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RH/CL

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.

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**

**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)

10

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.

# 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:**

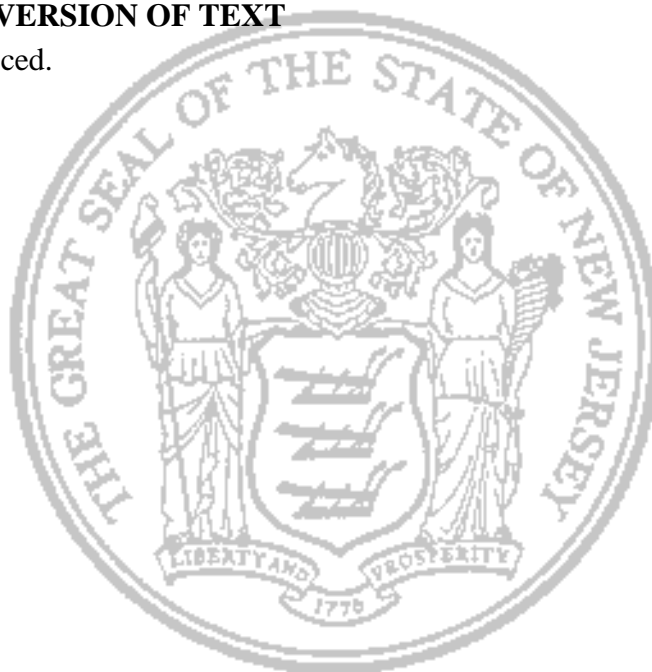
**Assemblywoman Downey and Senator Turner**

**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)**

A5906 CHAPARRO

2

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:

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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:

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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  
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39 c.39 (C.56:8-1 et seq.) for any retail food store to accept the return  
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Matter underlined thus is new matter.

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38 store” to mean any retail establishment where groceries and other  
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46 punitive damages, and the awarding of treble damages and costs to  
47 the injured.



# 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.

**SENATE, No. 3965**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JUNE 16, 2021

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**  
**District 8 (Atlantic, Burlington and Camden)**  
**Senator STEVEN V. OROHO**  
**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**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: 6/21/2021)**

S3965 ADDIEGO, OROHO

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

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STATEMENT

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44 more than \$10,000 for a first offense and not more than \$20,000 for  
45 any subsequent offense. In addition, a violation can result in cease  
46 and desist orders issued by the Attorney General, the assessment of  
47 punitive damages, and the awarding of treble damages and costs to  
48 the injured.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3965

# STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3965.

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.

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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.

# Governor Murphy Takes Action on Legislation

07/1/2021

**TRENTON** - Today, Governor Murphy signed the following bills into law:

**S-3584/A-4979 (Greenstein, Turner, Sacco/Mazzeo, Armato, Bergen)** – Establishes immunity relating to COVID-19 spread in planned real estate developments

**S-3714/A-5691 (Madden, Gopal/Greenwald, Murphy, Verrelli)** – Concerns liability of certain non-profit and governmental employers for unemployment benefits paid during coronavirus disease 2019 pandemic state of emergency

**A-5898/S-3963 (Mazzeo, Armato, Mukherji/Sarlo, Oroho)** – Temporarily expands summer working hours for certain minors

**A-5906/S-3965 (Chaparro/Addiego, Oroho)** – 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