

56:8-222 to 56:8-224
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2020 **CHAPTER:** 16

NJSA: 56:8-222 to 56:8-224 (Limits return of items purchased from retail food stores under certain circumstances.)

BILL NO: A3865 (Substituted for S2291)

SPONSOR(S) Annette Chaparro and others

DATE INTRODUCED: 3/16/2020

COMMITTEE: **ASSEMBLY:** ---

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 3/16/2020

SENATE: 3/19/2020

DATE OF APPROVAL: 3/20/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

A3865

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2291

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Coronavirus NJ: Murphy signs bill to protect sick," northjersey.com, March 20, 2020
"Ill workers now protected from being fired," The Star-Ledger, March 22, 2020

Rwh/cl

P.L. 2020, CHAPTER 16, *approved March 20, 2020*
Assembly, No. 3865

1 AN ACT limiting the return of certain items purchased during a state
2 of emergency declared in response to COVID-19 and
3 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

26 2. As used in this act:

27 “Groceries and other foodstuffs” means dairy products, meat and
28 delicatessen products, produce products, seafood products,
29 carbonated beverages, coffee and other beverages, snack foods,
30 candy products, baked products, paper products, household cleaning
31 items, health and beauty products, frozen foods, pet foods and
32 supplies, and any other edible product not previously listed.

33 “Retail food store” means any retail establishment where
34 groceries and other foodstuffs are regularly and customarily sold in
35 a bona fide manner for off-premises consumption.
36

37 3. It shall be an unlawful practice and a violation of
38 P.L.1960, c.39 (C.56:8-1 et seq.) for any retail food store to accept
39 the return of any groceries and other foodstuffs purchased by a
40 consumer during, and for 30 days following, a state of emergency
41 declared in response to COVID-19. A retail food store may accept
42 the return of groceries and other foodstuffs if it determines, in its

1 sole discretion, that the groceries and other foodstuffs are unsafe for
2 use or otherwise adulterated within the meaning of R.S.24:5-8 as a
3 result of any manufacturing error or defect. Any groceries or other
4 foodstuffs accepted for return by a retail food store shall not be
5 offered for resale.

6
7 4. This act shall take effect immediately.
8
9

10 STATEMENT 11

12 This bill makes it an unlawful practice for a retail food store to
13 accept the return, with limited exceptions, of any groceries and
14 other foodstuffs purchased during, and for 30 days following, a
15 state of emergency declared in response to COVID-19.

16 In response to the public health emergency resulting from the
17 COVID-19 virus, consumers have been purchasing large quantities
18 of products in order to prepare for a possible quarantine or period of
19 isolation. The Centers for Disease Control and Prevention (CDC)
20 has advised that the COVID-19 virus may remain viable on
21 contaminated surfaces for hours to days. Following a quarantine or
22 period of isolation, a consumer may attempt to return any unused
23 items purchased in bulk, which may contribute to the spread of
24 COVID-19 if the items being returned are contaminated with the
25 virus. The legislature finds that in order to inhibit the further
26 spread of COVID-19 and protect the public health, it is necessary to
27 limit the return of groceries and other foodstuffs purchased during a
28 state of emergency declared in response to COVID-19.

29 Under the provisions of this bill, it would be an unlawful practice
30 for any retail food store to accept the return of any groceries and
31 other foodstuffs purchased by a consumer during, and for 30 days
32 following, a state of emergency declared in response to COVID-19.
33 However, a retail food store may accept the return of groceries and
34 other foodstuffs if it determines, in its sole discretion, that the
35 purchased items are unsafe for use or otherwise adulterated as a
36 result of any manufacturing error or defect. Any groceries or other
37 foodstuffs accepted for return by a retail food store are not to be
38 offered for resale.

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

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

8

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10

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12 Limits return of items purchased from retail food stores under
13 certain circumstances.

