 'About Us', 'Your Health', 'Healthcare Facilities & Services', 'Public Health', and 'Chief State Medical Examiner'. The 'Environmental Health' section is highlighted in a dark blue bar, with sub-links for 'Home', 'Lead', 'Asbestos', 'Public Health and Food Protection Program', 'Environmental and Indoor Health', and 'Environmental Public Health Tracking'. A breadcrumb trail indicates the current page: 'Home > Public Health and Food Protection Program > Retail Food > Single-Use Plastic Straws'. The main content area is titled 'Single-Use Plastic Straws' and contains a section 'SINGLE-USE PLASTIC STRAWS TO BE PROVIDED UPON REQUEST ONLY' with a paragraph explaining the ban starting on November 4, 2021. Below this is a 'GUIDANCE AND INFORMATION LINKS' section with a list of links: 'Frequently Asked Questions about the Plastic Ban [NJDEP]', 'Regulations and Resources for Businesses [Business Action Center]', 'Sustainable Products: Wholesale Manufacturer and Distributor Sign-Up [Business Action Center]', and 'Implementation Timeline [NJDEP]'. On the left side, there is a vertical menu for the 'Public Health and Food Protection Program' with links to 'Wholesale Food', 'Retail Food', 'Dairy', 'Bottled Water', 'Shellfish', 'Drug and Medical Device Registration', 'Export Documents', 'Youth Camps', and 'Public Recreational Bathing'.



SUPS

C.13:1E-99.127 Definitions relative to certain single-use products

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

C.13:1E-99.130 Dispensing of single-use plastic straws.

5. a. Beginning one year after the effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.), a food service business shall only provide a single-use plastic straw to a customer upon the request of the customer. (November 4, 2021)

Dispensing of single-use plastic straws. (SUPS)

- b. A food service business shall maintain an adequate supply of single-use plastic straws to provide at the request of customers pursuant to subsection a. of this section.
- c. Nothing in this section shall be construed to prohibit a store from selling packages of single-use plastic straws to customers, or from providing or selling a beverage pre-packaged by the manufacturer with a single-use plastic straw, including, but not limited to, a juice box.
- d. Notwithstanding the provisions of subsection c. of section 6 of P.L.2020, c.117 (C.13:1E-99.131), the Department of Health shall enforce the provisions of this section. The Department of Health may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to effectuate the provisions of this section.

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e. No later than four years after the effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.), the Department of Health shall prepare and submit to the Plastics Advisory Council a written report evaluating the compliance of food service businesses with the requirements of this section.

f. A municipality or county shall not adopt any rule, regulation, code, or ordinance concerning the regulation or prohibition of single-use plastic straws after the effective date of P.L.2020, c.117 (C.13:1E-99.126 et al.).

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C.13:1E-99.131 Violations, penalties.

6. a. Any person or entity that violates a provision of P.L.2020, c.117 (C.13:1E-99.126 et al.), or any rule or regulation adopted pursuant thereto, shall be subject to a warning for a first offense, up to \$1,000 for a second offense, and up to \$5,000 for a third or subsequent offense,

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

SUPS Interpretation and guidance

- Paper straws are the only acceptable alternative, for now.
 - Biodegradable plastics are being studied.
- A supply of plastic straws is required even if the “Food Service Business” exclusively uses paper straws, available if requested.
- Customers must request a plastic straw and the “Food Service Business” shall not just hand out a SUPS.
- A “Food Service Business” may hand out paper straws with drinks with no request for a straw from a customer.
- NJDOH is referring complaints to LHAs for follow-up and education of the “Food Service Business”.
- Repeat offenses follow C.13:1E-99.131 Violations, penalties.
 - up to \$1,000 for a second offense, and up to \$5,000 for a third or subsequent offense.
 - Contact the PHFPP @ SingleUsePlasticStraws@doh.nj.gov for advice, recommendations, and questions.