

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3573

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2023

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3573.

As amended, this bill provides that a person selling or offering for sale goods or services at retail that offers a digital coupon is required to also make available to a consumer an in-store alternative that would allow the consumer to obtain the same product, service, or benefit at the same price, discount, or on the same terms as that provided by the digital coupon.

The bill defines “digital coupon” as a store coupon, rebate, or similar instrument offered to a consumer through the Internet and only obtainable through a consumer’s personal computing device, such as a personal computer, smartphone, or tablet, and that provides to a consumer a discounted price or benefit, redeemable at the physical location where the goods or services are being offered for sale. In addition, the bill defines “in-store alternative” as providing a consumer with the ability to obtain the same discounted price or other benefit offered by the digital coupon through an alternative method at the store location, including, but not limited to, paper coupons, electronic kiosks, or application of the discounted price or benefit at the point-of-sale upon the request of the consumer.

A violation of the bill’s provisions results in a civil penalty of \$250 for a first offense and up to \$500 for any subsequent offense, which may be collected and enforced by the Director of the Division of Consumer Affairs.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- provide that a person selling or offering for sale goods or services at retail who offers a digital coupon is to also provide a consumer with an in-store alternative to allow the consumer to obtain the same product, service, or benefit at the same price, discount, or on the same terms as that provided by the digital coupon;
- revise the definition of “digital coupon” to mean a coupon only obtainable through a consumer’s personal computing device;

- define “in-store alternative” to mean providing a consumer with the same discounted price or other benefit offered by the digital coupon through an alternative method at the store location; and
- reduce the civil penalties for a violation of the provisions of the bill from \$2,500 for a first offense and up to \$5,000 for a second or subsequent offense to \$250 and \$500, respectively.