

SENATE, No. 226

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

SYNOPSIS

Prohibits use by certain retailers of shipping box greater than two times volume of product being shipped.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/7/2024)

1 **AN ACT** concerning the size of shipping boxes utilized by certain
2 retailers to ship products to consumers and supplementing Title
3 13 of the Revised Statutes.

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

7
8 1. a. Beginning six months after the effective date of this
9 section, no large online retailer or major retailer in the State shall
10 utilize a shipping box to ship a product to a consumer that is greater
11 than two times the volume of the product being shipped.

12 b. Any large online retailer or major retailer that violates the
13 provisions of this section shall be subject to a civil penalty of not
14 less than \$250 nor more than \$500 for each offense, to be collected
15 in a civil action by summary proceeding under the “Penalty
16 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.),
17 or in any case before a court of competent jurisdiction wherein
18 injunctive relief has been requested. If the violation is of a
19 continuing nature, each day during which the violation continues
20 shall constitute an additional, separate, and distinct offense. The
21 Superior Court and the municipal court shall have jurisdiction to
22 enforce the provisions of the “Penalty Enforcement Law of 1999” in
23 connection with this section.

24 c. The Department of Environmental Protection, the Division of
25 Consumer Affairs in the Department of Law and Public Safety, a
26 county, a municipality, or any entity certified pursuant to the
27 “County Environmental Health Act,” P.L.1977, c.443 (C.26:3A2-21
28 et seq.), may institute a civil action for a civil penalty or injunctive
29 relief to enforce the provisions of this section or prohibit and
30 prevent a violation thereof, and the court may proceed in the action
31 in a summary manner.

32 d. As used in this section:

33 “Consumer” means a person present in New Jersey who
34 purchases merchandise at retail for personal use and not for
35 purposes of resale.

36 “Large online retailer” means a business that sells goods over the
37 internet, sends goods by mail or parcel delivery, and has annual
38 gross sales equal to or greater than one million dollars in or into the
39 State.

40 “Major retailer” means a retail establishment that occupies at
41 least 75,000 square feet and has 50 or more employees.

42 “Shipping box” means a cardboard or corrugated container that
43 has a flat base and sides and is utilized by retailers to ship products
44 to consumers by mail.

45
46 2. This act shall take effect immediately.

STATEMENT

This bill would limit the size of shipping boxes that can be utilized by large online retailers and major retailers in the State to ship products to consumers.

Specifically, the bill would prohibit any large online retailer or major retailer in the State from utilizing a shipping box to ship a product to a consumer that is greater than two times the volume of the product being shipped.

As defined in the bill, “large online retailer” means a business that sells goods over the internet, sends goods by mail or parcel delivery, and has annual gross sales equal to or greater than one million dollars in or into the State, “major retailer” means a retail establishment that occupies at least 75,000 square feet and has 50 or more employees, and “shipping box” means a cardboard or corrugated container that has a flat base and sides and is utilized by retailers to ship products to consumers by mail.

A large online retailer or major retailer that violates the bill’s provisions would be subject to a civil penalty of not less than \$250 nor more than \$500 for each offense. In the case of a continuing violation, each day during which the violation continues would constitute an additional, separate, and distinct offense. The bill authorizes the Department of Environmental Protection, the Division of Consumer Affairs in the Department of Law and Public Safety, a county, a municipality, or any entity certified pursuant to the “County Environmental Health Act,” P.L.1977, c.443 (C.26:3A2-21 et seq.), to institute a summary civil action for a civil penalty or injunctive relief to enforce the bill’s provisions or prohibit and prevent a violation thereof.

Online shopping has become increasingly popular in recent years due to convenience and advances in technology. However, online shopping has also resulted in environmental consequences that are associated with the shipment and delivery of products to consumers from warehouses on behalf of large online retailers or major retailers. Items purchased online from large online retailers or major retailers require packaging in order to be shipped safely to consumers. Often small products purchased from large online retailers or major retailers are shipped in excessively large shipping boxes which results in large amounts of packaging waste.

Online shopping is already responsible for large amounts of packaging waste on a daily basis. To reduce the packaging waste associated with online shopping, it is imperative that large online retailers and major retailers reduce the size of the shipping boxes utilized to ship their products to consumers.