

EXECUTIVE ORDER NO. 402

WHEREAS, beginning on October 1, 2025, the federal government of the United States began a shutdown of numerous critical government services; and

WHEREAS, the ongoing federal shutdown has resulted in a lapse of federal funding critical to administering benefits programs at the United States Department of Agriculture ("USDA"), including the federal Supplemental Nutrition Assistance Program ("SNAP"); and

WHEREAS, starting on Saturday, November 1, 2025, all residents of the State of New Jersey who are enrolled in SNAP will not receive their November federal benefits, which enable them to purchase basic food supplies; and

WHEREAS, SNAP provides essential nourishment to some of the most vulnerable New Jersey residents, including children, individuals with disabilities, and the elderly; and

WHEREAS, as of October 1, 2025, more than 800,000 New Jerseyans rely on SNAP benefits to meet their basic nutritional needs; and

WHEREAS, almost half of the 800,000 New Jerseyans who rely on SNAP are children; and

WHEREAS, one in three are individuals with a disability; and

WHEREAS, one in five are over the age of 60; and

WHEREAS, a lapse in SNAP benefits will make it difficult or impossible for these residents to obtain nutritional assistance and, as a result, there is a substantial likelihood that residents may go hungry; and

WHEREAS, food insecurity is one of the key drivers of health, and lack of access to affordable, nutritious food contributes to preventable illness, increased healthcare costs, and diminished well-being; and

WHEREAS, New Jersey is a plaintiff in a pending federal lawsuit, Massachusetts v. U.S. Dep't of Agriculture, No. 25-cv-13165 (D. Mass.) seeking a temporary restraining order to restore benefits, and other

plaintiffs have brought suit in Rhode Island State Council of Churches v. Rollins, No. 25-cv-569 (D.R.I.) also seeking emergent relief, but final relief has not been ordered, and notwithstanding any court order, a substantial likelihood of gaps and/or delays in availability of November federal benefits to residents remains; and

WHEREAS, the imminent lapse in SNAP benefits beginning on November 1, 2025, due to the lack of federal funding endangers the health, safety, welfare and resources of the 800,000 New Jerseyans who rely on SNAP benefits to meet their basic nutritional needs and this constitutes a "disaster" under the Civilian Defense Act and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.; and

WHEREAS, Executive Order No. 401 (2025) created a Task Force on the Federal Suspension of SNAP Benefits, consisting of the Office of the Governor and critical State agencies and offices to coordinate New Jersey's response to the acute food insecurity crisis caused by the federal government shutdown and USDA's failure to fund SNAP; and

WHEREAS, New Jersey's Consumer Fraud Act, N.J.S.A. 56:8-107 et seq., prohibits excessive price increases for essential items, including food, during a declared state of emergency, and for 30 days after the termination of the state of emergency; and

WHEREAS, the State's public bidding act, N.J.S.A. 52:34-6 et seq., provides a public exigency exemption, N.J.S.A. 52:34-10(b), that in the event of a threat to the life, health, or safety to the public, the bidding process is expedited for those goods and services necessary to address the public exigency where the Division of Purchase and Property provides preapproval in accordance with Treasury Circular 18-14-DPP; and

WHEREAS, this situation will become too large in scope or unusual to be handled in its entirety by the normal county or municipal operating services, or by private non-profit services, in New Jersey; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, effective at 12:00 a.m. on Saturday, November 1, 2025; and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, the Task Force on the Federal Suspension of SNAP Benefits, volunteer organizations, and the private sector.

2. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

3. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment,

are necessary to provide aid to those localities and residents where there is an impending threat or danger to the public health, safety, and welfare due to a lack of access to food and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

4. In accordance with the N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this Emergency.

5. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

6. It shall be the duty of every person or entity in this State or doing business in this State, and of the members of the governing body and every official, employee, or agent of every political subdivision in this State, and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency.

7. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any

disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management.

8. I reserve the right to take all necessary and appropriate steps to use existing state resources to address the needs of individuals on SNAP and to take any additional actions to protect the residents of this State against the emergency created by the lapse in SNAP benefits.

9. This Order shall take effect at 12:00 a.m. on Saturday, November 1, 2025, and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this
31st day of October,
Two Thousand and Twenty-Five,
and of the Independence of the
United States, the Two Hundred
and Fiftieth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor