

[Second Reprint]

ASSEMBLY, No. 5076

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 19, 2023

Sponsored by:

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District 4 (Camden and Gloucester)

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SYNOPSIS

Requires person offering digital coupon to make available in-store alternative of identical value.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce and Economic Development Committee on December 11, 2023, with amendments.



(Sponsorship Updated As Of: 5/18/2023)

1 AN ACT concerning digital coupons and supplementing P.L.1960,
2 c.39 (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. A person selling or offering for sale goods or services at
8 retail that offers a digital coupon shall ¹also¹ make available to a
9 consumer ¹[a paper coupon of identical value] an in-store alternative
10 that would allow the consumer to obtain the same product, service, or
11 benefit at the same price, discount, or on the same terms as that
12 provided by the digital coupon¹ .

13 As used in this section ¹[,“digital”] :

14 “Digital”¹ coupon means a store coupon, rebate, or similar
15 instrument ¹[that is]¹ offered to a consumer through the Internet ¹and
16 only obtainable through a consumer’s personal computing device, such
17 as a personal computer, smartphone, or tablet, and that provides to a
18 consumer a discounted price or benefit, redeemable at the physical
19 location where the goods or services are being offered for sale.

20 “In-store alternative” means providing a consumer with the ability
21 to obtain the same discounted price or other benefit offered by the
22 digital coupon through an alternative method at the store location,
23 including, but not limited to, paper coupons, electronic kiosks, or
24 application of the discounted price or benefit at the point-of-sale upon
25 the request of the consumer¹ .

26 b. A person that violates the provisions of subsection a. of this
27 section shall be subject to a civil penalty of up to ¹[\$2,500] \$250¹ for
28 a first offense and up to ¹[\$5,000] \$500¹ for any subsequent offense,
29 which may be collected and enforced by the Director of the Division
30 of Consumer Affairs in the Department of Law and Public Safety in a
31 summary proceeding pursuant to the "Penalty Enforcement Law of
32 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall
33 have jurisdiction of proceedings for the enforcement of the penalty
34 provided by this section.

35 c. The Director of the Division of Consumer Affairs ¹[shall]
36 may¹ , pursuant to the “Administrative Procedure Act,” P.L.1968,
37 c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to
38 effectuate the purposes of this act.

39
40 2. This act shall take effect on the first day of the ²[sixth]
41 twelfth² month ²[after] next following² enactment, ²[although]
42 except that² the Director of the Division of Consumer Affairs may
43 take any administrative action in advance of the effective date as
44 may be necessary to implement the provisions of this act.

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:

¹Assembly ACO committee amendments adopted May 8, 2023.

²Assembly ACE committee amendments adopted December 11, 2023.