# 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)

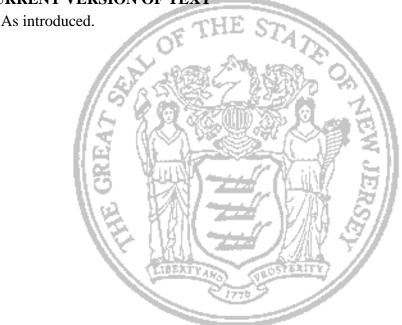
Co-Sponsored by:

**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**



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

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

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

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- 1. Section 1 of P.L.2020, c.16 (C.56:8-222) is amended to read as follows:
- 9 1. <u>a.</u> The Legislature finds and declares that in response to the state of emergency and the public health emergency resulting from 10 the COVID-19 [virus] pandemic, consumers have [been 11 purchasing purchased large quantities of products in order to 12 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 from contaminated surfaces. The CDC further [has] advised that 16 [current evidence suggests that the] COVID-19 [virus may] could 17 18 remain viable on contaminated surfaces for anywhere from hours to 19 days. Following a quarantine or period of isolation, [a consumer] 20 <u>consumers</u> [may attempt] <u>attempted</u> 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 COVID-19. 27
  - b. Pursuant to the end of the public health emergency, but the continuation of the state of emergency declared in response to COVID-19, the Legislature seeks to rescind the current restrictions on the return of certain items and clarify that, in the future, the prohibition on the return of certain products shall be limited to a declared public health emergency.

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

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- 36 2. Section 3 of P.L.2020, c.16 (C.56:8-224) is amended to read as follows:
  - 3. It shall be an unlawful practice, and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any retail food store to accept the return of any groceries and other foodstuffs purchased by a consumer during, and for 30 days following, [a state of emergency declared in response to COVID-19] a declared public health emergency. A retail food store may accept the return of groceries and other foodstuffs if it determines, in its sole discretion, that the groceries 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.

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

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

3. This act shall take effect immediately.

#### **STATEMENT**

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

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

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

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

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