

[Second Reprint]

**ASSEMBLY, No. 802**

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

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

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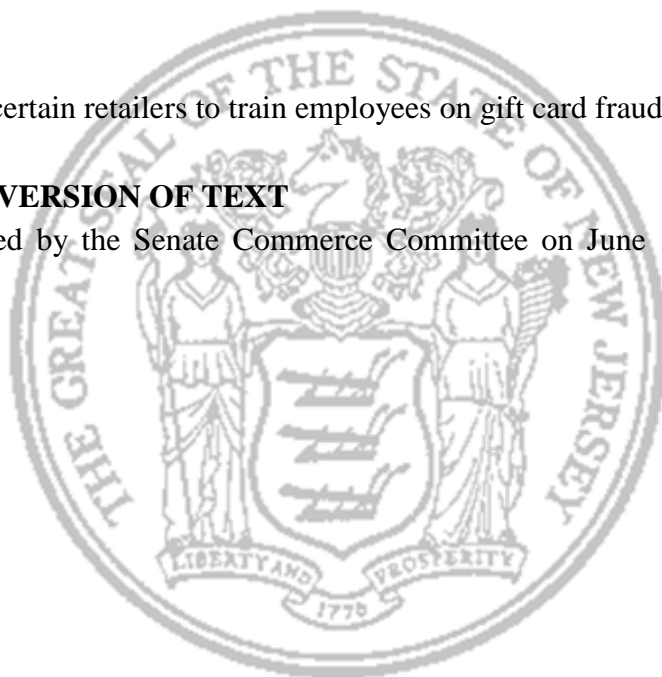
**Assemblymen Holley, Mejia, Assemblywomen McKnight and Timberlake**

**SYNOPSIS**

Requires certain retailers to train employees on gift card fraud.

**CURRENT VERSION OF TEXT**

As reported by the Senate Commerce Committee on June 16, 2021, with amendments.



**(Sponsorship Updated As Of: 1/10/2022)**

1 AN ACT concerning gift cards and supplementing P.L.1960, c.39  
2 (C.56:8-1 et seq.).

3

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

6

7 1. a. Every retail mercantile establishment in this State that  
8 displays gift cards for sale shall train employees on how to identify  
9 and respond to gift card fraud. <sup>1</sup>A retail mercantile establishment  
10 shall conduct the training in accordance with guidelines issued  
11 pursuant to section 2 of this ~~act~~ <sup>2</sup>[section] act<sup>2</sup>.<sup>1</sup>

12 b. A retail mercantile establishment that violates the provisions  
13 of this section shall be subject to a civil penalty of \$1,000, which  
14 may be collected and enforced by the Director of the Division of  
15 Consumer Affairs in the Department of Law and Public Safety in a  
16 summary proceeding pursuant to the "Penalty Enforcement Law of  
17 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court  
18 shall have jurisdiction of proceedings for the enforcement of the  
19 penalty provided by this section.

20 A violation of this section shall not be considered an unlawful  
21 practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.).

22 c. As used in this section:

23 "Gift card" means a tangible device, whereon is embedded or  
24 encoded in an electronic or other format a value issued in exchange  
25 for payment, which promises to provide to the bearer merchandise  
26 of equal value to the remaining balance of the device.

27 "Merchandise" means any objects, wares, goods, commodities,  
28 services, or anything offered, directly or indirectly, to the public for  
29 sale.

30 "Retail mercantile establishment" means any place of business  
31 where merchandise is exposed or offered for sale at retail to  
32 members of the consuming public.

33

34 <sup>1</sup>2. The Director of the Division of Consumer Affairs in the  
35 Department of Law and Public Safety, in consultation with the  
36 Attorney General, shall issue guidelines concerning the detection  
37 and prevention of gift card fraud. The guidelines shall include, but  
38 not be limited to: (1) information raising public awareness of the  
39 prevalence of gift card fraud; (2) information concerning common  
40 gift card fraud schemes; and (3) best practices for retail mercantile  
41 establishments to prevent gift card fraud. The guidelines shall be  
42 published on the Internet websites of the Department of Law and  
43 Public Safety and the Division of Consumer Affairs, and updated  
44 periodically, as necessary.<sup>1</sup>

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ACO committee amendments adopted January 13, 2021.

<sup>2</sup>Senate SCM committee amendments adopted June 16, 2021.

1       ~~1~~**[2.]** 3.<sup>1</sup> This act shall take effect on the first day of the fourth  
2       month after enactment.