

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5076

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 8, 2023

The Assembly Consumer Affairs Committee reports favorably and with committee amendment Assembly Bill No. 5076.

As amended and reported by the committee, Assembly Bill No. 5076 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 amended 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 is to result in a civil penalty of up to \$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 goods at retail that offers a digital coupon is to provide a consumer with 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;
- 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.