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

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

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

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

2. As used in this act:

"Groceries and other foodstuffs" means 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.

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

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

4. This act shall take effect immediately.

STATEMENT

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

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

Under the provisions of this bill, it would be 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 state of emergency declared in response to COVID-19. However, a retail food store may accept the return of groceries and other foodstuffs if it determines, in its sole discretion, that the purchased items are unsafe for use or otherwise adulterated as a result of any manufacturing error or defect. Any groceries or other foodstuffs accepted for return by a retail food store are not to be offered for resale.

The bill defines "groceries and other foodstuffs" 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, the bill 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.

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