

P.L. 2021, CHAPTER 150, *approved July 1, 2021*
Assembly, No. 5906

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

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

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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)

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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**

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 response to COVID-19] a declared public health emergency. A
2 retail food store may accept the return of groceries and other
3 foodstuffs if it determines, in its sole discretion, that the groceries
4 and other foodstuffs are unsafe for use or otherwise adulterated
5 within the meaning of R.S.24:5-8 as a result of any manufacturing
6 error or defect. Any groceries or other foodstuffs accepted for
7 return by a retail food store pursuant to the provisions of this
8 section shall not be offered for resale.
9 (cf: P.L.2020, c.16, s.3)

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11 3. This act shall take effect immediately.

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STATEMENT

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

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

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

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

45 An unlawful practice under the consumer fraud act, P.L.1960,
46 c.39 (C.56:8-1 et seq.), is punishable by a monetary penalty of not
47 more than \$10,000 for a first offense and not more than \$20,000 for
48 any subsequent offense. In addition, a violation can result in cease

1 and desist orders issued by the Attorney General, the assessment of
2 punitive damages, and the awarding of treble damages and costs to
3 the injured.

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