ASSEMBLY, No. 3865

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator CHRIS A. BROWN

District 2 (Atlantic)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Limits return of items purchased from retail food stores under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT limiting the return of certain items purchased during a state
2 of emergency declared in response to COVID-19 and
3 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

26 2. As used in this act:

27 "Groceries and other foodstuffs" means dairy products, meat and
28 delicatessen products, produce products, seafood products,
29 carbonated beverages, coffee and other beverages, snack foods,
30 candy products, baked products, paper products, household cleaning
31 items, health and beauty products, frozen foods, pet foods and
32 supplies, and any other edible product not previously listed.

33 "Retail food store" means any retail establishment where
34 groceries and other foodstuffs are regularly and customarily sold in
35 a bona fide manner for off-premises consumption.
36

37 3. It shall be an unlawful practice and a violation of
38 P.L.1960, c.39 (C.56:8-1 et seq.) for any retail food store to accept
39 the return of any groceries and other foodstuffs purchased by a
40 consumer during, and for 30 days following, a state of emergency
41 declared in response to COVID-19. A retail food store may accept
42 the return of groceries and other foodstuffs if it determines, in its
43 sole discretion, that the groceries and other foodstuffs are unsafe for
44 use or otherwise adulterated within the meaning of R.S.24:5-8 as a
45 result of any manufacturing error or defect. Any groceries or other
46 foodstuffs accepted for return by a retail food store shall not be
47 offered for resale.

1 4. This act shall take effect immediately.

2

3

STATEMENT

4

5 This bill makes it an unlawful practice for a retail food store to
6 accept the return, with limited exceptions, of any groceries and
7 other foodstuffs purchased during, and for 30 days following, a
8 state of emergency declared in response to COVID-19.

9 In response to the public health emergency resulting from the
10 COVID-19 virus, consumers have been purchasing large quantities
11 of products in order to prepare for a possible quarantine or period of
12 isolation. The Centers for Disease Control and Prevention (CDC)
13 has advised that the COVID-19 virus may remain viable on
14 contaminated surfaces for hours to days. Following a quarantine or
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16 items purchased in bulk, which may contribute to the spread of
17 COVID-19 if the items being returned are contaminated with the
18 virus. The legislature finds that in order to inhibit the further
19 spread of COVID-19 and protect the public health, it is necessary to
20 limit the return of groceries and other foodstuffs purchased during a
21 state of emergency declared in response to COVID-19.

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23 for any retail food store to accept the return of any groceries and
24 other foodstuffs purchased by a consumer during, and for 30 days
25 following, a state of emergency declared in response to COVID-19.
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29 result of any manufacturing error or defect. Any groceries or other
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31 offered for resale.

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38 addition, the bill defines “retail food store” to mean any retail
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41 consumption.

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45 than \$20,000 for any subsequent offense. In addition, a violation
46 can result in cease and desist orders issued by the Attorney General,
47 the assessment of punitive damages, and the awarding of treble
48 damages and costs to the injured.

SENATE, No. 2291

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator CHRIS A. BROWN

District 2 (Atlantic)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator SHIRLEY K. TURNER

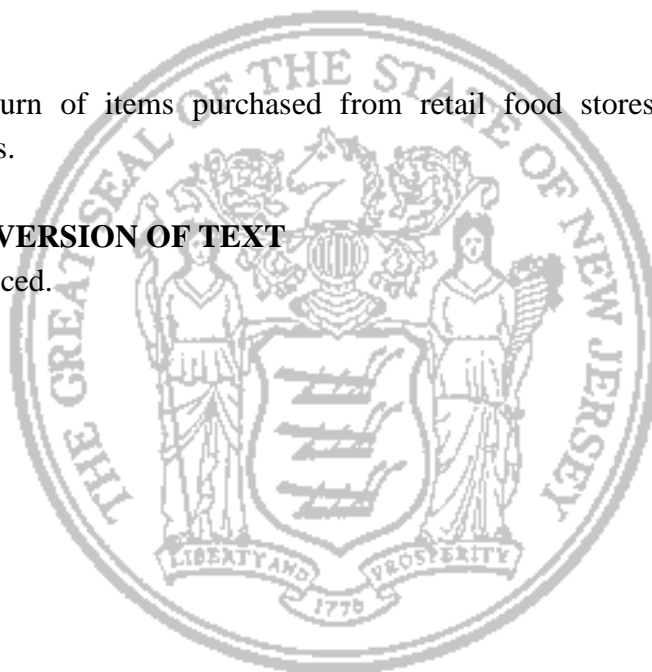
District 15 (Hunterdon and Mercer)

