

ASSEMBLY, No. 5906

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 21, 2021

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblywoman Downey and Senator Turner

SYNOPSIS

Rescinds prohibition on return of certain items purchased from retail food stores during COVID-19 state of emergency; provides that future limitations on returns occur during a declared public health emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2021)

1 AN ACT concerning the return of certain items purchased during a
2 public health emergency and amending P.L.2020, c.16.

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

6
7 1. Section 1 of P.L.2020, c.16 (C.56:8-222) is amended to read
8 as follows:

9 1. a. The Legislature finds and declares that in response to the
10 state of emergency and the public health emergency resulting from
11 the COVID-19 **[virus]** pandemic, consumers have **[been**
12 **purchasing]** purchased large quantities of products in order to
13 prepare for a possible quarantine or isolation period. The Centers
14 for Disease Control and Prevention (CDC) **[has]** had advised that
15 **[the]** COVID-19 **[virus]** may be spread from person-to-person
16 from contaminated surfaces. The CDC further **[has]** advised that
17 **[current evidence suggests that the]** COVID-19 **[virus may]** could
18 remain viable on contaminated surfaces for anywhere from hours to
19 days. Following a quarantine or period of isolation, **[a consumer]**
20 consumers **[may attempt]** attempted to return unused items
21 purchased in bulk **[**, which may contribute to the spread of COVID-
22 19 if the items being returned are contaminated with the virus**]**.
23 The legislature **[finds]** found that in order to inhibit the further
24 spread of COVID-19 and protect the public health, it **[is]** was
25 necessary to limit the return of groceries and other foodstuffs
26 purchased during a state of emergency declared in response to
27 COVID-19.

28 b. Pursuant to the end of the public health emergency, but the
29 continuation of the state of emergency declared in response to
30 COVID-19, the Legislature seeks to rescind the current restrictions
31 on the return of certain items and clarify that, in the future, the
32 prohibition on the return of certain products shall be limited to a
33 declared public health emergency.

34 (cf: P.L.2020, c.16, s.1)

35
36 2. Section 3 of P.L.2020, c.16 (C.56:8-224) is amended to read
37 as follows:

38 3. It shall be an unlawful practice, and a violation of P.L.1960,
39 c.39 (C.56:8-1 et seq.) for any retail food store to accept the return
40 of any groceries and other foodstuffs purchased by a consumer
41 during, and for 30 days following, **[a state of emergency declared in**
42 **response to COVID-19]** a declared public health emergency. A
43 retail food store may accept the return of groceries and other
44 foodstuffs if it determines, in its sole discretion, that the groceries
45 and other foodstuffs are unsafe for use or otherwise adulterated

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.

1 within the meaning of R.S.24:5-8 as a result of any manufacturing
2 error or defect. Any groceries or other foodstuffs accepted for
3 return by a retail food store pursuant to the provisions of this
4 section shall not be offered for resale.

5 (cf: P.L.2020, c.16, s.3)

6
7 3. This act shall take effect immediately.

8
9
10 STATEMENT

11
12 This bill rescinds the prohibition on the return of certain items
13 purchased from retail food stores during a state of emergency
14 declared in response to COVID-19 and provides that future
15 limitations on returns are to occur during a declared public health
16 emergency.

17 As declared by the Legislature in P.L.2020, c.16, in order to
18 inhibit the further spread of COVID-19 and protect the public
19 health, it was necessary to prohibit the return of groceries and other
20 foodstuffs purchased during a state of emergency declared in
21 response to COVID-19. Pursuant to the end of the public health
22 emergency but the continuation of the state of emergency declared
23 in response to COVID-19, the Legislature seeks to rescind the
24 current restrictions on the return of certain items and clarify that, in
25 the future, the prohibition on the return of certain products is to be
26 limited to a declared public health emergency.

27 Under the provisions of the bill, it is an unlawful practice for any
28 retail food store to accept the return of any groceries and other
29 foodstuffs purchased by a consumer during, and for 30 days
30 following, a declared public health emergency.

31 Under current law, “groceries and other foodstuffs” is defined to
32 mean dairy products, meat and delicatessen products, produce
33 products, seafood products, carbonated beverages, coffee and other
34 beverages, snack foods, candy products, baked products, paper
35 products, household cleaning items, health and beauty products,
36 frozen foods, pet foods and supplies, and any other edible product
37 not previously listed. In addition, current law defines “retail food
38 store” to mean any retail establishment where groceries and other
39 foodstuffs are regularly and customarily sold in a bona fide manner
40 for off-premises consumption.

41 An unlawful practice under the consumer fraud act, P.L.1960,
42 c.39 (C.56:8-1 et seq.), is punishable by a monetary penalty of not
43 more than \$10,000 for a first offense and not more than \$20,000 for
44 any subsequent offense. In addition, a violation can result in cease
45 and desist orders issued by the Attorney General, the assessment of
46 punitive damages, and the awarding of treble damages and costs to
47 the injured.