

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5906

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Assembly Budget Committee reports favorably Assembly Bill No. 5906.

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.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.