

CHAPTER 150

AN ACT concerning the return of certain items purchased during a public health emergency and amending P.L.2020, c.16.

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

1. Section 1 of P.L.2020, c.16 (C.56:8-222) is amended to read as follows:

C.56:8-222 Findings, declarations relative to return of certain items purchased during a state of emergency.

1. a. The Legislature finds and declares that in response to the state of emergency and the public health emergency resulting from the COVID-19 pandemic, consumers have purchased large quantities of products in order to prepare for a possible quarantine or isolation period. The Centers for Disease Control and Prevention (CDC) had advised that COVID-19 may be spread from person-to-person from contaminated surfaces. The CDC further advised that COVID-19 could remain viable on contaminated surfaces for anywhere from hours to days. Following a quarantine or period of isolation, consumers attempted to return unused items purchased in bulk. The legislature found that in order to inhibit the further spread of COVID-19 and protect the public health, it was necessary to limit the return of groceries and other foodstuffs purchased during a state of emergency declared in response to COVID-19.

b. Pursuant to the end of the public health emergency, but the continuation of the state of emergency declared in response to COVID-19, the Legislature seeks to rescind the current restrictions on the return of certain items and clarify that, in the future, the prohibition on the return of certain products shall be limited to a declared public health emergency.

2. Section 3 of P.L.2020, c.16 (C.56:8-224) is amended to read as follows:

C.56:8-224 Unlawful practice, violation.

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 declared public health emergency. 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 pursuant to the provisions of this section shall not be offered for resale.

3. This act shall take effect immediately.

Approved July 1, 2021.