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33 “Retail food store” means any retail establishment where
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35 a bona fide manner for off-premises consumption.
36

37 3. It shall be an unlawful practice and a violation of P.L.1960,
38 c.39 (C.56:8-1 et seq.) for any retail food store to accept the return
39 of any groceries and other foodstuffs purchased by a consumer
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41 response to COVID-19. A retail food store may accept the return of
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47 and desist orders issued by the Attorney General, the assessment of
48 punitive damages, and the awarding of treble damages and costs to
49 the injured.

Governor Murphy Takes Action on Legislation

03/20/2020

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

A-3095/S-1982 (Mazzeo/Beach, Turner) – Provides county clerks with additional week to mail ballots for 2020 primary election; requires ballot position draw to occur one day early if statutory date falls on holiday

A-3840/S-2281 (Lampitt, Dunn, Quijano/Ruiz, Cunningham) – Requires school districts to provide school meals or meal vouchers to students eligible for free and reduced price school meals during school closures due to COVID-19 epidemic

A-3843/S-2283 (McKeon, Bramnick, Chaparro/Vitale, Lagana, Pou, Bateman) – Requires health insurance and Medicaid coverage for testing of coronavirus disease 2019 and for telemedicine and telehealth during coronavirus disease 2019 state of emergency

A-3849/S-2302 (Johnson, Moen, Timberlake/A.M. Bucco, Cruz-Perez, Weinberg, Ruiz, Addiego, Madden, C.A. Brown, Holzapfel, Singer, O'Scanlon) – Modifies deadline by which public agency is required to respond to request for government record during period of emergency

A-3850/S-2294 (Murphy, DeCroce, Moen/Beach, A.M. Bucco, Weinberg, Cruz-Perez, Ruiz, Addiego, Madden, Holzapfel, Singer, O'Scanlon) – Allows public bodies to conduct meetings, and provide notice, by electronic means during periods of emergency

A-3851/S-2295 (Schaer, Scharfenberger, Reynolds-Jackson/A.M. Bucco, Gopal, Cruz-Perez, Madden, Ruiz, Scutari, Bateman, C.A. Brown, Holzapfel, Singer, O'Scanlon, Oroho) – Permits extension of deadlines for adoption of county and municipal budgets under certain circumstances

A-3854/S-2286 (Conaway, Munoz, Benson/Vitale, Gill, Cruz-Perez, Ruiz, Addiego, Greenstein, T. Kean, C.A. Brown, Holzapfel, Singer, O'Scanlon) – Authorizes all licensed health care facilities and laboratories to collect specimens to test for coronavirus disease 2019 (COVID-19); allows waiver of staffing ratio requirements

A-3855/S-2287 (Mosquera, Stanfield, Vainieri Huttler/T. Kean, Codey, Cruz-Perez, Ruiz, Addiego, Pennacchio, C.A. Brown, Holzapfel, Singer, O'Scanlon) – Requires food access information be displayed on websites of 2-1-1 system and executive branch departments during public health emergencies to the extent practicable

A-3861/S-2290 (Karabinchak, Johnson, Greenwald/Diegnan, Ruiz, Testa, C.A. Brown, Holzapfel, Singer) – Permits corporations to hold shareholders' meetings in part or solely by means of remote communication during state of emergency

A-3865/S-2291 (Chaparro, Reynolds-Jackson, Verrelli/Addiego, Bateman, Pou, Ruiz, C.A. Brown, Holzapfel, Singer, Turner) – Limits return of items purchased from retail food stores under certain circumstances

AJR-158/SJR-77 (DeAngelo, DePhillips/Cruz-Perez, Pou, Ruiz, Greenstein, T. Kean, C.A. Brown, Holzapfel, Singer, O'Scanlon) – Urges FCC to take temporary measures to secure broadband access for those affected by COVID-19