

[First Reprint]

**SENATE, No. 1352**

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

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INTRODUCED FEBRUARY 10, 2020

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Requires certain retailers to train employees on gift card fraud.

**CURRENT VERSION OF TEXT**

As reported by the Senate Commerce Committee on June 16, 2021, with amendments.



**(Sponsorship Updated As Of: 1/11/2021)**

1 AN ACT concerning gift cards and supplementing P.L.1960, c.39  
 2 (C.56:8-1 et seq.).

3  
 4 **BE IT ENACTED** by the Senate and General Assembly of the State  
 5 of New Jersey:

6  
 7 1. a. Every retail mercantile establishment in this State that  
 8 displays gift cards for sale shall train employees on how to identify  
 9 and respond to gift card fraud. <sup>1</sup>A retail mercantile establishment  
 10 shall conduct the training in accordance with guidelines issued  
 11 pursuant to section 2 of this act.<sup>1</sup>

12 b. A retail mercantile establishment that violates the provisions  
 13 of this section shall be subject to a civil penalty of \$1,000, which  
 14 may be collected and enforced by the Director of the Division of  
 15 Consumer Affairs in the Department of Law and Public Safety in a  
 16 summary proceeding pursuant to the "Penalty Enforcement Law of  
 17 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court  
 18 shall have jurisdiction of proceedings for the enforcement of the  
 19 penalty provided by this section.

20 A violation of this section shall not be considered an unlawful  
 21 practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.).

22 c. As used in this section:

23 "Gift card" means a tangible device, whereon is embedded or  
 24 encoded in an electronic or other format a value issued in exchange  
 25 for payment, which promises to provide to the bearer merchandise  
 26 of equal value to the remaining balance of the device.

27 "Merchandise" means any objects, wares, goods, commodities,  
 28 services, or anything offered, directly or indirectly, to the public for  
 29 sale.

30 "Retail mercantile establishment" means any place of business  
 31 where merchandise is exposed or offered for sale at retail to  
 32 members of the consuming public.

33  
 34 <sup>1</sup>2. The Director of the Division of Consumer Affairs in the  
 35 Department of Law and Public Safety, in consultation with the  
 36 Attorney General, shall issue guidelines concerning the detection  
 37 and prevention of gift card fraud. The guidelines shall include, but  
 38 not be limited to: (1) information raising public awareness of the  
 39 prevalence of gift card fraud; (2) information concerning common  
 40 gift card fraud schemes; and (3) best practices for retail mercantile  
 41 establishments to prevent gift card fraud. The guidelines shall be  
 42 published on the Internet websites of the Department of Law and  
 43 Public Safety and the Division of Consumer Affairs, and updated  
 44 periodically, as necessary.<sup>1</sup>

45  
 46 <sup>1</sup>**[2.] 3.**<sup>1</sup> This act shall take effect on the first day of the fourth  
 47 month after enactment.

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 SCM committee amendments adopted June 16, 2021.