

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

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

1 sole discretion, that the groceries and other foodstuffs are unsafe for
2 use or otherwise adulterated within the meaning of R.S.24:5-8 as a
3 result of any manufacturing error or defect. Any groceries or other
4 foodstuffs accepted for return by a retail food store shall not be
5 offered for resale.

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7 4. This act shall take effect immediately.
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10 STATEMENT 11

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

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

29 Under the provisions of this bill, it would be an unlawful practice
30 for any retail food store to accept the return of any groceries and
31 other foodstuffs purchased by a consumer during, and for 30 days
32 following, a state of emergency declared in response to COVID-19.
33 However, a retail food store may accept the return of groceries and
34 other foodstuffs if it determines, in its sole discretion, that the
35 purchased items are unsafe for use or otherwise adulterated as a
36 result of any manufacturing error or defect. Any groceries or other
37 foodstuffs accepted for return by a retail food store are not to be
38 offered for resale.

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

1 An unlawful practice under the consumer fraud act,
2 P.L.1960, c.39 (C.56:8-1 et seq.), is punishable by a monetary
3 penalty of not more than \$10,000 for a first offense and not more
4 than \$20,000 for any subsequent offense. In addition, a violation
5 can result in cease and desist orders issued by the Attorney General,
6 the assessment of punitive damages, and the awarding of treble
7 damages and costs to the injured.

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