

# 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

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STATEMENT

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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  
15 period of isolation, a consumer may attempt to return any unused  
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.

22       Under the provisions of this bill, it would be an unlawful practice  
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.  
26 However, a retail food store may accept the return of groceries and  
27 other foodstuffs if it determines, in its sole discretion, that the  
28 purchased items are unsafe for use or otherwise adulterated as a  
29 result of any manufacturing error or defect. Any groceries or other  
30 foodstuffs accepted for return by a retail food store are not to be  
31 offered for resale.

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

42       An unlawful practice under the consumer fraud act,  
43 P.L.1960, c.39 (C.56:8-1 et seq.), is punishable by a monetary  
44 penalty of not more than \$10,000 for a first offense and not more  
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.